

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



February 11, 2015

Hon. Kenyan McDuffie
Chairman
Committee on Government Operations
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W., Suite 506
Washington, D.C. 20004

**RE: Board of Ethics and Government Accountability's
Responses to the Performance Oversight Questions**

Dear Councilmember McDuffie:

Thank you for this opportunity to provide responses to the performance oversight questions contained in the Committee on the Judiciary's correspondence dated February 3, 2015. In preparation for the hearing, the Board of Ethics and Government Accountability submits the following responses.

1. Please provide, as an attachment to your answers, a current organizational chart for the agency with the number of vacant, frozen, and filled FTEs marked on each box. Include the names of all senior personnel, if applicable. Also include the effective date on the chart.

See Tab 1 – BEGA Organization Chart.

- a. Please provide an explanation of the roles and responsibilities for each division and subdivision.

Director, Office of Government Ethics (OGE) – The Board of Ethics and Government Accountability (BEGA) is responsible for overseeing the Office of Government Ethics and the Office of Open Government. The Office of Government Ethics administers and enforces the District of Columbia Code of Conduct.

Additionally, OGE receives, investigates, assesses, and adjudicates violations of the Code of Conduct; provides mandatory ethics training; issues rules and

regulations governing the ethical conduct of employees and public officials;; oversees Lobbyist registration and activity reporting; manages and oversees the Financial Disclosure Filing requirements for District employees and officials; drafts an annual ethics Best Practices Report and an Ethics Manual; and provides for an anonymous and confidential receipt of information related to violations of the Code of Conduct or other information with regard to its administration or enforcement.

Director, Office of Open Government (OOG) - The OOG's mission is to ensure that government operations at every level are transparent, open to the public and promote civic engagement. The OOG ensures city-wide compliance with the Open Meetings Act (OMA), which requires all public bodies gathered to consider, conduct or advise on public business to take all official action during public meetings and to provide proper notice and detailed records of meetings.

In addition to enforcement of the Open Meetings Act, the OOG advocates for fair and efficient Freedom of Information Act (FOIA) processing. The director of the OOG serves as the city's FOIA Officer and provides formal and informal advice to agencies seeking guidance on compliance. The OOG also assists members of the public in filing FOIA requests with the proper District Government agency and conducts yearly training of all agency FOIA officers to better ensure compliance and the consistent application of applicable exemptions under FOIA.

There are no subdivisions under OOG.

- b. Please provide a narrative explanation of any changes made during the previous year.

(OGE) – There have been no changes made during the previous year to the organization of the office.

(OOG) - On January 26, a new rulemaking was adopted clarifying the authority of the Office of Open Government to investigate Open Meetings Act complaints, and issue binding advisory opinions to public bodies. It also mandates that all public bodies, including the Council be trained by the Office of Open Government on the requirements of the Open Meetings Act. The rulemaking created a new Chapter 104, entitle Office f Open Government.

See Tab 2 - Rulemaking and Complaint Form.

- 2. Please provide, as an attachment, a Schedule A for the agency, which identifies all employees by title/position, current salaries, fringe benefits, and program office, as of

January 15, 2015. This Schedule A should also indicate if the positions are continuing/term/temporary/contract and whether they are vacant or frozen positions.

See Tab 3 - BEGA Schedule A.

3. Please provide the Committee with:

- a. A list of all employees who receive cellphones, personal digital assistants, or similar communications devices at agency expense;

The following employees have cellphones at the Agency's expense: Board member Deborah Lathen; Directors Darrin Sobin and Traci Hughes, and General Counsel Stacie Pittell. Also, Board member Deborah Lathen and Director Darrin Sobin have iPads.

- b. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned;

The Agency has no leased or owned vehicles. The Agency participates in the Fleet Share (DPW) program, and Ronald Cook, Sr., and Eric Younger are authorized drivers.

- c. A list of employee bonuses or special award pay granted in FY14 and FY15, to date;

There have been no bonuses or special award pay granted.

- d. A list of travel expenses, arranged by employee;

Yancey Burns (\$157.09 associated w/training), and Traci Hughes (\$68 associated w/training).

- e. A list of the total overtime and workers' compensation payments paid in FY 14 and FY15, to date.

There have been no overtime or workers' compensation payments.

4. With regard to the use of communication devices:

- a. What procedures are in place to track individuals or units assigned to possess mobile communications and mobile devices (including, but not limited to smartphones, laptops, and tablet computers)? Please include how the usage of these devices is controlled.

BEGA maintains an up-to-date inventory log of all mobile communication devices, which includes the employees' name, type of

communication device, telephone number and equipment tracking number.

- b. How does your agency manage and limit its mobile communications and devices costs?

BEGA manages and limits its mobile communications and devices by using the FCMS System to view and track monthly costs. The Agency also reduces costs by limiting its communication device purchases for essential personnel only, and sharing cell phones for field appointments.

- c. For fiscal years 2014 and 2015 (to date), what was the total cost including, but not limited to equipment and service plans), for mobile communications and devices?

In fiscal year 2014, the total cost for mobile communications and devices was \$3,619.66. In fiscal year 2015 (to date), the total cost for mobile communications and devices is \$2,260.13.

5. For fiscal years 2014 and 2015 (to date), please list all intra-District transfers to or from the agency.

See Tab 4 - BEGA Intra-District Transfers in FY 2014 and 2015.

6. For fiscal years 2014 and 2015 (to date), please identify any special purpose revenue funds maintained by, used by, or available for use by your agency. For each fund identified, provide: (1) the revenue source name and code; (2) the source of funding; (3) a description of the program that generates the funds; (4) the amount of funds generated by each source or program; and (5) expenditures of funds, including the purpose of each expenditure.

See Tab 5 - BEGA Special Purchase Revenue in FY 2014 and 2015.

7. For the fiscal years 2014 and 2015 (to date), please list any purchase card spending by the agency and the general purposes for the expenditures.

See Tab 6 - BEGA Purchase Card Reports in FY 2014 and FY 2015.

8. Please list all memoranda of understanding (MOU) entered into by your agency during fiscal years 2013, 2014, and 2015 (to date), as well as any memoranda of understanding currently in force. For each, indicate the date entered, and the termination date.

See Tab 7 - Memoranda of Understanding in FY 2013, 2014, and 2015.

9. Please list the ways, other than memoranda of understanding, in which the agency

collaborated with analogous agencies in other jurisdictions or on the federal level, or with non-governmental organizations in fiscal years 2013, 2014, and 2015 (to date).

Office of Government Ethics

BEGA regularly collaborates with federal ethics agencies such as the U.S. Office of Government Ethics and the U.S. Office of Special Counsel. With respect to the U.S. Office of Government Ethics, BEGA attorneys often consult with our counterparts there because many of the principles inherent in the District's ethics laws, rules, and regulations stem from or are very similar to the federal ethics rules. The U.S. Office of Government Ethics, therefore, has published guidance on many of the questions that District government employees ask BEGA and they are always willing to provide insight into their analysis and thought processes on these issues.

With respect to the U.S. Office of Special Counsel, all District employees previously were subject to the federal Hatch Act and interpretation and enforcement of the federal Hatch Act rested with the U.S. Office of Special Counsel. When the District amended the local Hatch Act and gave jurisdiction over it to BEGA, we found that many of the issues that arise relating to campaign activity are similar to or stem from the federal Hatch Act. Therefore, BEGA attorneys consult with U.S. Office of Special Counsel personnel on such issues. In addition, even now, District employees whose salaries are paid in whole or in part by federal funds are subject to the federal Hatch Act, and, therefore, the jurisdiction of the U.S. Office of Special Counsel, in addition to being subject to the local Hatch Act. Therefore, we collaborate closely with the U.S. Office of Special Counsel on any issues relating to the federal Hatch Act as they pertain to District government employees.

In addition, shortly after BEGA was up and running, Prince George's County opened an Office of Ethics and Accountability. BEGA met with that office's new Director and, from time-to-time, answered questions about BEGA operations in an effort to help the Prince George's County Office of Ethics and Accountability. Further, from time-to-time, BEGA has consulted with other more established Maryland ethics agencies, such as the Maryland State Ethics Commission and staff members from the Joint Committee on Legislative Ethics regarding investigations and advice requests on a variety of ethics issues. Most recently, BEGA invited Mark Davies, the Executive Director of the New York City Conflicts of Interest Board, to be a panelist at our fall 2014 Best Practices Symposium. Mr. Davies answered a variety of questions both before and during the symposium on New York City ethics rules and practices. Finally, over the approximately 2 ½ years BEGA has been in existence, we have, from time-to-time, contacted counterparts in other states and municipalities to discuss an ethics issue or obtain some practical ideas on how other jurisdictions deal with certain matters.

Office of Open Government

Since the inception of OOG in April of 2013, it has consistently engaged and collaborated with analogous agencies, jurisdictions and non-governmental organizations. The director of OOG has attended numerous events educating the public about OOG, and its transparency initiatives; it has also collaborated with several agencies to conduct numerous trainings on OMA and FOIA.

For example, the director offered input on the Open Government Coalition's action plan on open government submitted to Mayor Bowser; delivered the keynote speech at the Open Government Summit at the National Press Club during Sunshine Week; delivered the keynote speech at the FOIAXpress AINS User's Conference; participated on a panel prompted by the World Bank Group on government and citizen-friendly approach to civic tech; and participated on an open government/transparency panel with the Urban Institute. The OOG has also partnered with the Open Gov Foundation to employ two civic engagement tools: Madison DC and DC Decoded. Madison DC is an online legislative tool that allows the public to engage and offer input real-time on measures under consideration by the Council. DC Decoded is the first of its kind in the District. It "opens up" District laws, allowing users to view, copy, and get inline text definitions. Currently, enabling statutes of boards and commissions listed on the BEGA-DC/OPEN-DC websites appear also in DC Decoded. OOG is the first District agency to employ the tool. Additionally, the OOG director is a member of Free Law Founders – a group of local and national leaders and legislators dedicated to a more open and transparent government through the use of open data, FOIA and civic and legislative engagement tools and policies.

10. Please provide the capital budget for your agency, and all projects under its purview in fiscal year 2014 and fiscal year 2015, including amount budgeted and actual dollars spent. In addition, please provide an update on all capital projects undertaken in FY13 and FY14.

There have been no capital budgets.

11. Please provide, as an attachment, a list of all budget enhancement requests (including, but not limited to capital improvement needs), for fiscal years 2014 and 2015 (to date). For each, include a description of the need and the amount of funding requested.

See Tab 8 - BEGA Budget Enhancement Requests in FY 2014 for FY 2015. Please note that the only budget enhancements received from the request were the two FTEs at Line Item 1 and Line Item 2. There has been a budget enhancement request for FY 2016..

12. Please list in chronological order every reprogramming in fiscal year 2014 and fiscal year 2015 (to date) of funds into and out of the agency. Include a "bottom line" – the revised, final budget for your agency. For each reprogramming, list the date, the amount, the rationale, and the reprogramming number.

See Tab 9 - BEGA Reprogramming in FY 2014 and 2015.

13. Please identify any special purpose revenue accounts maintained by, used by, or available for use by your agency during FY14 or FY15 (to date). For each account, please list the following:
- a. The revenue source name and code
 - b. The source of funding
 - c. A description of the program that generates the funds.
 - d. The amount of funds generated by each source or program in FY13 and FY14, to date
 - e. Expenditures of funds, including the purpose of each expenditure, for FY13 and FY14, to date

See Tab 10 - BEGA Special Purpose Revenue in FY 2013, 2014, and 2015.

14. Please list each contract, procurement, lease, and grant ("contract") awarded, entered into, extended and option years exercised, by your agency during FY14 and FY15 (to date). For each contract, please provide the following information, where applicable:
1. The name of the contracting party
 2. The nature of the contract, including the end product or service
 3. The dollar amount of the contract, including budgeted amount and actually spent
 4. The term of the contract
 5. Whether the contract was competitively bid or not
 6. The name of the agency's contract monitor and the results of any monitoring activity
 7. Funding source

See Tab 11 - BEGA Procurement Reports in FY 2014 and 2015.

15. (a) Please list each grant or sub-grant received by your agency in fiscal year 2014 and FY 2015 (to date). List the date, amount, and purpose of the grant or sub-grant received.

There have been no grants.

(b) How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans (if any) are in place to continue funding?

There have been no grants.

16. Please list all pending lawsuits that name the agency as a party. Please identify which cases on the list are lawsuits that potentially expose the city to significant liability in terms of money and/or change in practices and their current status. For those identified, please include an explanation about the issues for each case.

Previously, BEGA held an open and adversarial hearing in the case of *In Re: Larry Hicks*, BEGA #1061-001. At the conclusion of the hearing, the Ethics Board found substantial evidence that Respondent Hicks violated the District Code of Conduct and imposed a \$20,000 fine. Respondent Hicks filed suit in D.C. Superior Court, 2014 CA 001165 (MPA) contesting the imposition of the \$20,000 fine. The D.C. Office of the Attorney General is defending BEGA in that suit, which is still pending. The next court date, set for a status hearing, is February 27, 2015. BEGA does not believe that this lawsuit potentially exposes the city to significant liability in terms of money and/or change in practices and their current status.

In addition, the Fraternal Order of Police/Metropolitan Police Department Labor Committee/ D.C. Police Union has filed an action before the Public Employee Relations Board alleging an unfair labor practice. Specifically, the complaint alleges that the Amended Ethics Act, which expands the penalties available to the Ethics Board for D.C. government employees, including police officers, conflicts with the Collective Bargaining Agreement. That suit, which also is being defended by the D.C. Office of the Attorney General, is still pending before the Public Employee Relations Board. BEGA does not believe that this lawsuit potentially exposes the city to significant liability in terms of money and/or change in practices and their current status.

17. Please list and describe any ongoing investigations, audits, or reports of your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during fiscal years 2014 and 2015 (to date).

See Tab 12 - BEGA Best Practices Report, issued December 31, 2014.

To our knowledge, neither BEGA nor any of its employees are the subject of any ongoing investigations or audits.

18. Please provide your anticipated spending pressures for fiscal year 2015. Include a description of the pressure, the estimated amount, and any proposed solutions.

There currently are no anticipated spending pressures for OGE and OOG.

19. (a) Please provide, as an attachment, a copy of your agency's fiscal year 201[4] performance plan. Please explain which performance plan objectives were completed and whether or not they were completed on-time and within budget. If they were not, please provide an explanation.

See Tab 13 - BEGA Performance Plans in FY 2014 and FY 2015.

OGE - Of its objectives and initiatives, all but two were completed on-time and within budget. The exceptions were:

Initiative 3.3 *Decrease the response time to issue formal, written Advisory Opinions to within 30 days of receiving complete information regarding the request.*

This initiative was partially achieved. OGE issued 9 out of 13 Advisory Opinions within 30 days of receiving complete information from the requestor. OGE was unable to issue all of the Advisory Opinions within 30 days for several reasons. One of the requests was extremely complex and, therefore, it took longer than 30 days to gather all of the pertinent information, conduct all relevant research, and write a user-friendly advisory opinion. With respect to a second request, OGE needed to review the facts with the requestor before issuance and had to wait for an appointment to speak with the requestor (a high level official). In addition, in the summer of 2014, OGE was overburdened with other responsibilities, including a large and complex enforcement action, to which OGE had to devote most of its personnel/resources.

BEGA/OGE Key Performance Initiative 1.3 *Percent of enforcement actions completed within 75 days (from issuance of the Notice of Violation to final order of the Ethics Board).*

The Ethics Board initiated only one enforcement action in FY 2014 by issuing, on February 6, 2014, a Notice of Violation (NOV). This was the “large and complex enforcement action” referred to above. The Respondents, the former Chief Administrative Law Judge and her General Counsel, went to Superior Court and, after failing to get an order temporarily restraining the Board’s action, eventually obtained a preliminary injunction on March 10. The matter was appealed, and, after extensive briefing, the Court of Appeals vacated the preliminary injunction on May 2, a point more than 75 days from the issuance of the NOV. The Board promptly recommenced the action, which was finally resolved in July, when both of the Respondents entered into negotiated dispositions.

The case clearly demonstrated how unrealistic KPI 1.3 was. While in this case missing the 75-day deadline was the result of the Superior Court’s action, other causes for delay – both within and outside the Ethics Board’s control – are not hard to imagine in the context of contested cases, e.g., the unavailability of witnesses, discovery and motions practice, conflicts in schedules, waiting for transcripts, etc. As a result, the relevant KPI for FY 2016 has been changed to reflect a percentage of final Ethics Board orders issued within 45 days of the close of the hearing record.

OOG - All but one objective in the FY 2014 performance plan were met. The objective to promote transparency and open government policies was partially met. The OOG worked directly with the EOM to draft and implement Mayor's Order 2014-170, Transparency, Open Government and Open Data Directive, but was prohibited by the EOM from engaging agency directors on respective open government plans. However, the Directive incorporates all of recommendations submitted by OOG in December 31, 2013 BPR (Tab 12).

(b) Please provide, as an attachment, a copy of your agency's fiscal year 2015 performance plan as submitted to the Office of the City Administrator.

See Tab 13 - BEGA Performance Plan in FY 2015.

20. Please provide the number of FOIA requests submitted to your agency for fiscal years 2014 and 2015 (to date). Include, the number granted, partially granted, denied, pending, average response time, the estimated number of FTE's processing requests, and the estimated hours spent responding to these requests.

In FY 2014, BEGA processed twelve (12) FOIA requests. Four (4) requests were granted in full; two (2) requests were granted in part/denied in part; three (3) requests were denied in whole; two (2) requests were referred/forwarded to other public bodies; three (3) were other disposition (BEGA did not maintain the requests records). The average response time was five (5) days. The approximate FTE's processing the requests was three (3). The approximate hours spent processing all requests was 17.5.

FY 2015-to-date, BEGA has processed five (5) FOIA requests. One (1) request was granted in full; four (4) requests were other disposition (BEGA did not maintain the requested records). One (1) request is pending. The approximate FTE's processing requests is three (3). The approximate time spent to-date processing requests is thirty five (35) hours. The average number of days to process a request is ten (10) days.

21. Please provide a list of all studies, research papers, reports, and analyses the agency prepared, or contracted for, during FY 2014 and FY 2015, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee.

Since the beginning of FY 2014, the Ethics Board has completed two Best Practices Reports (BPRs or Reports). Both Reports were completed in timely fashion – by December 31 of each year, 2013 and 2014 – and were prepared pursuant to the Ethics Act requirement that the Board conduct an annual assessment of ethical standards for public employees and officials, including a review of national best practices of government ethics, and present recommendations for amending the Code of Conduct. See section 202(b) of the Ethics Act (D.C. Official Code § 1-1162.02(b)). The BPRs included recommendations on seven questions required to be addressed, as

well as recommendations on other government ethics-related matters the Ethics Board deemed appropriate. While not required to do so, the Office of Open Government contributed to both BPRs, providing recommendations on best practices to make District government operations more transparent and accessible. Copies of both Reports are attached.

See Tab 12 - (2014 BPR); Tab 14 (2013 BPR).

22. Please list each employee whose salary was \$110,000 or more for FY 2014 and FY 2015 (to date). Provide the name, position title, and salary. Also, state the amount of any overtime and also any bonus pay for each employee on the list.

- **Darrin P. Sobin, Director of Government Ethics - \$167,091.80**
- **Traci L. Hughes, Director of Open Government - \$153,724.40**
- **John J. Grimaldi, Senior Attorney Advisor - \$154,891.40**
- **Staci Pittell, General Counsel - \$140,038.80**

There has been no overtime or bonus pay for listed employees.

23. For fiscal years 2014 and 2015 (to date), please provide a list of employee bonuses or special award pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

There have been no bonuses or special award pay.

24. Please describe any initiatives your agency implemented within FY 2014 or FY 2015, to date, to improve the internal operation of the agency or the interaction of the agency with outside parties. Please describe the results, or expected results, of each initiative.

See Tab 15 – BEGA Initiatives Implemented in FY 2014 and FY 2015.

25. What are your top five priorities for the agency? Please provide an explanation for how the agency expects to achieve or work toward these priorities in fiscal years 2015 and 2016.

The Top five priorities for OGE are:

1. **Maintain and achieve policy of same day or 24 hour turnaround for informal ethics advice.**
 - **Advice inquiries will be directed to those employees most capable of answering less complicated questions, while allowing more knowledgeable employees to focus on more difficult interpretations and queries.**
2. **Issue Formal Advisory Opinions within 30 days of request for formal advice.**

- Ensure that management of employees includes individual performance indicators for meeting this goal which will be considered during annual employee evaluations.
3. Complete all investigations within 120 days.
 - Increase cooperation with other agencies such as the Inspector General's Office to avoid duplication of efforts and to utilize other agency resources to the extent practical and appropriate.
 4. Complete and submit to the Council for adoption the Comprehensive Code of Conduct.
 - Continue current drafting efforts by the Board's Senior Counsel.
 5. Increase ethics training opportunities for District Employees.
 - Seek FY 16' Budget enhancement to hire an FTE dedicated to providing training to D.C. Government workforce.
 - Utilize electronic-applications to make Ethics Training available online for District employees.

The top five priorities for OOG are:

1. Work with OCTO to develop a technical solution and procedures for all public bodies to live web stream public meetings.
 2. Draft legislation that incorporates the requirements set out in Mayor's Order 2014-170, Transparency, Open Government and Open Data Directive. OOG will work with the EOM, Council and community stakeholders to draft the legislation.
 3. Draft legislation amending the OMA to require Advisory Neighborhood Commissioners to comply with the Open Meetings Act. OOG will work with ANCs and community stakeholders to get their feedback on the best means of ensuring compliance, and the necessary tools to centralize compliance among all ANCs.
 4. Develop interactive training materials on FOIA and the OMA that may be viewed online.
 5. Create template data-sharing agreements for intra-agency sharing of data to be published on and OOG data portal.
26. Please provide the Committee with an update on the drafting of a Comprehensive Code of Conduct. When will the Code of Conduct be submitted to the Council?

An initial draft of the Comprehensive Code of Conduct has been prepared, based in substantial part on provisions in the Ethics Act, the Comprehensive Merit Personnel Act, Chapter 18 of the District Personnel Manual, and the Council's Code of Official Conduct. The draft has been circulated for comment to individuals both in and outside of the District government,

including those in the Council and, most recently, in the Executive Office of the Mayor. The Ethics Board looks to begin discussing the draft at its March meeting, whether feedback from all sources has been received or not, and to work toward approval of a final draft by its budget hearing before the Committee on April 30. A legislative package, including background materials and a section-by-section analysis of the proposed legislation, will be submitted to the Council within a reasonable time thereafter, but certainly before summer recess.

27. Please provide the Committee with a brief summary of advisory opinions issued during FY14 and FY15, to date, along with a notation as to whether the opinion was requested or issued *sua sponte*.

The OGE, during FY 14 and FY 15, to date, issued thirteen formal written advisory opinions, 12 based on a request and one *sua sponte*. The *sua sponte* advisory opinion is on letters of recommendation/letters of support and discusses issuing letters of recommendation to former employees, and letters of support to contractors, grantees, etc.

Of the twelve formal written advisory opinions issued based on a request, four concern post-employment questions and three concern outside employment (i.e. second job) issues. BEGA also issued two formal written advisory opinions on local Hatch Act questions, one concerning blind trusts, one discussing unpaid service on a non-profit board, and one concerning residual financial benefits from previous employment.

The OOG issued 1 advisory opinion in FY 2014. The opinion concerned compliance with the OMA, directing the Housing Production Trust Fund Boards on the what constitutes a detailed record of public meetings.

28. Please provide the Committee with an update on the work of the Executive's Open Government Task Force.

The Mayor's Open Government Advisory Group was established on October 29, 2014 to facilitate the execution of Mayor's Order 2014-170, Transparency, Open Government and Open Data Directive. The group was comprised of the following members:

- Rob Mancini, Chief Technology Officer, OCTO
- Dervel Reed, OCTO Chief Data Officer
- Robert Becker – Attorney/Board Member of D.C. Open Government Coalition
- Justin Grimes – Institute of Museum and Library Services Statistician; Code for DC CoFounder

- Kathryn Pettit –Urban Institute Policy Researcher
- Traci Hughes, Director, Office of Open Government, Board of Ethics and Government Accountability
- David Zvenyach, General Counsel to the Council of the District of Columbia
- Ayesha Abbasi, representative of Deputy Mayor for Planning and Economic Development
- Scott Burrell, representative of Office of the City Administrator
- Jennifer Comey, representative of Office of the Deputy Mayor for Education
- Brian Flowers, Executive Office of the Mayor General Counsel
- Rachel Joseph, representative of Office of the Deputy Mayor for Health and Human Services
- Ariel B. Levinson-Waldman, representative of Office of the Attorney General
- Treva Saunders, representative of Office of the Chief Financial Officer
- Keith St. Clair, representative of Office of the Deputy Mayor for Public Safety and Justice

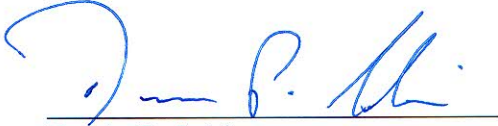
Because the group was established late in the Fiscal Year, we met only twice, on November 19 and December 3. The group adopted By-Laws and reviewed the Open Government Reports submitted by District Government agencies. Those reports were intended to provide the EOM and the advisory group with an assessment of each agency's compliance with mandatory and proactive disclosure requirements under FOIA, and the means of engagement by the agencies with the public. The group also conducted a survey of all agencies which, as of December, has access to video teleconferencing equipment to live stream meetings. Of the agencies that replied to the survey nine (9) public bodies have the ability to livestream. Please see Tab 16.

Under the previous Administration, all subordinate agencies were required to create *Open Government* tabs on their websites to include all records that must be disclosed under FOIA.

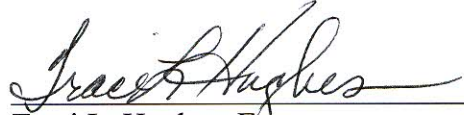
In anticipation of the new Administration, and to ensure some continuity in the efforts of the group, the director of OOG was voted vice chair. To date, the director of the OOG has not received word from the EOM on whether the group will be maintained.

Thank you, and please let either of us know if you have any questions or require any additional information. We may be contacted by telephone (202) 481-3411, or by email darrin.sobin@dc.gov, traci.hughes@dc.gov.

Sincerely,



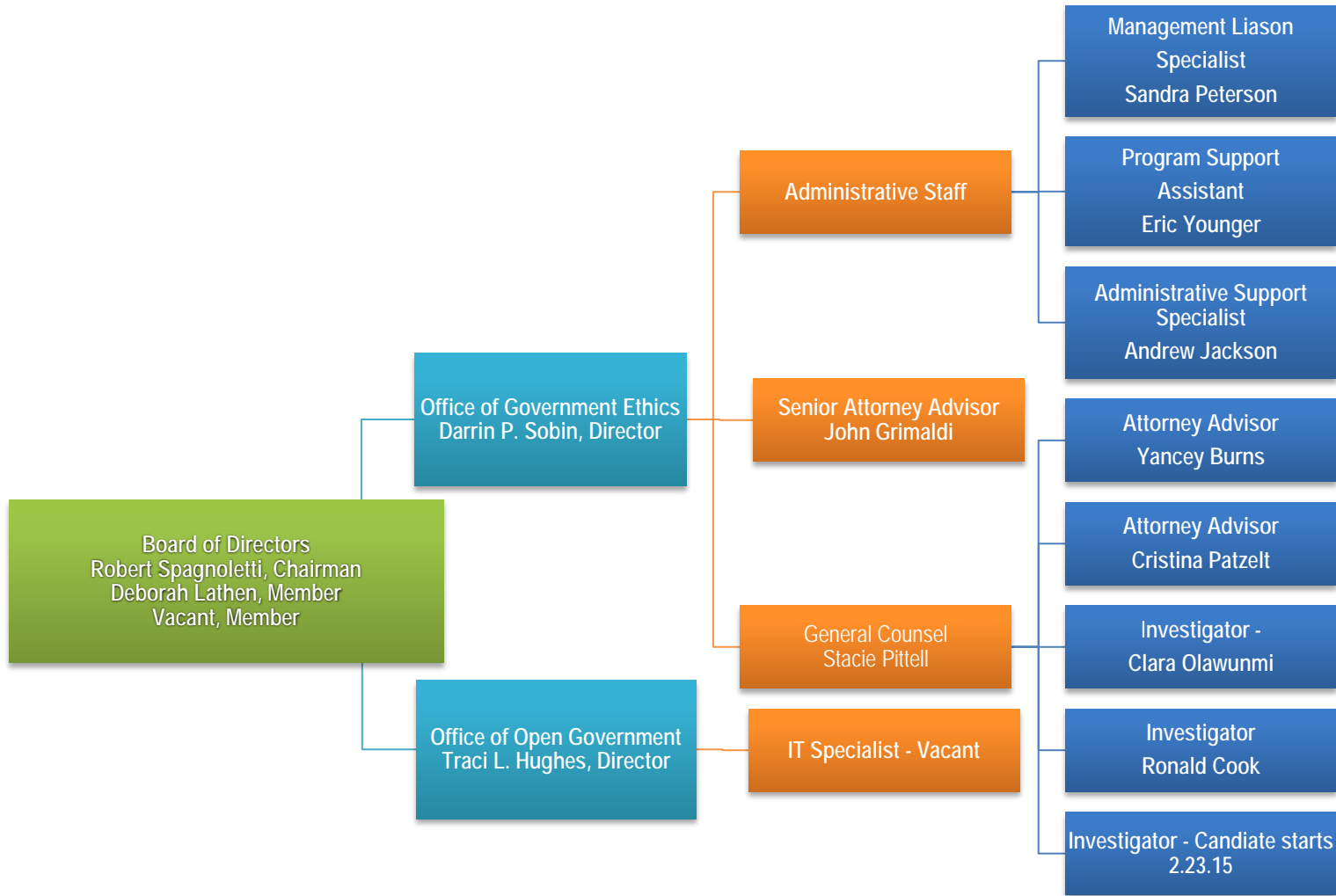
Darrin P. Sobin
Director, Office of Government Ethics
Board of Ethics and Government Accountability



Traci L. Hughes, Esq.
Director, Office of Open Government
Board of Ethics and Government Accountability

Enclosures (as stated)

TAB 1



Board of Ethics and Government Accountability (BEGA)
Organization Chart – As of 2.9.15

TAB 2

**DISTRICT OF COLUMBIA
OPEN GOVERNMENT OFFICE**

NOTICE OF FINAL RULEMAKING

The Director of the Open Government Office, pursuant to the authority set forth in § 503(a)(4) of the District of Columbia Administrative Procedure Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-593 (2014)), hereby gives notice of adoption of the following new rules under Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The rules create a new Chapter 104, entitled Office of Open Government, that establishes procedures for enforcing the Open Meetings Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2014)).¹

A Notice of Proposed Rulemaking was published October 31, 2014 at 61 DCR 11483. One comment was received in connection with publication of the Proposed Rulemaking. One technical change was made to Section 10406.4 adding “reckless” to qualify conduct giving rise to legal action for violation of the Open Meetings Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2014)). The Director took final rulemaking action to adopt the rules on December 17, 2014.

The rules shall become effective on publication of this Notice of Final Rulemaking in the *D.C. Register*.

Title 3 (Elections and Ethics) of the DCMR is amended as follows:

New Chapter 104 is added to read as follows:

CHAPTER 104 OFFICE OF OPEN GOVERNMENT

10400 **FILING AND PRESENTATION OF COMPLAINTS**

10400.1 Any person who does not receive proper notice of any meeting and or records of meetings of a public body in accordance with the provisions of the Open Meetings Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2014)), may submit a complaint under the provisions of this Chapter. A public body shall be presumed to have given proper notice of any meeting, if a meeting is timely published and posted at set forth in the Open Meeting Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2014)).

¹ D.C. Official Code §§ 2-574 (3)(F) *et seq.* (2014)) excludes Advisory Neighborhood Commissions as Public Bodies.

- 10400.2 A complaint shall be submitted by the complainant to the Director within sixty (60) days following the date that the complainant knew or reasonably should have known of the alleged violation.
- 10400.3 A complaint that a Public Body has violated the Open Meetings Act in a past meeting (or, in a Prospective Complaint, may do so at a future meeting) may be submitted to the Director. A complaint may refer to one or more meetings.
- 10400.4 Complaints may be submitted in writing or in person at the Office of Open Government, Board of Ethics and Government Accountability at 441 4th Street, NW, Suite 830 South; by U.S. Postal; or by electronic means. Complaints submitted by mail should be marked on the outside envelope “Open Meetings Complaint.” Complaints may be submitted by email at opengovoffice@dc.gov, and should state “Open Meetings Complaint” in the subject line or heading of the communication. A complaint form may be accessed and submitted on the Office of Open Government Website at: OPEN-DC.gov. The submission of complaints via the Office of Open Government Website is encouraged so that information is complete, but is not required.
- 10400.5 Complaints should include the complainant’s name, and at least one of the following: mailing address, email address, or phone number.
- 10400.6 Complaints should include details of the meeting complained of, including the Public Body, the date, and to the extent possible the specific provision(s) of the Open Meetings Act alleged to have been violated. If record(s) could substantiate the complaint, the complaint should identify the supporting record(s); including the location of the record(s). Audio and video records should be accompanied by relevant timestamp information.
- 10400.7 The Director will confirm receipt of a complaint within five (5) businesses days upon receipt of the complaint.

10401 **PROCESSING OF COMPLAINTS**

- 10401.1 The Director will review a complaint within fourteen (14) business days and take one or more of the following actions:
- a) Request additional information from the complainant or Public Body;
 - b) Dismiss the complaint;
 - c) Issue an Advisory Opinion;
 - d) Attempt to conciliate the complaint.
- 10401.2 A complainant may request at any time prior to any of the above actions being taken by the Director, that his/her request be withdrawn from further review. Any such request to withdraw the complaint must be made in writing with “Open Meetings Complaint Withdrawal” on the envelope or in the subject line or

heading of electronic correspondence sent to opengovoffice@dc.gov.

10402 **DISMISSAL OF COMPLAINTS**

10402.1 The Director may dismiss a complaint on one or more of the following grounds:

- a) The complaint does not raise issues within the Director's authority under the Open Meetings Act;
- b) The action complained of does not violate the Open Meetings Act;
- c) The complainant declined to provide information the Director reasonably believed necessary to evaluate the complaint (or failed to respond in thirty (30) days to such a request);
- d) The complaint becomes moot due to action taken by the Public Body.

10402.2 The Director will return a dismissed complaint to the requestor with an explanation of the reason(s) for dismissal.

10403 **REVIEW OF COMPLAINTS**

10403.1 In making findings and determinations under this Chapter, the Director, or designee, shall consider the alleged violation; and including, but not limited to the following factors:

- a) The nature, content, language or subject matter of the complaint;
- b) The nature, content, language or subject matter of prior or contemporaneous complaints by the person making the complaint; and
- c) The nature, content, language or subject matter of other verbal and written communications to any Public Body or any official of a Public Body from the person making the complaint.

10403.2 Upon review of the complaint, the Director may confirm the action of the public body, and settle the complaint without issuing a written advisory opinion if after construing all allegations most favorably to the complainant, that (a) the Public Body has not violated the Open Meetings Act; or (b) the Public Body has committed a technical violation of the Open Meetings Act that constitutes a harmless error that does not infringe the complainant's rights under the Open Meetings Act.

10404 **CONCILIATION OF COMPLAINTS**

10404.1 Upon receipt of complaint, the Director will first seek to resolve disputes through conciliation.

10404.2 The goal of conciliation is to arrive at an acceptable resolution of the complaint through discussion and exchange of views. The Director will not issue an Advisory Opinion on a complaint resolved through conciliation.

10404.3 In the conciliation discussion, the Director (or the Director's designee) serves as facilitator.

10404.4 If conciliation is not successful, the Director may dismiss the complaint, investigate further, issue an Advisory Opinion or take any other step permitted in these regulations.

10405 **INVESTIGATION OF COMPLAINTS**

10405.1 The Director will complete the investigation of a complaint as quickly as possible.

10405.2 The Director may transmit a complaint to the Public Body complained of. The Public Body shall, in good faith, make every effort to respond within thirty (30) days. If the Public Body does not respond within 30 days, the Director may issue an Advisory Opinion based on the information available from the complaint and any other relevant sources. In the case of Prospective Complaints, the Director may request a reasonable earlier deadline for a response from the Public Body.

10405.3 The Director may grant the Public Body one extension of up to five (5) business days in which to respond to the complaint. Any subsequent extensions may only be granted with the agreement of the complainant.

10405.4 The response from the Public Body must address the complaint and any other questions raised by the Director. A response that denies one or more violations of the Open Meetings Act should include an explanation. A response that admits one or more violations of the Open Meetings Act should include a plan of corrective action. The response must be signed by an individual (officer, counsel, staff) authorized to represent the Public Body.

10405.5 The Director will maintain the confidentiality of records of a closed meeting of a Public Body, providing they are submitted with clear markings of the portions to be kept sealed.

10405.6 The Public Body must provide a copy of its response at the same time to the Director and the complainant. The complainant's copy may omit records of a closed meeting.

10405.7 The Director may request further information from either the Public Body or the complainant, to be provided within a reasonable time, and in no event less than five (5) business days. The Director may request representatives of the Public Body and the complainant to attend an informal conference to discuss the complaint.

10405.8 The Director may dismiss a complaint for lack of cooperation in the investigation of the complaint by the complainant.

10406 **ADVISORY OPINIONS**

10406.1 Based on results of investigation, the Director will issue an Advisory Opinion addressing the complaint that a Public Body violated the Open Meetings Act. An Advisory Opinion explains the Director’s findings of fact and understanding of the law. Where the Director concludes there was a violation, the Advisory Opinion will explain corrective actions completed or a schedule for completion. The advisory opinion is binding.

10406.2 The Director will issue an Advisory Opinion within thirty (30) days of the later of the following: receipt of the response from the Public Body; the last due date for any additional information requested; or the date of any informal conference.

10406.3 The Director will send the Advisory Opinion to the complainant and the Public Body, and will make it available to the public by posting on the Office of Open Government Website.

10406.4 If it is determined after investigation that a Public Body has willfully or recklessly disregarded the provisions of the Open Meetings Act and or the requirements of this Chapter, the Director shall bring suit in the Superior Court of the District of Columbia as provided under D.C. Official Code § 2-579 (2014).

10407 **PROSPECTIVE COMPLAINT PROCEDURES**

10407.1 The Director may accept a complaint that a Public Body appears likely to take an action that will violate the Open Meetings Act.

10407.2 Prospective Complaints should be submitted in the same manner as indicated in section 10400, and will be processed in general in the same manner as, other complaints, with reasonable modifications of deadlines so as to provide a timely response.

10407.3 The Director will take reasonable steps to reach prompt conclusions that may resolve the complaint and minimize future violations of the Open Meetings Act.

10408 **PUBLIC BODY REQUESTS FOR ADVISORY OPINIONS**

10408.1 The Director may issue an Advisory Opinion on the application of the Open Meetings Act at the request of a Public Body, as provided in D.C. Official Code § 2-579(g) (2014).

10408.2 A request for an Advisory Opinion by a Public Body or member may be submitted in writing to the Office of Open Government, Board of Ethics and Government Accountability at 441 4th Street, NW, Suite 830 South; by U.S.

Postal; or by electronic means. Requests for Advisory Opinions submitted by mail should be marked on the outside envelope “Advisory Opinion Request”. Requests may be submitted by email at opengovoffice@dc.gov, and should state “Advisory Opinion Request” in the subject line or heading of the communication.

10408.3 The Director will issue a written Advisory Opinion, and may upon approval of the requesting Public Body, post the opinion with the appropriate redactions to ensure confidentiality.

10408.4 The Director will review requests from Public Bodies as promptly as possible, and issue Advisory Opinions within 30 days.

10409 **TRAINING**

10409.1 The Office of Boards and Commissions shall refer all Public Body members and administrative points of contact for public bodies to the Office of Open Government for annual mandatory training on the requirements of the Open Meetings Act and related regulations.

10409.2 As required by D.C. Official Code § 2-580 (2014), the Director, together with the Office of Boards and Commissions, shall implement processes to ensure Public Bodies and staff complete annual training.

10409.3 The Director will establish procedures for assuring completion of training by members of Public Bodies and assigned staff subject to the Open Meetings Act within 60 (sixty) days of initially assuming relevant responsibilities.

104.99 **DEFINITIONS**

10499.1 “Advisory Opinion” means (i) an opinion issued by the Director upon investigation of a complaint alleging violation of the Open Meetings Act or (ii) an opinion issued by the Director following a request from a Public Body regarding its compliance with the Open Meetings Act.

10499.2 “Director” means the head of the Open Government Office as provided in D.C. Code § 2-594.

10499.3 “Prospective Complaint” means a complaint about a future action of a Public Body that appears, to a complainant, likely to violate the Open Meetings Act.

10499.4 “Public Body” has the meaning given in D.C. Code § 2-574(3).

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Traci Hughes, Director of the Office of Open Government, Board of Ethics and Government Accountability, One Judiciary Square 441 4th Street, N.W., 830 South,

Washington, DC 20001. Comments may also be sent electronically to bega@dc.gov. Please include “RULEMAKING COMMENT” in the subject line.



OPEN DC

Office of Open Government * 441 4th Street, NW, Suite 540 South * Washington, DC 20002 * (202) 481-3411 * opengovoffice@dc.gov

The Office of Open Government (OOG) is an independent office under the Board of Ethics and Government Accountability (BEGA), charged with advancing open governance in the District of Columbia. The OOG ensures city-wide compliance with the Open Meetings Act, which requires all public bodies gathered to consider, conduct or advise on public business to take all official action during public meetings and to provide proper notice and detailed records of meetings.

The OMA Complaint Form may be submitted in person, online at OPEN-DC.gov, or via U.S Postal Service at the Office of Open Government, 441 4th Street, Suite 830 South. Complaints submitted by mail should be marked on the outside of the envelope "Open Meetings Complaint". Complaints may also be submitted by electronic mail at opengovoffice@dc.gov. The submission of complaints via the Website is encouraged so that information is complete, but is not required. The Director will confirm receipt of a complaint within five (5) business days upon receipt of the complaint. The Director will review a complaint within within fourteen (14) business days.

Complaints should include details of the meeting complained of, including the Public Body, the date, and to the extent possible the specific provision(s) of the Open Meetings Act alleged to have been violated.

Your Contact Information:

First Name: _____ Last Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Ext. _____

Email: _____

Public Body that is the subject of this

Name of Public Body: _____

Specific person(s), if any, you allege
Committed the violation: _____

Date of alleged violation: _____

Description of Alleged Violation

Describe the alleged violation. If record(s) could substantiate the complaint, the complaint should identify the supporting record(s); including the location of the record(s). Audio and video records should be accompanied by relevant timestamp information.

Note: This text field has a maximum of 3000 characters.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Disclosure of Your Complaint

Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the office of Open Government generally will not disclose your contact information.

Withdrawal of a Complaint

A complainant may request at any time prior to any of the above actions being taken by the Director, that his/her request be withdrawn from further review. Any such request to withdraw the complaint must be made in writing with "Open Meetings Complaint Withdrawal" on the envelope or in the subject line or heading of electronic correspondence sent to opengovoffice@dc.gov.

TAB 3

District of Columbia Board of Ethics and Government Accountability (AGO)

No	Title	Name	Vac Stat	Hire Date	Salary	Fringe Benefit	Grade	Step	Reg/Temp/ Appr Year	Agency	Index	PCA	
Office of Open Government													
1	Director of Open Government	Hughes,Traci L	F	4/22/2013	153,724.40	29,653.44	10	0	Reg	15	AGO	20001	20001
2	IT Specialist (Data Mgmt)	Whitaker,Latore	F	12/15/2014	74,538.00	14,378.38	12	5	Reg	15	AGO	20001	20001
Government Ethics													
3	Director of Government Ethics	Sobin,Darrin P	F	12/1/2003	167,091.80	32,232.01	10	0	Reg	15	AGO	2010L	20100
4	Management Liaison Specialist	Peterson,Sandra D.	F	11/26/2007	74,538.00	14,378.38	12	5	Reg	15	AGO	2010L	20100
5	General Counsel	Pittell,Stacie	F	8/18/2008	140,038.80	27,013.48	9	0	Reg	15	AGO	2010L	20100
6	Investigator	Olawunmi,Clara O	F	1/28/2013	58,754.00	11,333.65	11	4	Reg	15	AGO	2010L	20100
7	Investigator	Cook Sr.,Ronald J	F	2/11/2013	51,583.00	9,950.36	9	6	Reg	15	AGO	2010L	20100
8	Attorney Advisor	Patzelt,Cristina T	F	10/21/2013	72,141.20	13,916.04	6	0	Reg	15	AGO	2010L	20100
9	Attorney Advisor	Burns,Yancey W.	F	2/11/2013	72,141.20	13,916.04	6	0	Reg	15	AGO	2010L	20100
10	Program Support Assistant	Younger,Eric B	F	3/25/2013	41,937.00	8,089.65	7	5	Reg	15	AGO	2010L	20100
11	Senior Attorney Advisor	Grimaldi,John J	F	3/1/1999	154,891.40	29,878.55	2	0	Reg	15	AGO	2010L	20100
12	Administrative Support Special	Jackson,Andrew	F	12/29/2014	57,267.00	11,046.80	9	10	Reg	15	AGO	2010L	20100
13	INVESTIGATOR		V		76,397.00	14,736.98	13	0	Reg	15	AGO	2010L	20100

TAB 4

District of Columbia Board of Ethics and Government Accountability (AG0)

FY 2014 Intra-District						
FROM		TO		Amount		Description
AG0		TO0 *		1,400.00		Communication Services
AG0		KT0**		438.00		Fleet Management
AG0		TO0*		76,685.00		Video Teleconferencing Solution

FY 2015 Intra-District						
FROM		TO		Amount		Description
AG0		TO0*		2,200.00		Communication Services
AG0		KT0**		438.00		Fleet Management

* Office of Chief Technology

** Department of Public Works

TAB 5

District of Columbia Board of Ethics and Government Accountability (AG0)

Special Purpose Revenue

FY	FUND TYPE	Revenue	Expenditure	Balance
2014	0601	51,700.00	50.00	51,650.00
2014	0602	61,750.00	22,667.04	39,082.96

Special Purpose Revenue

FY	FUND TYPE	Revenue	Expenditure	Balance
2015	0601	17,050.00	5,000.00	12,050.00
2015	0602	24,450.00	22,500.79	1,949.21

601 Imposed Fines

602 Lobbying Registration Fees

FUND 0601 D.C. Official Code § 1-1162.21

DESCRIPTION AND PURPOSE OF FUND: This is a non-lapsing, interest-bearing fund that was established to help finance the operations of the Board of Ethics and Government Accountability, which was established in 2012 to administer and enforce the District's ethics laws for public officials.

[DESCRIPTION OF REVENUE SOURCE:](#) The Fund serves as the depository for civil penalties assessed by the Board for violations of the District of Columbia Code of Conduct. The Board may assess civil penalties of up to \$5,000 per violation, or three times the amount of an unlawful contribution, expenditure, gift, honorarium, or receipt of outside income, per violation. Each violation of the Code of Conduct and each day of non-compliance constitute a separate offense. In addition, the authorizing statute provides that anyone who commits a violation of the Code of Conduct that "substantially threatens the public trust" may be fined as much as \$25,000.[1]

Fund 0602 D.C. Official Code § 1-1162.27

[DESCRIPTION AND PURPOSE OF FUND:](#) This is a non-lapsing, interest-bearing fund that was established to support the administration and enforcement of the District's laws pertaining to lobbying. The fund was administered by the Office of Campaign Finance when it was first established in 2010, but responsibility for the fund was transferred to the newly-established Board of Ethics and Government Accountability in 2012.[1]

DESCRIPTION OF REVENUE SOURCE: The Fund receives revenue from lobbyist registration fees. The annual registration fee for a lobbyist is \$250, except that the fee for lobbyists who advocate solely for non-profit organizations is \$50.

[\[1\] This change was effected by D.C. Law 19-124, the "Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011," effective April 27, 2012.](#)

TAB 6

BEGA - Purchase Card Report - Fiscal Year 2014

Merchant	Debit Amount	Credit Amount	
AMAZON MKTPLACE PMTS	\$794.12	\$0.00	General office supplies/equipment
AMAZON MKTPLACE PMTS	\$809.12	\$0.00	General office supplies/equipment
ALPHAGRAPHICS US 248	\$1,104.20	\$0.00	Printing services.
OLENDER REPORTING INC	\$143.75	\$0.00	Court reporting services.
AMAZON MKTPLACE PMTS	\$0.00	(\$37.45)	General office supplies/equipment
AMAZON.COM	\$11.95	\$0.00	General office supplies/equipment
AMAZON.COM	\$0.00	(\$7.49)	General office supplies/equipment
FLASH GLASS & MIRROR C	\$675.00	\$0.00	Window design and sign services.
AMAZON.COM	\$0.00	(\$4.46)	General office supplies/equipment
AMAZON MKTPLACE PMTS	\$0.00	(\$756.67)	General office supplies/equipment
JOB POST-SIMPLY HIRED	\$99.00	\$0.00	Job Posting services.
OFFICE OF ADMIS (COA)	\$30.00	\$0.00	Attorneys' certificates og good standing
INDEED	\$158.34	\$0.00	Job Posting services.
STANDARD OFFICE SUPPLY	\$487.25	\$0.00	Purchasing general office supplies.
MTP*MEDIA TEMPLE INC	\$500.00	\$0.00	Website security certificate
OLENDER REPORTING INC	\$300.00	\$0.00	Court reporting services.
METRO FARE AUTOLOAD	\$140.00	\$0.00	WMATA Trainfare
METRO FARE AUTOLOAD	\$160.00	\$0.00	WMATA Trainfare
METRO FARE AUTOLOAD	\$160.00	\$0.00	WMATA Trainfare
COMCAST OF WASHINGTON	\$79.57	\$0.00	Cable services
COMCAST OF WASHINGTON	\$72.68	\$0.00	Cable services
LEX*LEXIS NEXIS	\$180.00	\$0.00	Legal searching services.
SQ *NORTH CAPITOL PART	\$442.00	\$0.00	Moving company
VSN*DOTGOVREGISTRATION	\$125.00	\$0.00	Website (OGE)
VSN*DOTGOVREGISTRATION	\$125.00	\$0.00	Website (OOG)
INDEED	\$42.61	\$0.00	Job Posting services.
OLENDER REPORTING INC	\$339.65	\$0.00	Court reporting services.
COMCAST OF WASHINGTON	\$43.23	\$0.00	Cable services
THOMSON WEST*TCD	\$0.00	(\$72.83)	Legal software service

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Transaction Detail

SQ *IMAGINE PHOTOGRAPH	\$710.00	\$0.00	Photography services.
COMCAST OF WASHINGTON	\$36.34	\$0.00	Cable services
LEXISNEXIS RISK MAN	\$510.00	\$0.00	Legal searching services.
AMAZON MKTPLACE PMTS	\$0.00	(\$657.41)	Purchasing general office supplies.
SENODA INC	\$76.28	\$0.00	Printing services.
AMAZON MKTPLACE PMTS	\$407.15	\$0.00	General office supplies/equipment
STANDARD OFFICE SUPPLY	\$198.17	\$0.00	General office suppliers
COMCAST OF WASHINGTON	\$36.34	\$0.00	Cable services
COMCAST OF WASHINGTON	\$36.34	\$0.00	Cable services
AMAZONPRIME MEMBERSHIP	\$79.00	\$0.00	Amazon prime mebership purchase
SYM*SECURE SITE SSL	\$421.94	\$0.00	Website certificatin
AMAZON.COM	\$429.99	\$0.00	Purchasing general office supplies.
COMCAST OF WASHINGTON	\$36.91	\$0.00	Cable services
COMCAST OF WASHINGTON	\$36.91	\$0.00	Cable services
STANDARD OFFICE SUPPLY	\$236.14	\$0.00	Purchasing general office supplies.
LEX*LEXIS NEXIS	\$180.00	\$0.00	Legal searching services.
LEX*LEXIS NEXIS	\$180.00	\$0.00	Legal searching services.
LEX*LEXIS NEXIS	\$180.00	\$0.00	Legal searching services.
STANDARD OFFICE SUPPLY	\$103.87	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$0.00	(\$81.90)	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$25.04	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$0.00	(\$191.73)	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$127.99	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$195.60	\$0.00	Purchasing general office supplies.
LEX*LEXIS NEXIS	\$180.00	\$0.00	Legal searching services.
STANDARD OFFICE SUPPLY	\$142.76	\$0.00	Purchasing general office supplies.
COMCAST OF WASHINGTON	\$36.91	\$0.00	Cable services
COMCAST OF WASHINGTON	\$36.91	\$0.00	Cable services
STANDARD OFFICE SUPPLY	\$31.62	\$0.00	Purchasing general office supplies.
COUNCIL ON GOV00 OF 00	\$445.00	\$0.00	
STANDARD OFFICE SUPPLY	\$10.48	\$0.00	Purchasing general office supplies.
AMAZON MKTPLACE PMTS	\$12.72	\$0.00	General office supplies/equipment
AMAZON MKTPLACE PMTS	\$14.00	\$0.00	General office supplies/equipment
AMAZON MKTPLACE PMTS	\$6.20	\$0.00	General office supplies/equipment
SENODA INC	\$81.80	\$0.00	Printing services.
COMCAST OF WASHINGTON	\$36.92	\$0.00	Cable services

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COMCAST OF WASHINGTON	\$36.92	\$0.00	Cable services
LEX*LEXIS NEXIS	\$400.00	\$0.00	Legal searching services.
UPS*2943H1N6KI6	\$7.20	\$0.00	Delivery services.
METRO FARE AUTOLOAD	\$100.00	\$0.00	WMATA Trainfare
GODADDY.COM	\$93.02	\$0.00	Website address purchase
SUNLIGHT FOUNDATION	\$80.00	\$0.00	
US FACILITIES INC	\$485.24	\$0.00	Cleaning services
SENODA INC	\$245.00	\$0.00	Printing services.
PAYPAL *FATHOMPUB	\$211.00	\$0.00	
AMERICAN BUSINESS SUPP	\$329.80	\$0.00	Purchasing general office supplies.
COMCAST OF WASHINGTON	\$36.92	\$0.00	Cable services
COMCAST OF WASHINGTON	\$36.92	\$0.00	Cable services
LEX*LEXIS NEXIS	\$400.00	\$0.00	Legal searching services.
AMERICAN BUSINESS SUPP	\$57.98	\$0.00	Purchasing general office supplies.
GENERAL ASSEMBLY	\$45.00	\$0.00	Training, IT
GENERAL ASSEMBLY	\$175.00	\$0.00	Training, IT
AMERICAN BUSINESS SUPP	\$23.04	\$0.00	Purchasing general office supplies.
UPS*295542S8OM1	\$7.20	\$0.00	Delivery services.
MDT RUSH DELIVERY LLC	\$30.00	\$0.00	Delivery services.
AMERICAN BUSINESS SUPP	\$471.78	\$0.00	Purchasing general office supplies.
AMERICAN BUSINESS SUPP	\$53.91	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$54.20	\$0.00	Purchasing general office supplies.
AMERICAN BUSINESS SUPP	\$95.76	\$0.00	Purchasing general office supplies.
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment
AMAZON.COM	\$48.42	\$0.00	General office supplies/equipment
AMAZON.COM	\$96.84	\$0.00	General office supplies/equipment

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COMCAST OF WASHINGTON	\$36.92	\$0.00	Cable services
COMCAST OF WASHINGTON	\$36.92	\$0.00	Cable services
AMERICAN BUSINESS SUPP	\$763.60	\$0.00	Purchasing general office supplies.
AMERICAN BUSINESS SUPP	\$29.54	\$0.00	Purchasing general office supplies.
AMERICAN BUSINESS SUPP	\$124.99	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$105.98	\$0.00	Purchasing general office supplies.
AL BETZ & ASSOCIATES,	\$250.65	\$0.00	Court reporting services.
AL BETZ & ASSOCIATES,	\$797.92	\$0.00	Court reporting services.
STANDARD OFFICE SUPPLY	\$63.09	\$0.00	Purchasing general office supplies.
THE ATLANTIC MONTHLY G	\$149.00	\$0.00	Magazine subscription for office.
LEX*LEXIS NEXIS	\$400.00	\$0.00	Legal searching services.
STANDARD OFFICE SUPPLY	\$269.10	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$88.80	\$0.00	Purchasing general office supplies.
ARTICULATE GLOBAL I	\$1,398.00	\$0.00	Online training software
STANDARD OFFICE SUPPLY	\$44.82	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$283.48	\$0.00	Purchasing general office supplies.
FEDEXOFFICE 00018150	\$887.04	\$0.00	Delivery services.
STANDARD OFFICE SUPPLY	\$12.50	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$916.62	\$0.00	Purchasing general office supplies.
MDT RUSH DELIVERY LLC	\$120.00	\$0.00	Delivery services.
B & H PHOTO-VIDEO.COM	\$162.94	\$0.00	Photography services.
AMAZON.COM	\$99.99	\$0.00	Purchasing general office supplies.
COMCAST OF WASHINGTON	\$36.92	\$0.00	Cable services
COMCAST OF WASHINGTON	\$36.92	\$0.00	Cable services
LEX*LEXIS NEXIS	\$400.00	\$0.00	Legal searching services.
AD ASTRA INC	\$178.00	\$0.00	
UPS*00006304YE05312014	\$24.48	\$0.00	Delivery services.
UPS*00006304YE06282014	\$1.47	\$0.00	Delivery services.
AMERICAN BUSINESS SUPP	\$0.00	(\$29.54)	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$91.78	\$0.00	Purchasing general office supplies.
AMERICAN BUSINESS SUPP	\$0.00	(\$124.99)	Purchasing general office supplies.
THOMSON WEST*TCD	\$1,320.00	\$0.00	DC Code
AINS INC	\$300.00	\$0.00	Training, FOIAXpress
STANDARD OFFICE SUPPLY	\$28.54	\$0.00	Purchasing general office supplies.
INQBATION	\$752.40	\$0.00	Website development service
INQBATION	\$570.00	\$0.00	Website development service

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Transaction Detail

STANDARD OFFICE SUPPLY	\$61.18	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$0.00	(\$283.48)	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$163.18	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$10.50	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$10.98	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$474.66	\$0.00	Purchasing general office supplies.
COMCAST OF WASHINGTON	\$90.96	\$0.00	Purchasing general office supplies.
COMCAST OF WASHINGTON	\$91.77	\$0.00	Purchasing general office supplies.
STANDARD OFFICE SUPPLY	\$214.04	\$0.00	Purchasing general office supplies.
LEX*LEXIS NEXIS	\$400.00	\$0.00	Legal searching services.
STANDARD OFFICE SUPPLY	\$13.99	\$0.00	Purchasing general office supplies.
TCD*THOMSON ELITE	\$2,179.80	\$0.00	ProLaw Case Management
FLIK KELLOGG16128290	\$1,296.12	\$0.00	rental/lunch for training facility
INTERNATIONAL TRANSACTION	\$1.19	\$0.00	
WWW.NCHSOFTWARE.COM	\$118.72	\$0.00	Software, Audio/Video
AMAZON.COM	\$19.99	\$0.00	Purchasing general office supplies.
AMAZON.COM	\$59.36	\$0.00	Purchasing general office supplies.
LEX*LEXIS NEXIS	\$400.00	\$0.00	Legal searching services.
LEX*LEXIS NEXIS	\$400.00	\$0.00	Legal searching services.
AMAZON MKTPLACE PMTS	\$45.78	\$0.00	Purchasing general office supplies.
POWELL & REESEINC	\$3,861.00	\$0.00	Agency training
COMCAST OF WASHINGTON	\$61.20	\$0.00	Cable services
COMCAST OF WASHINGTON	\$61.20	\$0.00	Cable services
STANDARD OFFICE SUPPLY	\$118.70	\$0.00	Cable services
AMAZON.COM	\$1,253.55	\$0.00	General office supplies/equipment
ALPHAGRAPHS	\$580.00	\$0.00	Printing services.
INQBATION	\$570.00	\$0.00	Website development service
INQBATION	\$10,000.00	\$0.00	Website development service
	\$50,328.47	(\$2,247.95)	

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Transaction Detail

BEGA Purchase Card Report - Fiscal Year 2015

Merchant	Debit Amount	Credit Amount	Description
NITA	\$2,695.00	\$0.00	National Institute for Trial Advocacy training
JOB POST-SIMPLY HIRED	\$99.00	\$0.00	Job posting service.
COUNCIL ON GOV	\$550.00	\$0.00	Training - COGEL
JOB POST-SIMPLY HIRED	\$99.00	\$0.00	Job posting service.
JOBTARGET LLC	\$375.00	\$0.00	Job posting service.
JOBTARGET LLC	\$375.00	\$0.00	Job posting service.
METRO FARE AUTOLOAD	\$100.00	\$0.00	WMATA train fare
METRO FARE AUTOLOAD	\$100.00	\$0.00	WMATA train fare
METRO FARE AUTOLOAD	\$100.00	\$0.00	WMATA train fare
AMAZON MKTPLACE PMTS	\$5.98	\$0.00	Purchasing general office supplies.
WASHINGTON COURT HOTEL	\$209.90	\$0.00	Hotel reservation for symposium guest
INDEED	\$501.43	\$0.00	Job posting service.
JOBTARGET LLC	\$375.00	\$0.00	Job posting service.
JOB POST-SIMPLY HIRED	\$99.00	\$0.00	Job posting service.
COMCAST OF WASHINGTON	\$61.19	\$0.00	Cable service
COMCAST OF WASHINGTON	\$61.19	\$0.00	Cable service
STANDARD OFFICE SUPPLY	\$100.48	\$0.00	Purchasing general office supplies.
INDEED	\$53.81	\$0.00	Job posting service.
INQBATION	\$420.00	\$0.00	Website development service
STANDARD OFFICE SUPPLY	\$225.07	\$0.00	Purchasing general office supplies.
SENODA INC	\$79.00	\$0.00	Printing service
MTP*MEDIA TEMPLE INC	\$500.00	\$0.00	Website security certificates
STANDARD OFFICE SUPPLY	\$81.45	\$0.00	Purchasing general office supplies
LEX*LEXIS NEXIS	\$400.00	\$0.00	Legal searching service
OFFICE OF ADMIS (COA)	\$30.00	\$0.00	Attorneys' Certificates of Good Standing
ALPHAGRAPHS	\$1,547.07	\$0.00	Printing service
STANDARD OFFICE SUPPLY	\$69.41	\$0.00	Purchasing general office supplies
COMCAST OF WASHINGTON	\$61.19	\$0.00	Cable services
COMCAST OF WASHINGTON	\$61.19	\$0.00	Cable services

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Transaction Detail

INQBATION	\$420.00	\$0.00	Website development service
OMNI WILLIAM PENN	\$583.68	\$0.00	Hotel reservation for conference
LEX*LEXIS NEXIS	\$400.00	\$0.00	Legal searching service
POWELL & REESE INC	\$1,608.75	\$0.00	Agency training
JOHN E. REID AND ASSOC	\$770.00	\$0.00	Investigator training
AMAZON.COM	\$89.00	\$0.00	Purchasing general office supplies
COMCAST OF WASHINGTON	\$59.46	\$0.00	Cable services
COMCAST OF WASHINGTON	\$59.46	\$0.00	Cable services
STANDARD OFFICE SUPPLY	\$140.25	\$0.00	Purchasing general office supplies
LEXISNEXIS RISK MAN	\$537.20	\$0.00	Legal searching service
STANDARD OFFICE SUPPLY	\$50.22	\$0.00	Purchasing general office supplies
STANDARD OFFICE SUPPLY	\$269.95	\$0.00	Purchasing general office supplies
SYM*SECURE SITE SSL	\$995.00	\$0.00	Website certification
LEX*LEXIS NEXIS	\$400.00	\$0.00	Legal searching service
FIG LEAF SOFTWARE	\$995.00	\$0.00	Website development service
FIG LEAF SOFTWARE	\$995.00	\$0.00	Website development service
	\$17,808.33	\$0.00	
COMCAST OF WASHINGTON	\$62.92	\$0.00	Cable services
COMCAST OF WASHINGTON	\$62.92	\$0.00	Cable services
SYM*SECURE SITE SSL	\$995.00	\$0.00	Website certification
STANDARD OFFICE SUPPLY	\$16.80	\$0.00	Purchasing general services
LINKEDIN-239*4216173	\$399.00	\$0.00	Job posting service
JOB POST-SIMPLY HIRED	\$99.00	\$0.00	Job posting service
	\$1,635.64	\$0.00	
	\$19,443.97	\$0.00	

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Transaction Detail

TAB 7

District of Columbia Board of Ethics and Government Accountability (AG0)

FY 2013 Intra-District						
FROM		TO		Amount		Description
AG0		TO0 *		5,000.00		Video Teleconferencing Solution
AG0		TO0 *		75,000.00		Video Teleconferencing Solution
AG0		TO0*		14,350.00		Server OPS E-Filing

FY 2014 Intra-District						
FROM		TO		Amount		Description
AG0		TO0 *		1,400.00		Communication Services
AG0		KTO**		438.00		Fleet Management
AG0		TO0*		76,685.00		Video Teleconferencing Solution

FY 2015 Intra-District						
FROM		TO		Amount		Description
AG0		TO0*		2,200.00		Communication Services
AG0		KTO**		438.00		Fleet Management

* Office of Chief Technology

** Department of Public Works

TAB 8

FY 2015 LOCAL PROGRAM ENHANCEMENT - FORM A
Agency Local Program Enhancement Package Summary
BEGA (AG0): Board of Ethics and Government Accountability
1-Apr-14

Ser. No	Title of Program Enhancement Request	Amount of Request (\$)	FTE Request
1	Investigator (salary plus fringe benefits)	\$ 91,000	1.0
2	Staff Assistant (salary plus fringe benefits)	\$ 48,662	1.0
3	Two Workstations to Support Additional Employees	\$ 12,000	
4	Board Members Stipend	\$ 51,492	
5	Court Reporter Services/Litigation Support	\$ 50,000	
6	DCHR Support Services	\$ 7,500	
7	LexisNexis Legal Research, ProLaw Case Mgmt. Support, Copy Machine Maintenance, General Office Supplies)	\$ 21,000	
8	DCNet - RTS (telephones/cell phones equipment, data drops, etc.)	\$ 7,000	
9	Website Enhancements (Phase II)	\$ 20,000	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
TOTAL		\$ 308,654	2.0

TAB 9

District of Columbia Board of Ethics and Government Accountability

FY 2014 Reprogramming

Comp Source	Orig Amount	Revised Budget	To	Amount	DESCRIPTION
0011	981,195.00	960,943.00	0011	27,748.00	FY 2014 Cola Allocation
				(48,000.00)	Operational Cost within the agency
0014	201,144.98	189,144.98	0147	(12,000.00)	Operational Cost within the agency
0020	2,500.00	7,500.00	0201	5,000.00	Operational Cost within the agency
0040	67,371.22	199,056.22	0410	76,685.00	Reprogrammed by budget office for TK0
		-			for video Teleconferencing Solution
		-	0410	55,000.00	Operational Cost within the agency
0070	3,072.00	3,072.00	0701	-	
Total	1,255,283.20	1,359,716.20		104,433.00	

FY 2014 Reprogramming With Details

From	Amount	To	Amount	DESCRIPTION
0011	(48,000.00)	0201	5,000.00	Operational Cost within the agency
0014	(12,000.00)	0410	55,000.00	Operational Cost within the agency
Total	(60,000.00)		60,000.00	

From	Amount	To	Amount	DESCRIPTION
0011	27,748.00	0011	27,748.00	Reprogramming was done by budget office
				for FY 2014 COLA Allocation
Total	27,748.00		27,748.00	

TO	Amount	FROM	Amount	DESCRIPTION
0040	76,685.00	Budget Office	76,685.00	Reprogrammed by budget office for TK0
				for video Teleconferencing Solution
Total	76,685.00		76,685.00	

NO FY 2015 Reprogramming

TAB 10

District of Columbia Board of Ethics and Government Accountability (AG0)

Special Purpose Revenue

FY	FUND TYPE	Revenue	Expenditure	Balance
2013	0601	8,235.00	-	8,235.00
2013	0602	52,300.00	8,297.15	44,002.85

Special Purpose Revenue

FY	FUND TYPE	Revenue	Expenditure	Balance
2014	0601	51,700.00	50.00	51,650.00
2014	0602	61,750.00	22,667.04	39,082.96

Special Purpose Revenue

FY	FUND TYPE	Revenue	Expenditure	Balance
2015	0601	17,050.00	5,000.00	12,050.00
2015	0602	24,500.00	22,500.79	1,999.21

601 Imposed Fines
602 Lobbying Registration Fees

TAB 11

Purchase Order Report FY 2014

DC BD OF ETHICS AND GOVT ACCOUNTABILITY : AGENCY AG0

APPR FUND = 0100

P.O. number	PO sfx	Agy Fund	Approp Year	Index Code	Vendor Name	Vendor No	P.O. AMT	P.O. ADJ AMT	Payment	PO BAL
PO484160	001	0100	2014	20001	INQBATION LLC	1273241144000	16,033	(37.7)	15,995.3	0
PO484160							16,033	(37.7)	15,995.3	0
PO485689	001	0100	2014	20001	OLENDER REPORTING, INC.	1521358946000	8,000	(744.35)	6,045	1,210.65
		0100	2014	20001	OLENDER REPORTING, INC.	1521358946103	0	0	1,210.65	(1,210.65)
PO485689							8,000	(744.35)	7,255.65	0
PO487231	001	0100	2014	20001	HI-TECH SOLUTION, INC.	1331104262000	1,698	0	1,698	0
PO487231							1,698	0	1,698	0
PO492689	001	0100	2014	20001	NCALVANO & ASSOCIATES, LLC	1464798720000	2,600	(570.41)	2,029.59	0
PO492689							2,600	(570.41)	2,029.59	0
PO493907	001	0100	2014	20001	DELL COMPUTER CORP	1742616805000	292.39	0	0	292.39
		0100	2014	20001	DELL MARKETING L.P.	1742616805202	0	0	292.39	(292.39)
PO493907							292.39	0	292.39	0
PO493914	001	0100	2014	20001	DELL COMPUTER CORP	1742616805000	461.99	(132.01)	0	329.98
		0100	2014	20001	DELL MARKETING L.P.	1742616805202	0	0	329.98	(329.98)
PO493914							461.99	(132.01)	329.98	0

APPR FUND = 0600

P.O. number	PO sfx	Agy Fund	Approp Year	Index Code	Vendor Name	Vendor No	P.O. AMT	P.O. ADJ AMT	Payment	PO BAL
PO485054	001	0602	2014	201LF	DATA NET SYSTEMS CORP	1521480588000	7,547.05	0	0	7,547.05
		0602	2014	201LF	DATA NET SYSTEMS CORP	1521480588201	0	0	7,547.05	(7,547.05)
PO485054							7,547.05	0	7,547.05	0
PO488551	001	0602	2014	201LF	DATA NET SYSTEMS CORP	1521480588000	12,751.44	(325.24)	0	12,426.2
		0602	2014	201LF	DATA NET SYSTEMS CORP	1521480588201	0	0	12,426.2	(12,426.2)
PO488551							12,751.44	(325.24)	12,426.2	0
PO490571	001	0602	2014	201LF	INQBATION LLC	1273241144000	4,890	0	0	4,890
		0602	2014	201LF	INQBATION LLC	1273241144103	0	0	4,890	(4,890)
PO490571							4,890	0	4,890	0
Summary							54,273.87	(1,809.71)	52,464.16	0

Purchase Order Report FY 2015

DC BD OF ETHICS AND GOVT ACCOUNTABILITY : AGENCY AGO

APPR FUND = 0100

P.O. number	PO sfx	Agy Fund	Approp Year	Index Code	Vendor Name	Vendor No	P.O. AMT	P.O. ADJ AMT	Payment	PO BAL
PO508829	001	0100	2015	20001	INQBATION LLC	1273241144000	13,985	0	0	13,985
		0100	2015	20001	INQBATION LLC	1273241144103	0	0	420	(420)
PO508829							13,985	0	420	13,565
PO511220	001	0100	2015	20001	HI-TECH SOLUTION, INC.	1331104262000	1,936	0	193.6	1,742.4
PO511220							1,936	0	193.6	1,742.4
PO511533	001	0100	2015	20001	OLENDER REPORTING, INC.	1521358946000	7,000	0	0	7,000
PO511533							7,000	0	0	7,000

APPR FUND = 0600

P.O. number	PO sfx	Agy Fund	Approp Year	Index Code	Vendor Name	Vendor No	P.O. AMT	P.O. ADJ AMT	Payment	PO BAL
PO508652	001	0602	2015	201LF	DATA NET SYSTEMS CORP	1521480588000	22,354.96	0	0	22,354.96
PO508652							22,354.96	0	0	22,354.96
Summary							45,275.96	0	613.6	44,662.36

TAB 12



Board of Ethics and
Government Accountability

2014 Best Practices Report

Robert J. Spagnoletti, Chair
Deborah Lathen, Member
Laura Richards, Member

441 4th Street, NW, Suite 830 South, Washington, DC 20001
Phone: 202-481-3411 E-Mail: bega@dc.gov

Introduction

The Board of Ethics and Government Accountability (BEGA or Ethics Board) was established in 2012 to perform several core functions, including administering and enforcing the Code of Conduct.¹ The Ethics Board also is responsible for appointing the Director of the Office of Open Government (OOG).² The mission of the OOG, an independent office within BEGA, is to ensure that government operations at every level are transparent, open to the public, and promote civic engagement. Operationally, the OOG ensures greater government transparency through enforcement of the Open Meetings Act (OMA) and the Freedom of Information Act (FOIA).³

Over the past year, BEGA has continued to accomplish its mission by investigating and enforcing Code of Conduct violations and by conducting general and specialized training sessions for District government employees and public officials; it has also produced training materials, including, in particular, an updated Ethics Manual,⁴ and has given advice, both informally and in formal written advisory opinions.⁵ The

¹ See section 202(a)(1) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (Ethics Act), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1162.02(a)(1). The Code of Conduct is defined in section 101(7) of the Ethics Act (D.C. Official Code § 1-1161.01(7)).

² See section 202(a)(2) of the Ethics Act (D.C. Official Code § 1-1162.02(a)(2)).

³ OMA is codified at D.C. Official Code § 2-571 *et seq.*, and FOIA is codified at D.C. Official Code § 2-531 *et seq.* Visit <http://www.bega-dc.gov/office-open-government> for more information about OOG's mission and responsibilities.

⁴ The Ethics Manual can be accessed at <http://www.bega-dc.gov/sites/default/files/documents/Ethics Manual-11.1.14.pdf>.

⁵ Section 219 of the Ethics Act (D.C. Official Code § 1-1162.19) authorizes the Director of Government Ethics to issue an advisory opinion to a District government employee or public official who requests advice, as well as to issue an advisory opinion, on his or her own initiative, "on any general question of law he or she considers of sufficient public importance concerning a

experience gained from those efforts, coupled with insights gained from attending outside trainings, has prepared BEGA well to meet another of its principal responsibilities – conducting an annual assessment of ethical standards for public employees and officials, including a review of national best practices of government ethics, and presenting recommendations for amending the Code of Conduct.⁶

The Ethics Board is required by the Ethics Act to include recommendations regarding seven specific questions in the annual assessment. Those questions are whether the District should: 1) adopt local laws similar in nature to federal ethics laws; 2) adopt post-employment restrictions; 3) adopt ethics laws pertaining to contracting and procurement; 4) adopt nepotism and cronyism prohibitions; 5) criminalize violations of ethics laws; 6) expel a member of the Council for certain violations of the Code of Conduct; and 7) regulate campaign contributions from affiliated or subsidiary corporations. The Ethics Board may also make recommendations on any other matters it deems appropriate.

With this report, the Ethics Board will again address the seven specific questions. However, as explained in certain sections below, lessons learned from another year of operations compel the Board to repeat a number of the recommendations made in its last Best Practices Report, in addition to making new recommendations. One of the new recommendations, in fact, is for the Council to relieve the Board from having to address the same seven questions in each of its annual reports and, instead, to authorize a more general commentary on best practices in government ethics.

The OOG will also provide in this report its recommendations on best practices to make District government operations more transparent and accessible.

provision of the Code of Conduct over which the Ethics Board has primary jurisdiction.” All of these opinions can be accessed <http://www.bega-dc.gov/documents/advisory-opinions>.

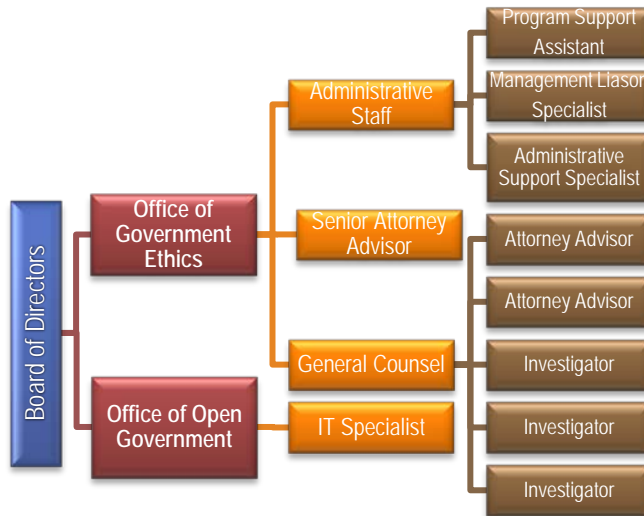
⁶ See section 202(b) of the Ethics Act (D.C. Official Code § 1-1162.02(b)).

In preparation for this report, BEGA staff conducted research and reached out to government ethics experts and organizations, relevant District government officials, and the general public for advice and input. On October 22, 2014, the Ethics Board held a symposium, “Keeping Government Accountable: Ethics and Open Government Considerations for Leaders and Citizens,” which featured a panel discussion moderated by Dean Katherine Broderick of the David A. Clarke School of Law.⁷ In addition to Darrin Sobin, the Director of Government Ethics, and Traci Hughes, the Director of the Office of Open Government, the panelists included Mark Davies, Executive Director of New York City’s Conflicts of Interest Board, and Waldo Jaquith, Director of U.S. Open Data Institute. Members of the public also participated, including several who presented their views orally or in writing.⁸

⁷ The Board wishes to thank Dean Broderick and her staff for hosting the event.

⁸ Visit <http://www.bega-dc.gov/meetings-and-events/bega-meeting/bega-best-practices-symposium> for a video of the symposium and copies of the written statements that were submitted.

What follows is the Ethics Board’s assessment of the seven specific questions, along with its recommendations and those of the OOG, for legislative or programmatic action.⁹



The **Office of Government Ethics** is an office within BEGA that investigates allegations of ethical misconduct concerning District government employees and officials. The OGE has authority over the District government’s workforce of approximately 34,000 employees, including ethics oversight of the Mayor and the Council.

The **Office of Open Government** is an independent office under the Board of Ethics and Government Accountability. The OOG advises District Government on transparency and open government policies. It ensures more than 2,000 Boards and Commissions members and the Council comply with the Open Meetings Act; and that District Government Agencies are complying with the Freedom of Information Act.

⁹ The Board also wishes to note with appreciation that a number of the recommendations made in its earlier Best Practices Reports are reflected in the Comprehensive Code of Conduct and BEGA Amendment Act of 2014 (BEGA Amendment Act), effective July 15, 2014 (D.C. Law 20-122; 61 DCR 8246). Discussion of the new law is contained in relevant sections of the text below.

Recommendations of the Board of Ethics and Government Accountability

1. Should the District Adopt Local Laws Similar in Nature to Federal Ethics Laws?

In both its previous Best Practices Reports, BEGA recommended that the standards in the federal ethics laws that are applicable to District government employees be incorporated into the Code of Conduct, so that BEGA could civilly enforce those standards on a local basis. The principal reason for the recommendation was that, by incorporating the standards, it would be clear that federal case law and interpretive opinions would apply to District employees, thereby allowing for clearer precedent and more consistent and predictable enforcement.

BEGA views the Council's call for a revised Code of Conduct as its acceptance of this recommendation.¹⁰ Indeed, the federal ethics laws represent a very real part of the reason why, as the Council observed in passing the BEGA Amendment Act, there is a "continued lack of uniformity and cohesion of the District's ethics laws."¹¹ Therefore, BEGA will incorporate the federal standards into a proposed Comprehensive Code of Conduct. The Council should then signal its intent to adopt the standards, together with existing interpretive opinions, in the committee report accompanying the legislation codifying the Comprehensive Code.

2. Should the District Adopt Post Employment Restrictions?

For the same reasons noted in the preceding section, BEGA will incorporate applicable post-employment restrictions contained in 18 U.S.C. § 207, one of the federal ethics

¹⁰ See section 2(c) of the BEGA Amendment Act (amending section 209 of the Ethics Act (D.C. Official Code § 1-1162.09) to require Ethics Board to "submit to the Council for its consideration proposed legislation ... to establish a revised Code of Conduct").

¹¹ Report of the Committee on Government Operations on Bill 20-412, the Comprehensive Code of Conduct and BEGA Amendment Act of 2014, at 4 (Council of the District of Columbia, March 25, 2014) (BEGA Amendment Act Committee Report).

laws applicable to District government employees, into the proposed Comprehensive Code of Conduct. Several other related considerations also support taking this course.

The District's post-employment restrictions are currently set out in 6B DCMR § 1811. In particular, 6B DCMR § 1811.1 provides that "District employees shall comply with the provisions of 18 U.S.C. § 207 and implementing regulations set forth at 5 C.F.R. Part 2641, Subparts A and B."¹² However, while 18 U.S.C. § 207 applies to District government employees, the implementing regulations do not. See 5 C.F.R. § 2641.104, which defines "employee" to mean, "for purposes of determining the individuals subject to 18 U.S.C. § 207, any officer or employee of the executive branch or any independent agency that is not a part of the legislative or judicial branches. The term does not include the President or the Vice President, an enlisted member of the Armed Forces, or an officer or employee of the District of Columbia." (Emphasis added.)¹³

In a word, there is a "disconnect" between the federal statute and its implementing regulations. Therefore, incorporating the standards of 18 U.S.C. § 207 – as well as those of the other applicable federal laws – into the proposed Comprehensive Code of Conduct will go far toward accomplishing the goal of subjecting District government employees to one set of ethics standards rather than multiple and conflicting standards.¹⁴

¹² See also 6B § 1811.2 ("District government employees and public officials are subject to certain provisions of the federal criminal conflict of interest provisions set forth in 18 U.S.C. §§ 201-216. Questions regarding the application of 18 U.S.C. § 207, 5 C.F.R. Part 2641, or these regulations, to specific factual circumstances, may be addressed to the Board of Government Ethics and Accountability.").

¹³ See also Part 2635, 5 C.F.R., which sets out the regulations applicable to standards of ethical conduct for employees of the federal executive branch. Section 2635.102(a) defines "agency" to exclude "the Government of the District of Columbia."

¹⁴ On a related note, the Department of Human Resources amended in its entirety Chapter 18 (Employee Conduct) of Title 6B DCMR, effective April 11, 2014. See 61 DCR 3799. The amendments to the post-employment restrictions included, in particular, a one-year "cooling-off" period that is narrower in scope than a similar provision in 18 U.S.C. § 207. Compare 6B

3. Should the District Adopt Ethics Laws Pertaining to Contracting and Procurement?

In its earlier Best Practices Reports, BEGA made certain recommendations regarding the interplay of ethics laws and contracting and procurement. One of those recommendations was that it be authorized to investigate allegations of, and enforce penalties for, violations of ethical standards related to contracting and procurement and that such standards be made part of the Code of Conduct. That recommendation will be reflected in the Comprehensive Code of Conduct by incorporating all relevant provisions of the Code of Ethics that has been adopted by the Office of Contracting and Procurement.

With this report, BEGA also stands by a related recommendation that the Council amend Chapter 2 (Contracts) of Title 2 of the D.C. Official Code to require that all contracts with the District, as well as all government-assisted projects that the District administers, contain an acknowledgement by contractors/vendors and project beneficiaries that they are subject to BEGA's authority under the Ethics Act. The requirement would be similar to Federal Acquisition Regulation (FAR) § 3.1003(a)(1), which requires federal contracts that are expected to exceed \$5,000,000 in value and to take 120 days or more to perform to contain a clause setting out a Code of Business Ethics and Conduct.¹⁵ See also, e.g., Conn. Gen. Stat. § 1-101qq(a) (requiring

DCMR § 1811.10, with 18 U.S.C. § 207(a)(2) (two-year restrictions concerning particular matters under official responsibility). While BEGA did provide comments during the rulemaking notice period, overhauling Chapter 18, a constituent part of the Code of Conduct, occurred outside of BEGA's authority, thus serving to highlight one of the Council's concerns in passing the BEGA Amendment Act. See BEGA Amendment Act Committee Report at 5 ("Because the District Department of Human Resources could amend [Chapter 18] at any point, such a significant change could take place without the Council's or BEGA's involvement. Some District employees could then be governed by a different and conflicting set of ethics rules than others.").

¹⁵ FAR contains policies and procedures for the award, management, and completion of federal contracts. See, e.g., FAR § 3.1002(a) ("Government contractors must conduct themselves with the highest degree of integrity and honesty."). FAR § 52-203-13 prescribes the terms that must be included in the Code of Business Ethics and Conduct, which terms reference and incorporate many of the criminal fraud, conflict of interest, bribery, and gratuity offenses in Title 18 of the

person seeking large state construction or procurement contract to affirm “in writing or electronically, (1) receipt of [summary of state ethics laws], and (2) that key employees of such person have read and understand the summary and agree to comply with the provisions of state ethics law[s]”;¹⁶ Executive Order 2007-01S (requiring all contracts with State of Ohio to include certification related to ethics compliance); cf. D.C. Official Code § 2-220.04 (requiring contract terms related to the living wage).

4. Should the District Adopt Nepotism and Cronyism Prohibitions?

In both its previous Best Practices Reports, BEGA made certain recommendations related to nepotism, including that the standards in section 1804 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA) (D.C. Official Code § 1-618.04) be included in the Code of Conduct. These recommendations will be incorporated into the proposed Comprehensive Code of Conduct.¹⁷ Pending adoption of the Comprehensive Code, the Council should, nevertheless, amend section 1804 of the CMPA and 6B DCMR § 1806 to clarify that the restrictions on nepotism relate to both paid and unpaid labor. The courts in other jurisdictions, notably Florida, which has an anti-nepotism statute substantively identical to CMPA section 1804, have reached decisions that support this recommendation.¹⁸

United States Code, thereby prohibiting, in a general sense, unethical conduct by contractors. *See also* FAR § 3.1003(a)(2) (providing for suspension and/or debarment of contractors who knowingly fail timely to disclose “credible evidence” of Title 18 violations or violations of civil False Claims Act).

¹⁶ The Connecticut statute also provides that “[n]o state agency or institution or quasi-public agency shall accept a bid or proposal for a large state construction or procurement contract without such affirmation.”

¹⁷ BEGA notes that, subsequent to its second Best Practices Report, the Department of Human Resources implemented the anti-nepotism provisions of section 1804 of the CMPA as part of the rulemaking discussed in footnote 15, above. Those provisions are now set out in 6B DCMR § 1806 and, as such, are part of the Code of Conduct. *See* section 101(7)(E) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(E)) (defining Code of Conduct to include “Chapter 18 of Title 6B of the District of Columbia Municipal Regulations”).

5. Should the District Criminalize Violations of Ethics Laws?

In both its previous Best Practices Reports, BEGA recommended that the Council criminalize the conflict of interest provisions in section 223 of the Ethics Act (D.C. Official Code § 1-1162.23) and the contingent fees provision in section 416 of the Procurement Practices Reform Act of 2010 (D.C. Official Code § 2-354.16), the latter section being a constituent part of the Code of Conduct. However, several considerations have combined so as to warrant withdrawing this recommendation.

First, the more serious violations of section 223 of the Ethics Act would likely be violations of the federal criminal conflict of interest statute, 18 U.S.C. § 208, which applies to all District government employees. Such matters would be handled by the United States Attorney for the District of Columbia (USAO).

Second, with the BEGA Amendment Act, the Council accepted BEGA's recommendation that section 215 of the Ethics Act (D.C. Official Code § 1-1162.15) be amended so that the Ethics Board, after presentation of evidence in an open and adversarial hearing, may both levy a penalty in accordance with section 221 of the Act (D.C. Official Code § 1-1162.21) and refer the matter to the Office of the Attorney General for the District of Columbia (OAG) or to the USAO for enforcement or prosecution. The result of the amendment is akin to the enforcement scheme, discussed below, that BEGA has in mind in continuing to recommend concurrent jurisdiction over non-compliant lobbyists.

¹⁸ See *Galbut v. City of Miami Beach*, 605 So.2d 466, 467 (Fla. Dist. Ct. App. 1992) (rejecting contention that Florida statute applies only to paid positions of employment); cf. *State ex inf. Atty. Gen. v. Shull*, 887 S.W.2d 397, 400 (Mo. 1994), abrogated on other grounds by *State v. Olvera*, 969 S.W.2d 715 (Mo. 1998) (rejecting contention that policy behind anti-nepotism provision in state constitution did not support public official's ouster, where official participated in vote to appoint relative to unpaid position).

6. Should a Member of the Council be Expelled for Certain Violations of the Code of Conduct?

BEGA consistently has recognized the importance of being able to investigate alleged ethical violations by the District's public officials and to censure them publicly for proven violations. In both of the earlier Best Practices Reports, however, BEGA left to the Council the ability to exercise its Home Rule Act authority to expel one of its own members.¹⁹

BEGA maintains that position, and, with this report, recommends that any rules substantively similar to Rules 651(a) and 652(a) of the Council's Rules of Organization and Procedure for Council Period 20 that may be adopted in future Periods be amended to provide that the establishment of an ad hoc committee following an Ethics Board censure be discretionary, rather than mandatory, as is the case now.²⁰

7. Should the District Regulate Campaign Contributions from Affiliated or Subsidiary Corporations?

BEGA is pleased and encouraged that the Council's efforts in the area of campaign finance reform have continued, especially with the passage of the Campaign Finance Reform and Transparency Amendment Act of 2013 (CFRA).²¹ According to the accompanying committee report, the CFRA "respond[ed] to the District's most pressing and recurring campaign finance and ethics concerns by enacting significant

¹⁹ See section 401(e) of the Home Rule Act (D.C. Official Code § 1-204.01(e)) (authorizing the Council, by a 5/6 vote of its members, to expel a member for the "most serious" violations of law, "including those violations that substantially threaten the public trust").

²⁰ Rule 652(a), for example, currently provides that "[a]n ad hoc committee *shall be established* by the Council within 72 hours of a censure of one of its members by the Ethics Board, or as soon as practicable." (Emphasis added.)

²¹ Effective February 2, 2014 (D.C. Law 20-79; 61 DCR 153).

reforms.”²² One of those reforms is to require lobbyists to disclose bundled contributions²³ when filing their activity reports. BEGA will promulgate rulemaking to implement the new filing requirement as part of its broader rulemaking effort, discussed below, to address electronic filing of all reports required by the Ethics Act. In so doing, BEGA will be doing its part to address the “definite need to enhance the accessibility of all information provided on both Activity Reports and Registration Forms.”²⁴

²² Report of the Committee on Government Operations on Bill 20-76, the Campaign Finance Reform and Transparency Amendment Act of 2013, at 2 (Council of the District of Columbia, October 22, 2013) (CFRA Committee Report). *See also id.* (“The Committee Print of B20-0076 incorporates the best aspects of [the other campaign finance bills introduced during Council Period 20] as well as the best practices from other jurisdictions.”).

²³ The CFRA amended section 101 of the Ethics Act (D.C. Official Code § 1-1161.01) by adding a new paragraph (3A) to define “bundled” (or “bundling”) as meaning “to forward or arrange to forward two or more contributions from one or more persons by a person who is not acting with actual authority as an agent or principal of a committee. Hosting a fundraiser, by itself, shall not constitute bundling.”

²⁴ CFRA Committee Report at 15. *See also id.* (“[D]isclosure of bundled contributions is meaningless without the capability to effectively and efficiently conduct a search of filed Activity Reports on BEGA’s website.”).

Additional Recommendations of the Office of Government Ethics (from 2013)

The following recommendations were made by BEGA in its second Best Practices Report, but, as explained above in the Introduction, warrant repeating:

Expanding Definition of “Conflict of Interest.” BEGA’s recommendation that the Council amend section 223(a) of the Ethics Act (D.C. Official Code § 1-1162.23(a)) to include non-financial, as well as financial, conflicts of interest will be incorporated into the proposed Comprehensive Code of Conduct. In that regard, BEGA anticipates adding a new definition to reflect the fact that there are, as one commentator has observed, “many personal interests that create a conflict, even though no money is involved.”²⁵ Adding the definition will follow the lead of other jurisdictions. For example, section 2-801 of Atlanta’s Code of Ethics defines the term “personal interest” to mean “any interest arising from relationships with immediate family or from business, partnership or corporate associations, whether or not any financial interest is involved.”²⁶

Tightening Requirement to File Financial Disclosure Statement When Circumstances Change. Currently, the filer of a public financial disclosure statement is not required to report an actual conflict of interest until filing his or her disclosure statement for the following year. This lag time in the reporting requirement clearly works against BEGA’s ability to audit disclosure statements, as required by section 224(g) of the Ethics Act (D.C. Official Code § 1-1162.24(g)). Therefore, BEGA’s recommendation that the Council amend section 224 to require that public filers file an amended financial disclosure statement when an actual conflict of interest arises will be incorporated into the proposed Comprehensive Code of Conduct. Pending

²⁵ Robert Wechsler, *Personal, Non-Financial Interests* (Feb. 7, 2009, 3:56 PM) <http://www.cityethics.org/node/635> (last visited Nov. 16, 2014).

²⁶ Atlanta’s Code of Ethics can be accessed at <http://www.atlantaethics.org/code-of-ethics-4/ethics-issues/conflicts-of-interest> (last visited Nov. 16, 2014).

adoption of the Comprehensive Code, the Council should accept the recommendation and amend section 224 accordingly.²⁷

At the same time, the Council also should amend section 224 further by adding a new subsection to provide express authority for the Director of Government Ethics, upon a showing of good cause, to grant public filers extensions of up to 30 days to file financial disclosure statements. To date, extension requests have been granted based on two regulatory provisions.²⁸

Barring Non-Compliant Lobbyists from Registering. There is no current prohibition against an individual who is required to file as a lobbyist from filing an annual registration form, if he or she owes BEGA unpaid fines or registration fees. Therefore, BEGA's recommendation that the Council amend section 229 of the Ethics Act (D.C. Official Code § 1-1162.29) to provide that a registrant cannot file an annual registration form without clean hands will be incorporated into the proposed Comprehensive Code of Conduct. The provision would operate in similar fashion to D.C. Official Code § 47-2862, which prohibits the District from issuing licenses or permits to any applicant who owes more than \$100 to the District for certain fines, penalties, assessed interest, past due taxes, or service fees. Pending adoption of the Comprehensive Code, the Council should accept the recommendation and amend section 229 accordingly.

Requiring Electronic Filing for Lobbyists. BEGA is not renewing its recommendation that it be authorized to charge an administrative fee for lobbyists who file paper activity reports. Rather, BEGA will act through rulemaking to exercise its

²⁷ Cf. section 225(b) of the Ethics Act (D.C. Official Code § 1-1162.25(b)) ("Upon review of the confidential [financial disclosure] report, any violation of the Code of Conduct found by the agency head shall be forwarded *immediately* to the Ethics Board for review." (emphasis added)).

²⁸ See 3 DCMR § 5702.4 ("A public official may request the Director, in writing, for an extension of up to thirty (30) days in which to submit the FDS.") and 3 DCMR § 5702.5 ("The Director may extend the period of time for submission of the FDS by a public official, for good cause shown.").

existing authority²⁹ to require electronic filing of lobbyist activity reports and registrations, as well as to require electronic filing of public financial disclosure statements by public officials and electronic filing of public financial disclosure certifications by Advisory Neighborhood Commissioners (ANCs). The rulemaking will provide for waivers in those cases where good cause can be shown. The overall intent of the rulemaking is to make information more readily available to the public as a result of a more efficient and error-free filing process.

Clarifying Reporting Requirements for Lobbyists who do not Engage in Lobbying Activities During a Particular Reporting Period. BEGA's recommendation that the Council amend section 230(c) of the Ethics Act (D.C. Official Code § 1-1162.30(c)) to clarify that a registered lobbyist must file an activity report, even if he or she engaged in no lobbying activity during the reporting period, will be incorporated into the proposed Comprehensive Code of Conduct.³⁰ Such an amendment would obviate the argument, raised by at least one late filing lobbyist that section 230(c) only requires activity reports to be filed if activity during the reporting period has occurred. Accepting that argument would make it impossible for BEGA auditors to distinguish between non-compliant lobbyists and those who did no lobbying for a given reporting period without contacting each registrant for confirmation. Therefore, pending adoption of the Comprehensive Code, the Council should accept BEGA's recommendation and amend section 230(c) accordingly.

²⁹ See section 211(8) of the Ethics Act (D.C. Official Code § 1-1162.11(8)) ("The Director of Government Ethics, approved by the Ethics Board, shall have the power to ... "[r]equire any person to submit through an electronic format or medium a report required pursuant to [the Ethics Act].").

³⁰ Section 230(c) currently provides that "[e]ach registrant who does not file a report required by [section 230] for a given period is presumed not to be receiving or expending funds that are required to be reported under this part."

Enlarging the Time to File Activity Reports. The Council also should amend section 230 of the Ethics Act to allow for enlarging the time in which lobbyists are required to file activity reports. Section 230(a) currently provides that “[e]ach registrant shall file with the Director of Government Ethics between the 1st and 10th day of July and January of each year a report signed under oath concerning the registrant’s lobbying activities during the previous 6-month period.” BEGA’s experience with enforcing the filing requirement (including the Ethics Board’s having to respond to requests for waivers of the penalties imposed on late filers), however, coupled with the facts that both filing periods are shortened by federal holidays and that section 230 makes no provision for granting extensions, supports the benefit of enlarging the filing deadlines. Subsection (a), then, should be amended to require activity report filings “between the 1st and 15th day of July and January of each year,” and a provision should be added to authorize the Director, upon a showing of good cause, to grant lobbyists extensions of up to 30 days to file their activity reports.

Service by Lobbyists on Certain Boards and Commissions. BEGA's recommendation that the Council amend section 231(f) of the Ethics Act (D.C. Official Code § 1-1162.31(f))³¹ to clarify that lobbyists who are required to register pursuant to the Act are prohibited from serving on certain boards and commissions has been overtaken by the D.C. Circuit's decision in *Autor v. Pritzker*, 740 F.3d 176 (D.C. Cir. 2014), in which the court held, among other things, that federally registered lobbyists pled a viable First Amendment unconstitutional conditions claim regarding the President's ban on lobbyists serving on advisory committees. Therefore, informed by the court's decision and any further staff research,³² BEGA's position on the issue of service by lobbyists on boards and commissions will be reflected in the proposed Comprehensive Code of Conduct.

Concurrent Criminal/Civil Jurisdiction over Non-Compliant Lobbyists. In keeping with the general principle that the District should be able to regulate and enforce its ethics laws, BEGA stands by the recommendation that it be authorized to exercise concurrent civil jurisdiction to enforce Part E (Lobbyists) of the Ethics Act.³³ Accordingly, the Council should amend section 232(a) of the Act to extend BEGA's authority over non-compliant lobbyists. By extending jurisdiction to include both criminal and civil penalties, less serious offenses could be pursued by BEGA, while the more serious violations could be left to the USAO. At the same time, the Council also

³¹ Section 231(f) currently provides that, with certain exceptions, "[n]o public official shall be employed as a lobbyist while acting as a public official."

³² BEGA also will be mindful of the Council's viewpoint. See CFRA Committee Report at 12 ("The act of lobbying, whether by a registered lobbyist or an advocate, is an exercise of the constitutional right to petition the government and can have the effect of magnifying underrepresented voices. At the same time, the District regulates lobbyists and those who employ them in order to prevent improper conduct and disproportionate access to decision makers.").

³³ Section 232(a) of the Ethics Act (D.C. Official Code § 1-1162.32(a)) currently provides that violations of Part E are punishable by a fine of not more than \$5,000, imprisonment for not more than 12 months, or both.

should amend section 232(b) of the Ethics Act³⁴ or add a new subsection permitting BEGA to bar registrants from engaging in any lobbying activity for a period of up to 2 years following an Ethics Board finding of a Code of Conduct violation.

Prohibiting Gifts from Lobbyists. Council Rule III(e)(1) of its Code of Official Conduct³⁵ currently prohibits “[s]olicit[ing] or accept[ing] anything of value from a registered lobbyist that is given for the purpose of influencing the actions of the employee in making or influencing the making of an administrative decision or legislative action.” (Emphasis added.) BEGA’s recommendation that the Council prohibit soliciting or accepting any gifts from lobbyists will be incorporated into the proposed Comprehensive Code of Conduct. Gifts from lobbyists should be avoided, no matter the value. Lobbyists are in the business of attempting to influence legislative activity to obtain results for their clients. Soliciting or accepting gifts from lobbyists – for whatever purported purpose – creates, at a minimum, the appearance of impropriety and, therefore, should be prohibited. Therefore, pending adoption of the Comprehensive Code, the Council should accept BEGA’s recommendation and, beginning in its next Period, amend any provision substantively similar to Rule III(e)(1) accordingly.

Providing Consistency in the Definition of the Term “Employee.” BEGA’s recommendation that the Council amend section 301(7) of the CMPA (D.C. Official Code § 1-603.01(7)) to include in the definition of “employee” both paid and unpaid individuals who perform functions for the District government will be incorporated into the proposed Comprehensive Code of Conduct. The CMPA currently defines the term “employee” as meaning, generally, “an individual who performs a function of the District government and who receives compensation for the performance of such

³⁴ Section 232(b) provides that “[i]n addition to the penalties provided for in [section 232(a)], any person convicted of the misdemeanor specified in that section may be prohibited from serving as a lobbyist for a period of 3 years from the date of the conviction.”

³⁵ The Council’s Code of Official Conduct is a constituent part of the Code of Conduct. See section 101(7)(A) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(A)).

services,” whereas the Ethics Act defines the term as “a person who performs a function of the District government and who receives compensation for the performance of such services, or a member of a District government board or commission, whether or not for compensation.” Making the definitions in the two laws more consistent would serve to close the gap in coverage as between compensated District government employees and certain uncompensated public officials. Therefore, pending adoption of the Comprehensive Code, the Council should amend section 301(7) of the CMPA accordingly. Amending the CMPA, furthermore, would conform with the action taken by the Council in the BEGA Amendment Act, which added new section 201a to the Ethics Act to provide that “[the Ethics Act] and the Code of Conduct shall apply to all employees and public officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions, but excluding the courts.”

Mandatory Annual Ethics Training for all District Government Officials and Employees. BEGA’s recommendation that mandatory ethics training be reflected in the official policies of both the executive and legislative branches of the District government will be incorporated into the proposed Comprehensive Code of Conduct. As noted in the second Best Practices Report, ethics is a fluid area, and mandatory training to keep pace with ongoing developments is a best practice followed in other jurisdictions. That said, meeting BEGA’s training responsibilities has become a growing challenge, and, as discussed below, a request will be made for funds in fiscal year 2016 to staff a full-time position for an attorney whose primary responsibility will be to focus on training delivery, outreach, and advice-giving.

New Recommendations of the Office of Government Ethics

Clarifying the Term “Candidate” for Purposes of Financial Disclosure Statement Filings. Candidates for election to the Democratic State Committee (DSC) run for a position that is part of a political party, not part of the District government. Nevertheless, the election itself is subject to regulation by the Board of Elections. As a

result, DSC candidates fall under the definition of “public official” for purposes of filing financial disclosure statements. On the other hand, elected DSC members are not required to file the statements because they receive no salary or expenses from the District government, perform no governmental duties, and have no control over any government funds. The proposed Comprehensive Code of Conduct, therefore, will seek to eliminate this anomaly. In the interim, the Council should amend section 101 of the Ethics Act (D.C. Official Code § 1-1161.01) – most likely paragraph (35) – which defines “office” to include “an official of a political party.” At the same time, the Council also should amend section 101(6) to refine the definition of “candidate” to include only successful candidates or, alternatively, only candidates who appear on the ballot. The current definition is so broad that it includes, for example, individuals who obtain a nominating petition from the Board of Elections (BOE), but do not thereafter obtain any signatures, announce their candidacy, or file anything with BOE at all. Such an amendment narrowing the definition, preferably to one encompassing only successful candidates, would be more logical and greatly facilitate financial disclosure enforcement efforts.

Best Practices Reporting Requirement. Section 202(b) of the Ethics Act (D.C. Official Code § 1-1162.02(b)) should be amended to eliminate the requirement to report each year on the seven specific questions. This report marks the third year of BEGA’s having to report on those same questions, and the section should be amended to read more generally as follows:

The Ethics Board shall conduct a detailed assessment of ethical guidelines and requirements for employees and public officials, to include a review of national best practices of government ethics law, and produce a report of its recommendations by January 15 of each year.

The proposed language also would ensure delivery of Best Practices Reports to new elected officials, who traditionally take office on January 2 of the year following an election.

Enlarging the Size of the Ethics Board. The Council should amend section 203(a) of the Ethics Act (D.C. Official Code § 1-1162.03(a)) to increase the size of the Ethics Board from 3 to 5 members.³⁶ By way of comparison, COIB has a 5-member Board. Mark Davies, who has been the Board's Executive Director since 1994, said at the October 2014 symposium that, in his experience with different sized COIB memberships, the present 5-member body has worked the best. Here, an increase in the size of the Ethics Board would, for example, allow for 3-member hearing panels in contested cases and insulate against lack of quorum issues with the existing 3-member Board.

Authorizing Sanctions. The Council should amend section 214 of the Ethics Act (D.C. Official Code § 1-1162.14) by adding a new subsection to authorize the Ethics Board to impose monetary sanctions on parties for any actions taken during contested cases, including the filing of motions, that are without support in law or fact, that are taken with the intent to cause unnecessary delay, or that otherwise are taken in bad faith. The ability to impose monetary sanctions in contested cases would complement the Board's existing authority to require the payment of reasonable fees in certain circumstances following the dismissal of meritless claims³⁷ and also would augment the Board's inherent authority to control its proceedings. Administrative bodies in other jurisdictions have been granted the power to impose monetary sanctions on parties appearing before them.³⁸

³⁶ Such an amendment also should provide that no more than 3 of the 5 members "shall be of the same political party."

³⁷ See section 216(b) of the Ethics Act (D.C. Official Code § 1-1162.16(b)) ("The Ethics Board may require a person who made or caused to be made a claim, complaint, or request for investigation in bad faith and without merit to pay reasonable fees for time spent reviewing or investigating the claim, complaint, or request for investigation.").

³⁸ See, e.g., Cal. Gov't Code § 11455.30 (authorizing Administrative Law Judges to "order a party, the party's attorney or other authorized representative, or both, to pay reasonable expenses, including attorney's fees, incurred by another party as a result of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay"); cf. Rule 11(c), Superior Court Rules

Confidential Financial Disclosure Statements. BEGA recommends that the Council make several amendments to section 225 of the Ethics Act (D.C. Official Code § 1-1162.25), which governs the filing of confidential financial disclosure statements.

First, subsection (b) should be amended to require agency heads, after their review of the disclosure statements, to report employees' outside employment and their receipt of gifts from prohibited sources. Currently, agency heads are required to report only potential violations of the Code of Conduct to BEGA.

Second, subsection (c) should be amended to require agency heads, by June 1st of each year, to report to BEGA the names of those employees who did not file a disclosure statement. Currently, agency heads are required to provide BEGA with only a list of confidential filers by May 1st of each year. The subsection also should be amended to require BEGA to publish the list of confidential non-filers in the *D.C. Register*, along with the list of those who failed to file required public financial disclosure statements.

Third, the Council should add a new subsection to section 225 to establish a 30-day service requirement for confidential filers of financial disclosure statements. The new provision would be similar to section 224(f), which applies to public filers, and would read as follows:

For the purposes of a report required by this section, a person shall be considered to have been an employee if he or she has served as an employee for more 30 days during any calendar year in a position for which reports are required under this section.

– Civil (authorizing court, “after notice and a reasonable opportunity to respond,” to impose sanctions on parties and attorneys for certain forms of offending conduct, *e.g.*, filing a motion “for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation”).

BEGA has interpreted the 30-day service requirement to extend to all filers except candidates. Codification of the requirement in section 225 for confidential filers would allow staff to refer to a specific D.C. Official Code section when explaining the requirement, especially to those agency personnel who assist in designating confidential filers.

Additional BEGA Employee to Focus on Training and Outreach. Training is one of BEGA's core responsibilities³⁹ and, as such, has proven to be a very effective means of agency outreach. Training, however, has also come to consume an ever increasing amount of staff time. To illustrate, in fiscal year 2014, the staff conducted 62 trainings, including its full two-hour ethics training, and specialized trainings such as post-employment, Hatch Act, and lobbyist trainings. This experience speaks to the need, which will be voiced in the next budget cycle, for another full-time employee whose job would focus on day-to-day training and outreach efforts.⁴⁰ The request for the additional staff member will be for an attorney because those who attend the training sessions often seek ethics advice, either at the time or in follow-up calls or emails.

Review of Contributions and Donations to ANCs. D.C. Official Code § 1-309.10(l) provides, in pertinent part, that “[n]o [Advisory Neighborhood] Commission may solicit or receive funds unless specifically authorized to do so by the Council, except that receipt of individual contributions of \$1,000 or less need not be approved by the Council.” Aside from having to include “details of all contributions” in their quarterly reports to the District of Columbia Auditor, *id.*, there is no current review mechanism or process in place regarding less than \$1,000 contributions or donations to ANCs. Indeed, OAG has opined that ANCs are not subject to the Acceptance and use of gifts

³⁹ See section 202(a)(5) of the Ethics Act (D.C. Official Code § 1-1162.02(a)(5)) (requiring BEGA to “[c]onduct mandatory training on the Code of Conduct”).

⁴⁰ New York City's COIB, for example, has a Training and Education Unit, headed by a Director, which conducts training sessions and develops educational videos, posters, pamphlets, newsletters and other media.

by District Entities Act of 2000 (D.C. Law 13-172; D.C. Official Code § 1-329.01), which is part of the Code of Conduct.⁴¹ Therefore, there need to be consequences where none currently exist, and the Council should amend the law to subject ANCs to BEGA's jurisdiction regarding less than \$1,000 contributions or donations and for their failure to report contributions or donations of more than \$1,000.

Disclosure of Outside Employment. Pending adoption of the Comprehensive Code of Conduct, the Department of Human Resources should amend 6B DCMR § 1807 to provide that agency employees who are required to file confidential financial disclosure statements augment their filing by providing the details of any outside employment. This recommendation is made in conjunction with that above to amend section 225(b) of the Ethics Act to require agency heads to report to BEGA outside employment by confidential filers. The combined effect of adopting the two recommendations would operate to heighten overall awareness of potential conflicts of interest posed by employees having outside jobs.

State Board of Education and the Local Hatch Act. The Local Hatch Act permits District government employees to file as candidates for non-partisan offices in the District.⁴² There are, however, only two such offices, the State Board of Education (SBOE) and the various ANCs. The problem is compounded by the fact that the law establishing the SBOE operates to prohibit a successful District employee candidate from retaining his or her job and serving as an SBOE member.⁴³ The law should be amended only to prohibit SBOE members from being employed by the Board itself.

⁴¹ See section 101(7)(G) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(G)).

⁴² See D.C. Official Code § 1-1171.02(a)(3) (prohibiting District employee from “[f]iling as a candidate for election to a partisan political office”).

⁴³ See D.C. Official Code § 38-2651(e)(1)(d) (providing that each SBOE member “[n]ot be an officer or employee of the District of Columbia government or of the Board”).

Subjecting Public Charter School Employees to BEGA’s Authority. Employees of the public charter schools are not District government employees.⁴⁴ For all intents and purposes, however, public charter school employees function no differently than employees of the District of Columbia Public Schools, and the line between the two groups is blurred further by the fact that the former have the word “public” in their title. Therefore, public charter school employees should be held to the same standard by being Subject to BEGA’s jurisdiction to enforce the Code of Conduct.

Requiring dc.gov Email Addresses. Not all District government agencies use dc.gov email addresses. For example, the Housing Authority uses dchousing.org; the Public Charter School Board uses dcpcsb.org; and the Board of Elections still uses dcboee.org., even though it is no longer the Board of Elections and Ethics. Employees in all District government agencies entities should have dc.gov email addresses and be required to use them – and only them – to conduct official business. Such a requirement would facilitate BEGA investigations (as well as those conducted by the District of Columbia Auditor and the Office of the Inspector General) when requesting email messages and also would serve to identify to members of the public who is – or who is not – a District employee.

Reservation of event space in the Wilson Building. At present, reserving space in the Wilson Building for any event requires the endorsement of a Councilmember, whether the event is to take place on the Council’s side of the building or on the Mayor’s. That requirement is at odds with the history of the building itself, which, for many years, was known as the District Building, and with the philosophy underlying the Local Hatch Act that the District government should not appear to be a partisan government. Therefore, BEGA recommends that the Council adopt a more open reservation policy by eliminating the endorsement requirement.

⁴⁴ See D.C. Official Code § 38-1802.07(c) (“Notwithstanding any other provision of law and except as provided in this section, an employee of a public charter school shall not be considered to be an employee of the District of Columbia Government for any purpose.”).

Recommendations of the Office of Open Government

Significant steps have been taken over the last year to make District government more transparent and accessible to the public in ways that are in tune with technology and the 24-hours-a-day expectation of access to information. There is, however, much work to be done as the District begins to shift its focus on disclosure from a baseline assumption that government records are not to be released until proven otherwise, to the acknowledgement that there is a fundamental utility to agencies and the government as a whole to provide information proactively. If the OOG is to fulfill its mission, the Executive Office of the Mayor must afford the OOG a greater role in recommending and implementing open government and transparency mandates. Below are the recommendations of the OOG on best practices, as the District looks toward mandating open government protocols and implementing public records systems that are interoperable, efficient, and user-friendly.

Open Data and Transparency Legislation is Critical to Sustained Progress on Open Government

On October 25, 2013, Mayor Gray announced his intention to implement the Transparency and Open Government Initiative. The result was Mayor's Order 2014-170, [Transparency, Open Government and Open Data Directive](#) (hereinafter "Directive"), which spurred the re-launch of the data.dc.gov website. The site now includes nearly 600 District government datasets and some 1,500 federal datasets in machine-readable formats, including JavaScript Object Notation, Extensible Markup Language, Comma-Separated Values (CSV), and Geographic Information Systems JASON.⁴⁵

The continued publication of datasets is critical to overall transparency, agency accountability, government efficiency, and government responsiveness. The revamped

⁴⁵ The data now offered on data.dc.gov is made available to the public free of licensing and copyright restrictions. Any proposed legislation must hold true to the [Creative Commons](#) standard, allowing users to access, build upon and modify District government data.

data portal and the issuance of the Directive represent a remarkable leap since the [OOG's recommendations](#)⁴⁶ one year ago. However, now that the Office of the Chief Technology Officer (OCTO) has identified some bulk data, and provides Application Programming Interfaces allowing users to search, retrieve, or submit information directly from online databases, the policy mandated under the Directive must now be committed to legislation.

The publication, maintenance, and archival of data must be clearly set out in a permanent measure so as not to leave any discretion among the Executive and the subordinate and independent agencies that the default is indeed set to open. Additionally, the legislation⁴⁷ must include a means of archival and retention of data⁴⁸

⁴⁶ The OOG recommended in last year's Best Practices Report that the District implement a comprehensive citywide open data and transparency policy consistent with that of the federal government requiring all agencies to publish data in machine-readable formats.

⁴⁷ The District need not re-invent the wheel. There are numerous examples from jurisdictions, both near and far, which have adopted open data legislation.

The State of Illinois adopted in March, 2014, the [Open Operating Standard Act \(H.B. 1040\)](#), requiring agencies to inventory data sets; establish maintenance guidelines; and to publish a technical standards manual identifying the reasons for the selection of each technical standard and the types of data for which each is applicable.

The State of Maryland adopted in May, 2014, the [Open Data Policy – Council on Open Data \(S.B. 644\)](#), requiring data to be published in machine-readable formats and establishing a Council on Open Data to recommend guidelines for publishing data. The [Montgomery County Government Open Data Implementation Plan](#) is highly instructive, and provides processes that may be memorialized in legislation submitted to the Council for its approval.

The State of Washington adopted in February 2014, [H.B. 2202](#), establishing an open data policy requiring agencies to publish data in a single portal; establish a timeline for publishing data; include in compliance plans the reasons why certain data may not be made available and steps to be taken to publish the data; description of agency changes to source data, and notations regarding why the data was modified.

In effect for nearly three years, the city of New York adopted in February 2012, [Local Law 11 of 2012 – Publishing Open Data](#), requiring the adoption of technical standards for publishing data; agency compliance plans to include an inventory of data for publication; and an explanation of

and address protocols for inter-agency and intra-agency access to restricted data.⁴⁹ Accordingly, the OOG recommends that legislation (1) memorialize the policy set out in the Directive; (2) require agencies to submit full inventories of data; (3) create a process for ensuring data quality; (4) require all published data to be made available to the public free of licensing restrictions; (5) create a process for ensuring data quality and requiring public notice when data is modified; (6) define clearly the means by which the legislation will be regulated; (7) establish criteria for inter-agency and intra-agency sharing of data through memoranda of understanding; and (8) ensure agency document retention schedules are properly modified to include agency data and the archival of agency data.⁵⁰

why certain datasets may not be published.

See <http://sunlightfoundation.com/policy/opendatamap/> for a more exhaustive list of open data legislation and policies currently in place at state, local, and municipal levels.

⁴⁸ As the District contemplates open government legislation, it must also ensure that open data mandates are included in agency document retention schedules. See 1 DCMR § 1508 (Disposition of Public Records). Document retention schedules must address documents maintained in hard, electronic, and data formats. Data formats should be reviewed every two years to ensure maintenance schedules correspond with data publication and technical standards. Additionally, documents currently maintained by agencies in hard copy must be properly archived and digitized.

⁴⁹ The OOG does not recommend that all data be made available. Restricted data encompasses the body of records maintained by an agency, but may be exempt from disclosure under D.C. Official Code § 2-534. Open government legislation must align with FOIA allowing for expansive disclosure, while aiming to protect from release personal identifying information and other records that are exempt under FOIA.

⁵⁰ See [The LOCKSS \(Lots of Copies Keep Stuff Safe\) Program](#). The program is based at Stanford University Libraries and provides low-cost, open source tools to preserve digital content. The Directive established the Mayor's Open Government Advisory Group to make recommendations on transparency and Open Government. The Advisory Group should be broadened to include the executive director of the D.C. Public Library.

Participatory Budgeting

The District government should seize the opportunity for complete engagement by including in open government legislation a requirement that the city also adopt Participatory Budgeting (PB). PB has been proven to increase transparency, promote greater civic engagement, and build trust in government and the services it provides. Although there have been recent efforts to make the city's budget process more transparent,⁵¹ there are no mechanisms (other than an opportunity for public testimony) in place for involving District residents in the decision-making process of public budgeting. Additionally, and perhaps most importantly, the budget itself is tremendously difficult to navigate and understand in its current structure. The budget is very difficult to review because it is contained in a completely static document and, as such, represents the antithesis of a machine-readable and searchable record.

The OOG recognizes that moving beyond institutional inhibitions about fiscal transparency to complete public engagement through PB is a monumental vault. However, the District has a wealth of resources⁵² upon which to rely to shine a brighter light on its budget so that tax dollars are more efficiently distributed and spent. The budget is fodder for possible new collaborations with organizations that are right in the District's backyard – the DC Fiscal Policy Institute, the World Bank Group, and the Center for Data Innovation – to name a few. Ultimately, better budgeting data will lead

⁵¹ In 2011, District government agencies followed a “division-based” budget structure to submit agency financials. The reporting required more detailed information on spending, tying budget allocations to performance management. Agency fiscal and performance overviews are found on [Track DC](#), but do not provide a means for significant public engagement on where public funds are allocated.

⁵² In 2011, New York City began a PB process allowing residents a say in the allocation of capital discretionary funds. Since then, PB has been extended to 24 districts, giving residents the decision-making power of nearly \$25 million toward locally developed projects, proposals, and initiatives. See <http://pbnyc.org/>. In 2013, San Francisco launched a pilot program allowing residents in District 3 the ability to decide how to spend \$100,000 in discretionary funds. PB has now been extended to Districts 7 and 10. See <http://www.sfpb.net/>.

to better management of resources and a government that is truly responsive to its citizenry.

Demystify the Data

The collection and release of data is more than the mere reduction of data to zeroes and ones and colorful graphic displays. Data is the collection of agency, city, neighborhood, and community information that should be used not only to promote transparency, but to be of equal value to agency personnel to aid in better decision making and policy implementation. Personnel should be properly trained on how to analyze the data generated by their respective agencies. Further, for the larger data mining tasks, the District would do well to incorporate into its transparency program an Analytics Division at the mayoral level and charge the unit with mining large data sets with the aim of improving city services.⁵³

The Freedom of Information Act

On July 21, 2014, the Executive Office of the Mayor launched FOIAXpress – the city’s first central web portal for submitting, processing, and supplying documents in response to FOIA requests. Currently, 65 agencies have licenses to use FOIAXpress.⁵⁴ The OOG recommends that all agencies, both subordinate and independent, be required to process all FOIA requests through the FOIAXpress portal and that proper budget allocations be made to procure the licenses. Those agencies which process a small number of requests will have the ability to share concurrent licensing with other similarly situated agencies to reduce costs. As the OOG oversees compliance with FOIA, the OOG recommends that, as discussed below, the Mayor

⁵³ See Data for Better State and Local Policymaking, available at <http://www.datainnovation.org/2014/12/data-for-better-state-and-local-policymaking/>.

⁵⁴ The Executive Office of the Mayor indicated licenses were procured for those agencies that process 10 or more FOIA requests per year. The numbers of requests were gleaned from the FY 2013 Agency FOIA Reports.

delegate the administration of FOIAXpress to the OOG⁵⁵ and allow it to work directly with FOIA officers on use of the system and to pair non-licensed agencies in a manner that is efficient for agencies and makes sense to the public.

Further, the OOG recommends that D.C. Official Code § 2-531 be amended to require all agencies to process all FOIA requests through the FOIAXpress portal, and that all documents provided in response to requests be made available through the Public Access Library (PAL) – provided that all documents are properly scrubbed for confidential and/or other personally identifying information. Such proactive disclosure should be consistently reviewed as part of agency record management systems.⁵⁶

FOIA Annual Reporting Should Be Administered Through the Office of Open Government

Annual reporting, as mandated under D.C. Official Code § 2-538, is administered by the Office of the Secretary (OS). The OS has no input or oversight over FOIA, other than to call for yearly agency reports,⁵⁷ which responsibility was established when FOIA requests were processed by the General Council to the Mayor over a decade ago. As the OOG Director serves as the city's FOIA officer and provides advice on compliance with the measure, reporting should be submitted through the OOG.⁵⁸ Further, now that FOIAXpress is in place, reporting is automated, and no longer requires agencies to undergo the multi-step process imposed by the current reporting

⁵⁵ See D.C. Official Code § 1-204.22(6).

⁵⁶ The latest amendment to 1 DCMR § 408 (fees) was published in 2005, and it did not contemplate electronic production of records. Also, the regulation itself does not address the production of video, audio, and other similar formats. The regulation should, then, be amended to incorporate electronic processing and various file extensions (*i.e.*, .pdf, .wav, .docx, .xml, .csv). The amended language also should correspond with publication criteria in PAL and reflect that, when hard copies are provided, fees should meet current reasonable copy rates.

⁵⁷ The FOIA Litigation Report (prepared by the Office of the Attorney General) and the Appeal Log (prepared by the Mayor's General Counsel) are also required to be submitted with individual agency reports.

⁵⁸ This is also a matter that may be easily delegated by the Mayor pursuant to D.C. Official Code § 1-204.22(6).

structure.⁵⁹ The OOG also recommends that the contract with the vendor for FOIAXpress be reviewed, and amended if necessary, to ensure the District's specific reporting structure may be generated, rather than a duplication of federal exemptions which do not in all instances mirror the District's FOIA.

Process for Appeals and Mediation of FOIA Disputes

The OOG recommends that the Mayor delegate administrative appeals authority to the OOG to review the public record to determine whether it may be withheld under FOIA.⁶⁰ Such delegation of authority is legally permissible under D.C. Official Code § 1-204.22(6): "The Mayor may delegate any of his functions...to any officer, employee, or agency of the executive Office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or part of such functions to subordinates under his jurisdiction." Authority over administrative appeals has been delegated to the General Counsel, but is now misplaced, as the OOG, pursuant to D.C. Official Code § 2-593, is required to ensure compliance and issues advisory opinions on implementation of FOIA.

Currently, there is no formal process by which the OOG may mediate FOIA disputes. D.C. Official Code § 2-593(c) allows the OOG to issue advisory opinions, but there is no language in the statute that gives either binding effect to the opinions or directs parties to follow an established process to seek formal opinions.

⁵⁹ The reporting form is created by OCTO; the OS calls for agency reports; the data is compiled and aggregated by the OS; the OS submits the report to the Council; the OS posts online agency reporting numbers. The technology the District has available through FOIAXpress eliminates the need for such a prolonged process. The number of FOIA requests processed by an agency, the exemptions applied, and the fees collected may now be generated as often as needed.

⁶⁰ See D.C. Official Code § 2-537(a).

In the federal government, the Office of Government Information Services (OGIS) has the authority to arrange mediation to resolve FOIA disputes,⁶¹ but only in the process of drafting procedures for issuing advisory opinions. Mediation proceedings are conducted in accordance with Administrative Dispute Resolution Act (ADR) guidelines, but OGIS affirmatively acknowledges that reduction in FOIA litigation must first begin with changing the internal processes among federal agencies by encouraging open lines of communication among FOIA officers and staff,⁶² agency counsel, and ADR professionals when responding to FOIA requests and by proactively interacting with requestors.⁶³

In some states, dispute resolution and the issuance of advisory opinions are regulated by statute. For example, in Connecticut, the Freedom of Information Commission has authority to resolve FOIA disputes in formal contested hearings.⁶⁴ In Illinois, Public Access Counselors in the Office of the Attorney General resolve disputes.⁶⁵

In fiscal year 2013, 6,143 FOIA requests were made of District government agencies. Of that number, there were 84 administrative appeals and 37 reported lawsuits – 23 of which were from the same plaintiff.⁶⁶ Such a small percentage of lawsuits does not warrant a formal mediation process, but does call for the option of

⁶¹ See <https://ogis.archives.gov/about-ogis/ogis-procedures.htm>.

⁶² This is now feasible with the implementation of FOIAXpress. Agencies can collaborate and review documents within the processing system and may determine right away if a requestor has submitted the same and/or similar requests to multiple District government agencies.

⁶³ See [OGIS Recommendations to Improve the FOIA Process](#).

⁶⁴ See Conn. Gen. Stat. § 1-205(d).

⁶⁵ Public Access Counselors may choose to resolve a request for review by mediation, or by means other than issuance of a binding opinion. Should an agency be found to violate the Act, it may seek administrative review by the court. See 5 Ill. Comp. Stat. §§ 140/9.5(f) and /11.5.

⁶⁶ See [Office of the Attorney General Fiscal Year 2013 FOIA Litigation Report](#). The litigation cost to the District was \$122,169.93.

having requesters lodge an administrative appeal with the OOG and for that process to be clearly defined as part of the OOG's enforcement authority. The issuance of any opinions should be binding and offer safe harbor to an agency, as is the case for opinions provided by BEGA.⁶⁷ Considering that the volume of administrative FOIA appeals is relatively large compared to the number of contested ethics hearings conducted to date by the Ethics Board, it is not the OOG's recommendation that procedures for contesting hearings to resolve FOIA matters be undertaken at this time.

Amendments to the Open Meetings Act

To date, the BEGA website houses the only central repository of boards and commissions meeting dates, agendas, and administrative materials – including audio and video files. The site was developed to provide all boards and commissions with the ability to upload all documents easily and within the time constraints imposed by the OMA.⁶⁸ Prior to the site being launched in January 2014, many boards and commissions were not in compliance with the OMA because they did not have the proper administrative support. Because of the lack of technical support, or no web presence at all, many public bodies were running afoul of the OMA by failing to timely post meeting notices, agendas, and meeting minutes.

The BEGA central calendar eliminates the barriers to compliance, as points of contact within public bodies have administrative access to the site to publish meeting information⁶⁹ without being required to submit a formal request through their governing agency. Although some boards and commissions are posting information to the central calendar, posting is not mandatory. The majority of public bodies listed on the website has listed yearly meetings, but has failed to post agendas, meeting minutes,

⁶⁷ See section 219(d) of the Ethics Act (D.C. Official Code § 1-1162.19(d)).

⁶⁸ D.C. Official Code § 2-578(b)(1) requires meeting minutes of public bodies to be made available for public inspection within three days upon the conclusion of a meeting.

⁶⁹ This is possible because the BEGA site is maintained independently of OCTO. The OOG provides direct technical support to boards and commissions.

and administrative materials. Just as the publication in the District of Columbia Register of public body yearly calendars is required in the OMA,⁷⁰ it also must be a mandatory provision under the OMA that boards and commissions publish all meeting dates, agendas, and administrative materials to the central calendar.⁷¹

Advisory Neighborhood Commissions Should Be Included Under the OMA

The policy of the District leans heavily in favor of full transparency. The operative intent of the OMA is that the public is entitled to know what decisions are being made in the interest of residents by District government employees and elected officials who are in a position to consider, conduct, or advise on District government matters.⁷²

⁷⁰ See D.C. Official Code § 2-576(3).

⁷¹ Additionally, points of contact and directors of all listed public bodies have the option of making their profiles on the BEGA site as detailed or as scant as they choose. Users may include in their profiles their work, educational, and biographical history. Of the 154 public bodies currently listed on the site, only 28 boards and commissions routinely post to the central calendar.

Also, the site links to all enabling statutes for the listed boards and commissions. The enabling statutes that are on the site are the result of the partnership between the OOG and the OpenGov Foundation's DC Decoded. DC Decoded makes District municipal regulations user-friendly. Visitors searching the site may easily navigate the statutes, get inline definitions of the language used, download, and share the law without being limited by copyright restrictions. DC Decoded is more than just a series of links to static PDFs or basic Word documents. Posting the statutes in this way is giving the public greater access to our laws and prompting more robust citizen engagement with public bodies and our government as a whole.

⁷² See D.C. Official Code § 2-572 ("The public policy of the District is that all persons are entitled to full and complete information regarding the affairs of government and the actions of those who represent them."). The same statement of policy is reiterated in FOIA (see D.C. Official Code § 2-531) and in Mayor's Memorandum 2011-1.

The District has long-recognized the important role ANCs play in the operation of city government. See, e.g., 10-A DCMR § 2507.1 (noting that ANCs "provide a unique forum for seeking local input and expressing priorities on a range of land use issues").

However, OMA specifically exempts ANCs from its requirements,⁷³ even though they are elected by the public to consider and offer advice on District business.⁷⁴ ANCs are not considered “public bodies” under the OMA and, therefore, are not bound to properly and timely notice meetings, post agendas, and supply meeting minutes to the public. While ANCs are required under a separate statute to conduct open and transparent meetings,⁷⁵ compliance is mixed. Both the ANCs and the public are confused about which statutory provisions mandate transparency and mistakenly (although understandably) assume the applicability of the OMA.⁷⁶

It is also common for members of the public, and even fellow ANCs, to submit multiple FOIA requests for meeting minutes and agendas, when, by law, the documents should be made available upon request.⁷⁷

⁷³ See D.C. Official Code § 2-574(3)(F).

⁷⁴ The ANC website describes the ANCs’ role, in part, as follows: “The ANCs are the *body of government* [emphasis added] with the closest official ties to the people in a neighborhood. The ANCs present their positions and recommendations on issues to various District government agencies, the Executive Branch, and the Council.” See <http://dccouncil.us/offices/office-of-the-advisory-neighborhood-commissions>.

⁷⁵ See D.C. Official Code § 1-309.11(c) (providing that “[e]ach Commission shall give notice of all meetings or convocations to each Commissioner, individuals with official business before the Commission, and residents of the Commission area no less than 7 days prior to the date of such meeting. Shorter notice may be given in the case of an emergency or for other good cause. Notice of regular and emergency meetings must include, but is not limited to, at least 2 of certain means of posting or publishing notice.”).

⁷⁶ See September 20, 2014 Committee on Government Operations Hearing on B20-0471 – The Advisory Neighborhood Commissions Transparency Amendment Act of 2013 at <http://lims.dccouncil.us/Legislation/B20-0471?FromSearchResults=true>. The Act was introduced by Councilmembers Cheh and Grosso to make ANC and Boards and Commissions information easily accessible. See also the full written testimony of Traci L. Hughes, Director of the Office of Open Government.

⁷⁷ D.C. Official Code § 1-207.42 provides as follows:

- (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the Council of the District of Columbia, at which official action of any kind is taken shall
-

Bringing ANC's under the umbrella of the OMA will eliminate confusion over which meetings are public and which discussions may be had in closed session. It would also lead to better enforcement and ensure that all ANC's are complying with open government mandates and policies. Further, until such time that the ANC's are required to comply with the OMA, all ANC's should be required to be trained by the OOG on compliance with D.C. Official Code §§ 1-207.42 and 1-309.11, inasmuch as those statutes fall squarely within the OOG's mission.

be open to the public. No resolution, rule, act, regulation, or other official action shall be effective unless taken, made or enacted at such meeting.

(b) A written transcript or transcription shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts or copies of such transcriptions shall be available, upon request, to the public at reasonable cost.

TAB 13



FY 2014 PERFORMANCE PLAN

DC Board of Ethics and Government Accountability

MISSION

The Board of Ethics and Government Accountability (BEGA) is responsible for overseeing the Office of Government Ethics and the Office of Open Government. The Office of Government Ethics administers and enforces the District of Columbia Code of Conduct. The Office of Open Government enforces government-wide compliance with the D.C. Freedom of Information Act and the Open Meetings Act.

SUMMARY OF SERVICES

Specifically, BEGA is responsible for:

- Investigating alleged violations of the Code of Conduct, holding adversarial hearings and, where appropriate, levying sanctions;
- Issuing Advisory Opinions, providing “safe-harbor” for good-faith reliance on these opinions;
- Issuing Advisory Opinions on its own initiative;
- Conducting mandatory ethics training for District government employees;
- Updating and maintaining the District Ethics Manual;
- Receiving and reviewing public financial disclosure statements from public officials, except Advisory Neighborhood Commissioners;
- Receiving and reviewing confidential financial disclosure statements from Advisory Neighborhood Commissioners;
- Receiving and auditing lobbyist registration forms and lobbyist activity reports.
- Enforcing the Open Meetings Act;
- Monitoring the District’s compliance with the Freedom of Information Act; and
- Assisting government agencies in the implementation of open government practices.

PERFORMANCE PLAN DIVISIONS

- Board of Ethics¹
- Office of Open Government

¹ The Board of Ethics consists of three Board Members. For the purposes of the FY14 Performance Plan, the Board of Ethics also includes the Office of Government Ethics staff, which includes the Director of Government Ethics, attorneys, investigators, and administrative support staff.



AGENCY WORKLOAD MEASURES²

Measures	FY 2011 Actual	FY 2012 Actual	FY 2013 YTD ³
Number of preliminary investigations opened based on tips to the hotline	NA	NA	0
Number of preliminary investigations opened based on information provided by means other than the hotline	NA	NA	40
Number of preliminary investigations dismissed	NA	NA	23
Number of preliminary investigations converted to formal investigations	NA	NA	4
Number of preliminary investigations resolved with a negotiated disposition	NA	NA	9
Number of preliminary investigations resolved after an evidentiary hearing	NA	NA	0
Number of formal investigations initiated on intake	NA	NA	16
Number of formal investigations dismissed	NA	NA	7
Number of formal investigations resolved with a negotiated disposition	NA	NA	0
Number of formal investigations resolved after an evidentiary hearing	NA	NA	0
Number of formal written advisory opinions issued pursuant to a request	NA	NA	21
Number of formal written advisory opinions issued on the agency's own initiative	NA	NA	1
Number of request for informal ethics advice received from agency ethics officers and individual employees and public officials	NA	NA	150
Processing of FOIA Non-Compliance Complaints	NA	NA	1

² BEGA is a new government entity, which began operating in FY13. Therefore, the agency does not have historical data for prior fiscal years.

³ Data as of August 26, 2013.



Board of Ethics

Summary of Services

The Board of Ethics receives, investigates, assesses, and adjudicates violations of the Code of Conduct; provides mandatory ethics training; issues rules and regulations governing the ethical conduct of employees and public officials; and provides for an anonymous and confidential receipt of information related to violations of the Code of Conduct or other information with regard to its administration or enforcement. The Board of Ethics is comprised of three Board Members. The Board also includes the staff of the Office of Government Ethics (OGE).

OBJECTIVE 1: Conduct timely and appropriate investigations and enforcement actions.

INITIATIVE 1.1: Provide opportunities for OGE investigators to attend training related to conducting investigations.

The OGE will ensure that there is money in the budget and time available for investigators to attend specific trainings geared towards investigators, particularly those trainings conducted by nationally recognized entities in conducting investigator trainings. This will help ensure that all OGE investigations are conducted timely and appropriately. Completion Date: September 30, 2014.

INITIATIVE 1.2: Provide opportunities for OGE attorneys to attend training related to conducting enforcement actions, including hearings, and to improve their legal writing skills.

The OGE will ensure that there is money in the budget and time available for the OGE attorneys to attend specific training geared towards conducting hearings and legal writing. In particular, OGE will look to send its attorneys to such training conducted by nationally recognized entities in these areas. This will help ensure that all OGE enforcement actions are conducted timely and appropriately. Completion Date: September 30, 2014.

INITIATIVE 1.3: Review and analyze lobbyist registration forms and lobbyist activity reports.

The OGE will implement its lobbyist review plan and conduct a review and analysis of 2013 lobbyist registration forms and lobbyist activity reports. The review and analysis will include comparing reports filed by lobbyists with reports filed by lobbying clients, comparing lobbyist registration forms to lobbyist activity reports, and analyzing data obtained from the lobbyist activity reports with data obtained from research/information obtained from other sources. Discrepancies or unusual or unexplained entries will be investigated and may lead to enforcement actions. Completion Date: September 30, 2014.

INITIATIVE 1.4: Revise the Financial Disclosure Statement (“FDS”) electronic filing system and hard copy forms to improve ease of use by filers.

The OGE will revise the FDS electronic and hard copy forms to make FDS filing more efficient in an effort to increase the number of timely FDS filings. Completion Date: September 30, 2014.



INITIATIVE 1.5: Revise the Financial Disclosure Statement (“FDS”) electronic filing system and hard copy forms to facilitate OGE review.

In addition to making the FDS forms easier for filers to use, OGE will revise the FDS electronic filing system to make it searchable by OGE staff members. This will enhance OGE’s ability to analyze the responses to determine whether any further review or investigation is warranted. Completion Date: September 30, 2014.

OBJECTIVE 2: Conduct mandatory training on the Code of Conduct and produce ethics training materials and a plain-language guide.

INITIATIVE 1.1: Update the Ethics Manual and training materials to reflect changes in the law and keep up-to-date with best practices in the field of government ethics.

The OGE will update the online plain-language ethics guide called The District Ethics Manual and all training materials to reflect changes to the various laws that comprise the Code of Conduct; changes to the Ethics Act and BEGA rules; and best practices in the field of government ethics. On an on-going basis, OGE will revise and update all training materials and the Ethics Manual to reflect the application of any changes to the law, the Ethics Act, and best practices for District government employees and public officials. Completion Date: September 30, 2014.

INITIATIVE 1.2: Increase ethics training to District government employees and public officials.

The OGE will expand its training component to include ethics training as part of the new employee orientation provided by the D.C. Department of Human Resources to all new employees. OGE also will conduct ethics training for legislative branch elected officials and members of their staffs. Completion Date: September 30, 2014.

OBJECTIVE 3: Issue formal, written Advisory Opinions upon application made by an employee or public official subject to the Code of Conduct and issue, on its own initiative, an advisory opinion on any general questions of law it deems of sufficient public importance.

INITIATIVE 1.1: Fully implement the pilot program regarding the tracking of informal ethics advice requests.

The OGE will fully implement the pilot program of recording and tracking the receipt of informal ethics advice requests by using the OGE electronic case management system. The recording and tracking will include maintaining information regarding the requestor’s informal advice requested and the informal advice provided. Completion Date: September 30, 2014.

INITIATIVE 1.2: Increase the number of Advisory Opinions issued on its own initiative.

The OGE will analyze the informal requests for advice received to determine which issues of general questions of law it deems of sufficient public importance to warrant the



issuance of a written Advisory Opinion on its own initiative. In addition, OGE will monitor best practices to identify general questions of law that warrant the issuance of a written Advisory Opinion on its own initiative. Completion Date: September 30, 2014.

INITIATIVE 1.3: Decrease the response time to issue formal, written Advisory Opinions to within 30 days of receiving complete information regarding the request. Through increased training of its own attorneys and maintaining records regarding previously issued Advisory Opinions by OGE and other agencies and jurisdictions, the OGE will decrease its response time regarding the issuance of formal, written Advisory Opinions to within 30 days of receiving complete information from the requestor regarding the request for an Advisory Opinion. Completion Date: September 30, 2014.

KEY PERFORMANCE INDICATORS – Board of Ethics⁴

Measure	FY 2012 Actual	FY 2013 Target	FY 2013 Actual⁵	FY 2014 Projection	FY 2015 Projection	FY 2016 Projection
Percent of formal written Advisory Opinions issued within 30 days of receipt of complete information from requestor.	NA	NA	74%	75%	80%	80%
Percent of investigations resolved by dismissal, negotiated disposition, or issuance of Notice of Violation within 90 days of initiation.	NA	NA	75%	60%	65%	65%
Percent of enforcement actions completed within 75 days (from issuance of the Notice of Violation to final order of the Ethics Board)	NA	NA	100%	75%	80%	80%

⁴ BEGA is a new government entity, created in FY13. Therefore, the agency does not have historical data for prior fiscal years.

⁵ FY13 YTD covers the period October 1, 2013, through August 26, 2013.



Office of Open Government

SUMMARY OF SERVICES

The mission of the Office of Open Government (OOG) is to ensure that District Government operations at every level are transparent, open to the public and promote civic engagement. The OOG monitors the District's compliance with the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA).

OBJECTIVE 1: Ensure Compliance with the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA).

INITIATIVE 1.1: Develop a citywide tracking system to monitor Freedom of Information Act (FOIA) requests.

The OOG will work with the Executive Office of the Mayor to formalize a citywide tracking system to streamline the processing of FOIA Requests and for resolving complaints filed with OOG for agency non-compliance. Completion Date: December 20, 2013.

INITIATIVE 1.2: Develop policies and procedures to ensure compliance with the Open Meetings Act (OMA).

The OOG will develop policies and procedures to ensure compliance with the OMA. As part of this effort, the OOG will also work with the Executive Office of the Mayor, Office of Boards and Commissions to ensure all newly sworn board and commission members are trained on the procedural requirements of the OMA. Completion Date: December 20, 2013.

OBJECTIVE 2: Promote Transparency and Open Government Policies.⁶

INITIATIVE 2.1: Establish District Agency and D.C. Council Transparency Policies and Guidelines.

In FY14, the OOG will work with agency directors and members of the Council to establish transparency policies and guidelines. Transparency policies will support proactive disclosure requirements under FOIA and will conform to the public policy of the District government that all persons are entitled to full and complete information regarding the affairs of government. OOG will coordinate with the Office of the City Administrator to identify lead personnel in each District agency who will be responsible for drafting agency transparency plans and the timelines for implementation of those plans. Completion date: December 30, 2014.

INITIATIVE 2.2: Develop and create partnerships with the community to inform the development of transparency guidelines.

In FY14, the OOG will engage community stakeholders to obtain their input in the development of transparency guidelines. Community stakeholders are in the best position to inform the government about the types of information they are seeking and how that

⁶ As referenced in Mayor's Memorandum 2011-01 Transparency and Open Government Policy.



information can promote civic engagement in government operations and the legislative process. OOG will conduct outreach to community stakeholders, attend ANC meetings, distribute survey and establish a working group community, nonprofit and IT professionals to offer input into the type of information that will be of the most utility to those living and working in the District. Completion date: September 30, 2014.

INITIATIVE 2.3: Ensure all BEGA related records are accessible and open to the public.

In FY14, the OOG will ensure that all BEGA related records are accessible and open to the public in accordance with the Ethics guidelines and other relevant personnel rules and regulations. Specifically, the OOG will establish guidelines and procedures for producing advisory opinions, nonpublic informal dispositions, public negotiated dispositions, training slides, and best practice manuals on the BEGA website (<http://bega.dc.gov>) and in hard copy. Completion date: December 30, 2013.

INITIATIVE 2.4: Develop a new website to make it easier for residents and businesses to find frequently requested information.

In FY14, the OOG will develop a new website to make it easier for residents and businesses to find frequently requested information. Information is sometimes buried on agency websites, requiring end-users to have a deep familiarity with government agencies. The purpose of the new OOG website will be to make commonly requested information easier to find. The new website will provide a direct pathway to the information users are seeking (within one or two clicks of a mouse). In addition, the new website will be in a format that engages end-users and promotes civic engagement. This will be a multiphase project. Phase one – development of the BEGE/OOG Web site. To be completed in FY '14; Phase two – incorporation of commonly accessed public safety (MPD) procurement (OCP) and financial (OCFO) data. To be completed in FY15; Phase three – incorporation of links to commonly accesses District services (DCRA, DMV, DDOT, DPR). To be completed FY16. Completion Date for phase 1: December 30, 2013.



KEY PERFORMANCE INDICATORS – Office of Open Government⁷

Measure	FY 2012 Actual	FY 2013 Target	FY 2013 YTD⁸	FY 2014 Projection	FY 2015 Projection	FY 2016 Projection
Percentage of Boards and Commissions trained on the Open Meetings Act ⁹	NA	NA	13% ¹⁰	50%	80%	100%
Percentage of Agencies trained on Freedom of Information Act ¹¹	NA	NA	13% ¹²	80	100	100
Percentage of agencies with Transparency Plans and Guidelines ¹³	NA	NA	0	40%	80%	100%
Percentage of public core documents accessible on the BEGA Web site.	NA	95%	95%	98%	100%	100%
Percentage of public core documents posted to the BEGA Web site within five business days	NA	95%	90%	98%	100%	100%

⁷ BEGA is a new government entity, created in FY13. Therefore, the agency does not have historical data for prior fiscal years.

⁸ FY13 YTD covers the period April 22, 2013, through August 26, 2013.

⁹ OOG is staffed with one person, the director. One Attorney Advisor FTE has been approved for FY 14 to assist with the training of 176 current boards and commissions. Current staffing levels will not allow for in person training of all boards and commissions. OOG will offer training slides on the BEGA/OOG Web site.

¹⁰ The Office of Open Government, in collaboration with the Office of Boards and Commissions, has conducted two trainings of all Board Points of Contact on the Open Meetings Act. OOG will train 13 of 176 boards and commissions by Oct. 1, 2013.

¹¹ OOG will conduct yearly citywide trainings of all District government agencies, and will perform agency specific trainings upon request.

¹² OOG will conduct 4 agency-specific FOIA trainings by Oct. 1, 2013. This percentage assumes there are 52 District agencies.

¹³ A transparency plan for the Council is included in the calculation.



FY 2015 PERFORMANCE PLAN

DC Board of Ethics and Government Accountability

MISSION

The Board of Ethics and Government Accountability (BEGA) is responsible for overseeing the Office of Government Ethics and the Office of Open Government. The Office of Government Ethics administers and enforces the District of Columbia Code of Conduct. The Office of Open Government enforces government-wide compliance with the D.C. Freedom of Information Act and the Open Meetings Act.

SUMMARY OF SERVICES

Specifically, BEGA is responsible for:

- Investigating alleged violations of the Code of Conduct, holding adversarial hearings and, where appropriate, levying sanctions;
- Issuing Advisory Opinions, providing “safe-harbor” for good-faith reliance on these opinions;
- Issuing Advisory Opinions on its own initiative;
- Conducting mandatory ethics training for District government employees;
- Updating and maintaining the District Ethics Manual;
- Receiving and reviewing public financial disclosure statements from public officials, except Advisory Neighborhood Commissioners, and, as of January 1, 2015, candidates for nomination for election, or election, to public office;
- Receiving and reviewing public financial disclosure certifications from Advisory Neighborhood Commissioners, and as of January 1, 2015, from candidates for nomination for election, or election, to public office;
- Receiving and auditing lobbyist registration forms, termination forms, and lobbyist activity reports;
- Enforcing the Open Meetings Act;
- Monitoring the District’s compliance with the Freedom of Information Act; and
- Assisting government agencies in the implementation of open government practices.

PERFORMANCE PLAN DIVISIONS

- Board of Ethics¹
- Office of Open Government

¹ The Board of Ethics consists of three Board Members. For the purposes of the FY15 Performance Plan, the Board of Ethics also includes the Office of Government Ethics staff, which includes the Director of Government Ethics, attorneys, investigators, and administrative support staff.



AGENCY WORKLOAD MEASURES

Measures	FY 2012 Actual ²	FY 2013 Actual ³	FY 2014 YTD ⁴⁵
Number of preliminary investigations opened based on tips to the hotline	NA	1	1
Preliminary investigations opened based on information provided in meetings/interviews	NA	5	NA
Preliminary investigations opened based on calls other than calls to the hotline	NA	4	NA
Preliminary investigations opened based on documents received, including emails	NA	27	NA
Preliminary investigations opened based on media reports/sources	NA	7	NA
Number of preliminary investigations of a possible violation of the Code of Conduct initiated	NA	43	NA
Number of formal investigations initiated	NA	18	NA
Number of preliminary investigations dismissed	NA	27	6
Number of formal investigations completed	NA	10	NA
Number of formal advisory opinions issued	NA	25	NA
Number of preliminary investigations opened based on information provided by means other than the hotline	NA	NA	20
Number of preliminary investigations converted to formal investigations	NA	NA	0
Number of preliminary investigations resolved with a negotiated disposition	NA	NA	1
Number of preliminary investigations resolved after an evidentiary hearing	NA	NA	1
Number of formal investigations initiated on intake	NA	NA	2
Number of formal investigations dismissed	NA	NA	3
Number of formal investigations resolved with a negotiated disposition	NA	NA	0
Number of formal investigations resolved after an evidentiary hearing	NA	NA	1
Number of formal written advisory opinions issued pursuant to a request	NA	NA	6
Number of formal written advisory opinions issued on the agency's own initiative	NA	NA	0
Number of request for informal ethics advice received from agency ethics officers and individual employees and public officials	NA	NA	363
Processing of FOIA Non-Compliance Complaints	NA	NA	1

² BEGA is a new government entity, which began operating in FY13. Therefore, the agency does not have historical data for prior fiscal years.

³ Data as of September 30, 2013.

⁴ FY14 YTD data is as of June 30, 2014.

⁵ BEGA changed all except for two of its Agency Workload Measures (AWM) for FY14. Therefore, no data was tracked for the previous year's AWM since new AWM were developed.



Board of Ethics

Summary of Services

The Board of Ethics receives, investigates, assesses, and adjudicates violations of the Code of Conduct; provides mandatory ethics training; issues rules and regulations governing the ethical conduct of employees and public officials; and provides for an anonymous and confidential receipt of information related to violations of the Code of Conduct or other information with regard to its administration or enforcement. The Board of Ethics is comprised of three Board Members. The Board also includes the staff of the Office of Government Ethics (OGE).

OBJECTIVE 1: Conduct timely and appropriate investigations and enforcement actions.

INITIATIVE 1.1: Hold weekly meetings with investigators and attorneys to discuss case progress.

The OGE will hold weekly meetings with staff to discuss progress on cases and to ensure that staff is receiving necessary guidance and feedback with regard to case development. Measurable success from one meeting to the next on given cases will be expected and targets for task completion will be set. **Completion Date: September 30, 2015.**

INITIATIVE 1.2: Develop an automated system by which demand letters for lobbyist fines are sent 30 days after a reporting period has ended.

The OGE will ensure that current software for lobbyist filing will include a feature that automatically generates demand letters for late filers and that those letters will be sent within 35 days of the end of a filing period. This will help ensure that all OGE administrative/ministerial enforcement actions are conducted timely and appropriately. **Completion Date: September 30, 2015.**

OBJECTIVE 2: Conduct mandatory training on the Code of Conduct and produce ethics training materials and a plain-language guide.

INITIATIVE 1.1: Develop a monthly newsletter for all District Government employees updating latest OGE actions as well as timely advice and guidance on matters of general interest.

The OGE will develop a monthly newsletter that will be distributed via email to District employees. The purpose of the newsletter will be to keep employees abreast of developments in the area of ethics. It will include a synopsis of OGE issuances for the previous month, public pending actions of note, and useful advice and guidance on matters of general interest. **Completion Date: September 30, 2015.**

INITIATIVE 1.2: Increase ethics training to District Government employees and public officials by working with DCHR to actively promote city-wide ethics trainings.

The OGE will expand its training component to include ethics training in a collaborative effort with DCHR. Currently OGE conducts ethics trainings on an invitation basis when an agency requests training. Holding monthly city-wide ethics trainings through DCHR will substantially increase the number of trainings and employees who receive training. **Completion Date: September 30, 2015.**



OBJECTIVE 3: Issue formal, written Advisory Opinions upon application made by an employee or public official subject to the Code of Conduct and issue, on its own initiative, an advisory opinion on any general questions of law it deems of sufficient public importance.

INITIATIVE 1.1: Conduct trainings based on formal advice requests to provide employees with a better understanding of the formal advice BEGA issues.

The OGE will add to its training offerings issues that arise with regard to formal advice issued. These examples and discussion topics during our regular training sessions will provide employees with concrete, reality based examples, of ethics principles and how they are applied in practice. **Completion Date: September 30, 2015.**

INITIATIVE 1.2: Tailor Trainings to Trending Issues in District Government Ethics.

The OGE will tailor its training offerings to trending ethics inquiries that result in the issuance of formal and informal advice. An example of this might be Post-employment matters that typically trend upward when there is to be an expected change in administrations or Hatch Act trainings during an election year. This will serve the dual purpose of informing employees of topical ethics issues as well as providing a forum for discussing and understanding OGE interpretations of these issues.

Completion Date: September 30, 2015.

KEY PERFORMANCE INDICATORS – Board of Ethics⁶

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 YTD ⁷	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Percent of formal written Advisory Opinions issued within 30 days of receipt of complete information from requestor.	NA	75%	100%	80%	80%	80%
Percent of investigations resolved by dismissal, negotiated disposition, or issuance of Notice of Violation within 90 days of initiation.	NA	60%	47.5%	65%	65%	65%
Percent of enforcement actions completed within 75 days (from issuance of the Notice of Violation to final order of the Ethics Board) ⁸	NA	75%	0%	80%	80%	80%

⁶ BEGA is a new government entity, created in FY13. Therefore, the agency does not have historical data for prior fiscal years.

⁷ FY13 YTD covers the period October 1, 2013, through June 30, 2014.

⁸ This KPI will be phased out in the FY16 Performance Plan.



Office of Open Government

SUMMARY OF SERVICES

The mission of the Office of Open Government (OOG) is to ensure that District Government operations at every level are transparent, open to the public and promote civic engagement. The OOG monitors the District's compliance with the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA).

OBJECTIVE 1: Promote Transparency and Open Government Policies.⁹

INITIATIVE 2.1: Develop and create partnerships with the community to inform the development of transparency policy.

In FY15, the OOG will engage community stakeholders to obtain their input in the development of transparency guidelines. Community stakeholders are in the best position to inform the government about the types of information they are seeking and how that information can promote civic engagement in government operations and the legislative process. OOG will conduct outreach to community stakeholders, establish a working group of community, nonprofit and IT professionals to offer input into the type of information that will be of the most utility to those living and working in the District. **Completion date: September 30, 2015.**

INITIATIVE 2.2: Ensure all BEGA related records are accessible and open to the public.

In FY15, the OOG will expand access to BEGA records, meetings and trainings through the use of online technologies. Technologies will include such tools as web streaming, interactive web-based trainings, and civic engagement tools allowing for public review and comment on the BEGA Best Practices Report. The development of policies are ongoing as OOG works to employ additional tools giving the public access to BEGA documents, trainings, etc. **Completion date: December 30, 2015.**

INITIATIVE 2.3: Develop an online portal providing the public access to frequently requested data and agency information.

In FY15, the OOG will develop Phase 2 of the OOG website¹⁰ to make it easier for residents and businesses to find frequently requested information. Information is sometimes buried on agency websites, requiring end-users to have a deep familiarity with government agencies. The purpose of the new OOG website will be to make commonly requested data and information easier to find. The new website will be in a format that engages end-users and promotes civic engagement.

Completion Date: January 30, 2015.

⁹ As referenced in Mayor's Order 2014-170 Transparency, Open Government and Open Data Directive.

¹⁰ Phase 1 of the website development was completed in FY '14. The first phase of development was to ensure the Office of Government Ethics had a robust platform for users to access advisory opinions, dispositions and ethics rules more easily. Additionally, Phase 1 of the site allowed users the ability to file ethics complaints online, and for administrative points of contact for boards and commissions to post meeting dates, notices and agendas.



OBJECTIVE 2: Ensure Compliance with the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA).

INITIATIVE 1.1: Develop online training courses on the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA).

The OOG will implement online training courses to be completed by agency FOIA Officers and Boards and Commissions Points of contact on the OMA. User progress and completion will be monitored by the OOG. **Completion Date: March 30, 2015.**

INITIATIVE 1.2: Develop policies and procedures to ensure compliance with the Open Meetings Act (OMA).

The OOG will develop policies and procedures to ensure compliance with the OMA. As part of this effort, the OOG will also work with the Executive Office of the Mayor, Office of Boards and Commissions to ensure all newly sworn board and commission members are trained on the procedural requirements of the OMA.

Completion Date: June 30, 2015.

KEY PERFORMANCE INDICATORS – Office of Open Government¹¹

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 YTD ¹²	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Percentage of Boards and Commissions trained on the Open Meetings Act	13%	50%	10.71%	25%	45%	65%
Percentage of Agencies trained on Freedom of Information Act ¹³	13% ¹⁴	80%	24.73%	65%	80%	80%
Percentage of public core documents accessible on the BEGA website.	95%	98%	100%	100%	100%	100%
Percentage of public core documents posted to the BEGA website within five business days	90%	98%	100%	100%	100%	100%

¹¹ The following KPI was removed in the FY15 Performance Plan but was not removed from the FY15 Budget book due to timing, “Percent of agencies with Transparency Plans and Guidelines.” Although initially contemplated as a measure which falls under OOG, it has since been determined to be unattainable.

¹² As of July 31, 2014.

¹³ OOG will conduct yearly citywide trainings of all District government agencies, and will perform agency specific trainings upon request.

TAB 14

TAB 15

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



December 31, 2013

The Honorable Vincent C. Gray
Mayor, District of Columbia
John A. Wilson Building, Ste. 316
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Chairman Phil Mendelson
Council of the District of Columbia
John A. Wilson Building, Ste. 504
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Re: BEGA Annual Best Practices Report

Dear Mayor Gray and Chairman Mendelson:

I am pleased to present you with the enclosed copy of the 2013 Best Practices Report of the Board of Ethics and Government Accountability (BEGA). The report caps BEGA's busy first full year of operations, and the experiences gained along the way have combined to inform the discussion in it of the specific questions the Ethics Act requires be addressed in an annual assessment to the Mayor and the Council, as well as the recommendations for legislative and programmatic action.

The report also reflects the lessons learned by the Office of Open Government (OOG) during the beginning of its operations this year. In it, you will find a discussion of the OOG Director's recommendations regarding the establishment of a comprehensive citywide open data and transparency policy, mediating FOIA disputes between requestors and District government agencies, and making changes to the Open Meetings Act.

A number of the recommendations in BEGA's first report are reflected in Bill 20-412, the "Universal Code of Conduct and BEGA Amendment Act of 2013", which is now pending before the Committee on Government Operations. Together with my fellow Board members, I urge that the measure be passed along to the full Council. Enacting this important piece of legislation will enable BEGA to better perform its statutorily mandated functions. In the same vein, we hope you find that the current report will also serve as a helpful guide in taking even further steps to

amend the Ethics Act and, in the process, continue to promote a culture of high ethical standards in District government.

Sincerely,


Robert J. Spagnoletti
Chairman
Board of Ethics and Government Accountability

Enclosure

Copies to:

Yvette Alexander, Council of the District of Columbia
Marion Barry, Council of the District of Columbia
Anita Bonds, Council of the District of Columbia
Muriel Bowser, Council of the District of Columbia
David Catania, Council of the District of Columbia
Mary Cheh, Council of the District of Columbia
Jack Evans, Council of the District of Columbia
Jim Graham, Council of the District of Columbia
David Grosso, Council of the District of Columbia
Kenyan McDuffie, Council of the District of Columbia
Vincent Orange, Council of the District of Columbia
Tommy Wells, Council of the District of Columbia
Nyasha Smith, Secretary to the Council
Brian K. Flowers, General Counsel to the Mayor
V. David Zvenyach, General Counsel to the Council

ANNUAL BEST PRACTICES REPORT

December 31, 2013

BEGA

BEGA Board

Robert Spagnoletti, Chairman ■ Deborah Lathen ■ Laura Richards

Directors

Darrin P. Sobin, Government Ethics ■ Traci L. Hughes, Office of Open Government

**BOARD OF
ETHICS AND
GOVERNMENT
ACCOUNTABILITY**

BEGA enforces ethics laws and the District of Columbia Code of Conduct. The Open Government Office is an independent office within BEGA that enforces the Open Meetings Act and monitors compliance with the Freedom of Information Act.

The Board of Ethics and Government Accountability (BEGA or Board) was established in 2012 to perform several important functions, including administering and enforcing the Code of Conduct.¹ The Board also is responsible for appointing the Director of the Office of Open Government (OOG).² The OOG, which began operations in April 2013, ensures greater government transparency through enforcement of the Open Meetings Act (OMA) and the Freedom of Information Act (FOIA).³

Now in its second full year of operations, BEGA has accomplished its core mission by investigating and enforcing Code of Conduct violations, conducting training sessions and producing training materials for District government employees and public officials, and giving advice, both informally and in formal written advisory opinions. The experience gained from those efforts has prepared BEGA well to meet another of its principal responsibilities – conducting an annual assessment of ethical standards for public employees and officials, including a review of national best practices of government ethics, and presenting recommendations for amending the Code of Conduct.⁴

The Board is required by the Ethics Act to address seven specific questions in the annual assessment. Those questions are whether the District should: 1) adopt local laws similar in nature to federal ethics laws; 2) adopt post-employment restrictions; 3) adopt ethics laws pertaining to contracting and procurement; 4) adopt nepotism and cronyism prohibitions; 5) criminalize violations of ethics laws; 6) expel a member of the Council for certain violations of the Code of Conduct; and 7) regulate campaign contributions from affiliated or subsidiary corporations. The Board may also make recommendations on any other matters it deems appropriate.

In anticipation of this report, the Board again directed its staff to conduct research and to reach out to government ethics experts and organizations, relevant District government officials, and the general public for advice and input. On October 3, 2013, the Board held a symposium on government ethics and transparency best practices. Members of the public participated, including several who formally presented their views orally or in writing.⁵

¹ See section 202(a)(1) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (Ethics Act), effective April 27, 2012, D.C. Law 19-124, D.C. Official Code § 1-1162.02(a)(1) (2013 Supp.). The Code of Conduct is defined in section 101(7) of the Ethics Act (D.C. Official Code § 1-1161.01(7)).

² See section 202(a)(2) of the Ethics Act (D.C. Official Code § 1-1162.02(a)(2)).

³ OMA is codified at D.C. Official Code § 2-571 *et seq.*, and FOIA is codified at D.C. Official Code § 2-531 *et seq.* Visit <http://www.bega.dc.gov/node/649852> for more information about OOG's mission and responsibilities.

⁴ See section 202(b) of the Ethics Act (D.C. Official Code § 1-1162.02(b)).

⁵ Visit <http://www.bega.dc.gov/node/700482> for minutes of the symposium and copies of the written statements that were submitted.

What follows is the Board's assessment of the seven specific questions, along with its recommendations and those of the OOG, for action to be taken by the Council and/or the Mayor.⁶

⁶ The Board wishes to note with appreciation that a number of the recommendations made in its first report are reflected in Bill 20-412, the "Universal Code of Conduct and BEGA Amendment Act of 2013", which is now pending before the Committee on Government Operations. Indeed, one of those recommendations is captured in a key provision in the bill to require the Board to submit proposed legislation codifying a Universal Code of Conduct, which would be "applicable to all employees and elected officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions, but excluding the Courts." Further discussion of the bill is contained in the text below.

1. SHOULD THE DISTRICT ADOPT LOCAL LAWS SIMILAR IN NATURE TO FEDERAL ETHICS LAWS?

In its first report, BEGA recommended that the standards in the federal ethics laws that are applicable to District government employees⁷ be incorporated into the Code of Conduct, so that BEGA could civilly enforce those standards on a local basis. One of the main reasons for the recommendation was that, by incorporating the standards, it would be clear that federal case law and interpretive opinions would apply to District employees, thereby allowing for clearer precedent and more consistent and predictable enforcement.

Further research⁸ and BEGA's experience since the first report have underscored the need to act on the recommendation. For example, an advisory opinion to a member of the Council on legislative recusal included an analysis of section 223 of the Ethics Act (D.C. Official Code § 1162.23) and 18 U.S.C. § 208(a), both of which deal with financial conflicts of interest. The analysis was somewhat involved, largely because the statutes are drafted with different language. The result, although supported by Justice Department interpretive guidance on section 208(a), could have been reached more directly if section 223 read in terms substantially similar to its federal counterpart.

To be clear, as was noted in the first report, there would be a significant downside to accepting the recommendation. Incorporating the federal standards would require continual monitoring of federal ethics laws and regulations to ensure that any future changes to them would be reflected locally through affirmative Council legislation and/or BEGA rulemaking. Even so, the approach would be less problematic than adopting the federal laws themselves by reference. Courts in most states have held that legislation that purports to adopt by reference not only laws in existence at the time the reference is made, but also subsequent changes to those laws, constitutes an unlawful delegation of legislative power.⁹ Further, judicial concerns aside, a recent BEGA experience illustrates

⁷ Those federal laws are: 5 U.S.C. § 3110 (nepotism); 5 U.S.C. § 4111 (acceptance of training, travel reimbursement from non-profits); 5 U.S.C. § 5531-38 (dual pay (federal and District governments)); 5 U.S.C. § 7342 (foreign gifts); 18 U.S.C. § 200 (aiding and abetting); 18 U.S.C. § 201 (bribes, illegal gratuities); 18 U.S.C. § 202 (definitions); 18 U.S.C. § 203 (compensation for representation in claims against the government); 18 U.S.C. § 205 (serving as agent/attorney in claims against the government); 18 U.S.C. § 207 (post-employment restrictions on former officers, employees and elected officials of the executive and legislative branches); 18 U.S.C. § 208 (financial conflicts of interest); 18 U.S.C. § 209 (compensation for performance of official duties); 18 U.S.C. § 216 (civil & criminal penalties); 18 U.S.C. § 219 (foreign agents); 18 U.S.C. § 601 (deprivation of employment); 18 U.S.C. § 602 (solicitation of political contributions); 18 U.S.C. § 610 (coerced political activity); and 18 U.S.C. § 1913 (lobbying).

⁸ See, e.g., *McReady v. Department of Consumer & Regulatory Affairs*, 618 A.2d 609, 615 (D.C. 1992) ("When the provisions of a federal statute are substantially adopted by the Council, it is presumed that the Council intends to adopt the known and settled judicial interpretations of that statute as well.").

⁹ See F. Scott Boyd, *Looking Glass Law: Legislation by Reference in the States*, 68 La. L. Rev. 1201, 1255 n.228 (2008) (collecting cases). The rationale reflected in the decisions is that the legislating body has "allowed

the limited potential usefulness of adopting the federal ethics laws by reference. In preparing an advisory opinion to several Councilmembers on blind trusts, the Director of Government Ethics found that, currently, there is no provision in the federal regulations pursuant to which a District government employee can even establish such a trust as some measure of protection against the conflict of interest prohibitions in 18 U.S.C. § 208. In other words, there is a “disconnect” between the statute, which covers District employees, and the relevant implementing regulations, which do not.

Unless and until Congress acts to remove District government employees from the scope of the federal ethics laws – action which BEGA considers to be well worth pursuing given the passage of the Ethics Act – this recommendation should be adopted, although in revised fashion, by having BEGA incorporate the federal standards into the provisions of the Universal Code of Conduct. The Council’s intent to adopt the standards, together with existing interpretive opinions, easily could be reflected in the committee report accompanying the legislation codifying the Universal Code. This at least will achieve the long sought goal of subjecting District officials and employees to one set of ethics standards rather than multiple and perhaps conflicting standards.

2. SHOULD THE DISTRICT ADOPT POST-EMPLOYMENT RESTRICTIONS?

In its first report, BEGA recommended substituting appropriately applicable post-employment restrictions contained in 18 U.S.C. § 207 (amended to provide for only civil penalties) for the standards currently in 6B DCMR § 1814, both of which provisions cover almost all District government employees.

For the reasons discussed in the previous section, BEGA believes that the recommendation should still be adopted, but by incorporating the federal standards into the provisions of the Universal Code of Conduct.

On a related note, BEGA also recommends that 6B DCMR § 1814.2 be amended. It currently provides that “[section] 1814 is intended to be in conformity with the provisions of 18 U.S.C. § 207 and implementing regulations” and that, if there is any conflict between the provisions of section 1814 and the provisions of 18 U.S.C. § 207 and implementing regulations, “the latter provisions control.” Unfortunately, the citation to the implementing regulations is out-of-date; they are now contained in 5 C.F.R. parts 2637 and 2641. Section 1814.2 should, then, be amended accordingly.

3. SHOULD THE DISTRICT ADOPT ETHICS LAWS PERTAINING TO CONTRACTING AND PROCUREMENT?

In its first report, BEGA recommended that it be authorized to investigate allegations of, and enforce penalties for, violations of ethical standards related to contracting and procurement and that such standards be made part of the Code of Conduct. BEGA requested the opportunity to continue its

future amendment of the governing law to occur without the exercise of its discretion and so has abdicated its assigned role.” *Id.* at 1257.

research regarding best practices in this area, so as to be able to propose specific provisions for inclusion in the Code.

Research conducted to date strongly suggests the need for a coordinated programmatic and legislative approach in this area. On a program level, BEGA should partner with the Office of Procurement Integrity and Compliance (OPIC) in the Office of Contracting and Procurement (OCP), to further ensure that ethics laws are enforced as part of policing the District's contracting and procurement practices. OPIC was established in 2007 to perform procurement-related audits, contract reviews, and contract compliance monitoring, as part of its responsibility to detect internal and external fraud, waste, and abuse in procurement operations. To that extent, OPIC serves as the principal liaison between OCP and the District's Office of the Inspector General (OIG). OPIC's internal auditors must follow the Code of Ethics of the Institute of Internal Auditors. OCP also requires all of its employees to adhere to an agency-wide Code of Ethics.

BEGA recommends that OPIC's mission be expressly modified to the extent that it be required to report matters involving government ethics-related violations to BEGA for enforcement. Matters involving fraud, waste, and abuse should continue to be reported to OIG.

BEGA also recommends that it incorporate all relevant provisions of OCP's Code of Ethics into the Universal Code of Conduct and that it and OCP work together to provide comprehensive and on-going ethics training for all OCP employees.

To augment those programmatic efforts, BEGA recommends that the Council amend Chapter 2 (Contracts) of Title 2 of the D.C. Official Code to require that all contracts with the District, as well as all government-assisted projects that the District administers, contain an acknowledgement by contractors/vendors and project beneficiaries that they are subject to BEGA's authority under the Ethics Act. The requirement would be similar to, for example, those existing provisions requiring First Source employment agreements (see D.C. Official Code § 2-219.03) or contract terms related to the living wage (see D.C. Official Code § 2-220.04). Moreover, the new provision would send the message that requiring the highest ethical standards in contracting and procurement is as important to the District as purchasing quality goods and services in a timely manner and at a reasonable cost.

4. SHOULD THE DISTRICT ADOPT NEPOTISM AND CRONYISM PROHIBITIONS?

In its first report, BEGA made several recommendations related to nepotism. The first was that the standards in section 1804 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA) (D.C. Official Code §1-618.04) be included in the Code of Conduct, so that BEGA could investigate and enforce violations of the nepotism prohibitions (concurrently with the District's Department of Human Resources) as potential government ethics infractions. Second, BEGA recommended that the Council consider expanding nepotism prohibitions, as has been done in other jurisdictions, to include indirect action that creates the appearance of a nepotism-based conflict of interest. Third, it recommended that the Council consider adopting a broader definition of the term "relative" in D.C. Official Code §1-618.04(d)(2) to include individuals in romantic and cohabitant

relationships, domestic partners, and foster children. Last, BEGA recommended against allowing nepotism waivers.

BEGA stands by these recommendations, the only refinement being that the nepotism-related standards and the expanded definition of “relative” be incorporated into the Universal Code of Conduct.

BEGA made no specific recommendations related to cronyism, noting a dearth of statutory authority on the issue elsewhere. Subsequent research has not changed this view.

5. SHOULD THE DISTRICT CRIMINALIZE VIOLATIONS OF ETHICS LAWS?

In its first report, BEGA recommended that the Council criminalize the conflict of interest provisions in section 223 of the Ethics Act (D.C. Official Code § 1-1162.23) and the contingent fees provision in section 416 of the Procurement Practices Reform Act of 2010 (D.C. Official Code § 2-354.16).¹⁰ In short, because violations of those two statutes substantially threaten the public trust, and for the other reasons discussed in the first report, BEGA continues to see the need for the Council to act on this recommendation.

BEGA also recommended that section 215 of the Ethics Act (D.C. Official Code § 1-1162.15) be changed so that the Ethics Board, after presentation of evidence in an open and adversarial hearing, may both levy a penalty in accordance with section 221 of the Act and refer the matter to the Office of the Attorney General for the District of Columbia (OAG) or to the United States Attorney for the District of Columbia (USAO) for enforcement or prosecution. BEGA is very pleased that this recommendation is reflected in Bill 20-412, now pending before the Committee on Government Operations, and urges that the measure be passed along to the full Council for approval.

BEGA also recommended that it be within the Board’s discretion to include its agreement not to refer a matter for criminal prosecution as a term of the negotiated resolution of any matter before it. BEGA makes this recommendation again, but notes that, if OAG or USAO should decide on its own to prosecute a matter, BEGA will cooperate in the effort.

¹⁰ Section 416(a) provides that “[a] contractor shall not offer to pay any fee or other consideration that is contingent on the making of a contract.”

6. SHOULD A MEMBER OF THE COUNCIL BE EXPELLED FOR CERTAIN VIOLATIONS OF THE CODE OF CONDUCT?

In its first report, BEGA recognized the importance of being able to investigate alleged ethical violations by the District's public officials and to publicly censure them for proven violations, but left to the Council itself the ability to exercise its Home Rule Act authority to expel one of its members.¹¹

BEGA stands by that position, but, with this report, recommends that Rules 651(a) and 652(a) of the Council's Rules of Organization and Procedure for Council Period 20 (and any substantively similar rules adopted in future Periods) be amended to provide that the establishment of an ad hoc committee following a Board censure be discretionary, rather than mandatory, as is the case now.¹²

7. SHOULD THE DISTRICT REGULATE CAMPAIGN CONTRIBUTIONS FROM AFFILIATED OR SUBSIDIARY CORPORATIONS?

In its first report, BEGA noted the close connection between government ethics and campaign finance regulation and recommended that the Council consider the campaign finance bills then pending before it with certain ethical principles in mind. One of those principles is that campaign finance activities be open and transparent.

At this writing, BEGA is pleased and encouraged that the Council's efforts in this area have continued. Several pending bills have been the subject of public hearings.¹³ Another, Bill 20-76, the "Campaign Finance Reform and Transparency Amendment Act of 2013", passed on first reading on November 5, 2013. Significantly, Bill 20-76 would define the term "business contributor" to mean "a business entity making a contribution and all of that entity's affiliated entities."¹⁴ Among other things, the bill also would require the reporting of bundled contributions, authorize the Director of Campaign Finance to require that all reports filed with the Board of Elections (BOE) be filed online, require political action committees and independent expenditure committees to file reports, and prohibit making any contribution in the form of cash or money order which, in the aggregate, exceeds \$100 in any one election to any one political committee or political action committee.

¹¹ See section 401(e) of the Home Rule Act (D.C. Official Code § 1-204.01(e)) (authorizing the Council, by a 5/6 vote of its members, to expel a member for the "most serious" violations of law, "including those violations that substantially threaten the public trust").

¹² Rule 652(a), for example, currently provides that "[a]n ad hoc committee *shall be established* by the Council within 72 hours of a censure of one of its members by the Ethics Board, or as soon as practicable." (Emphasis added.)

¹³ See, e.g., Bill 20-03, the "Comprehensive Campaign Finance Reform Amendment Act of 2013", Bill 2-25, the "Campaign Finance Reform Amendment Act of 2013", and Bill 20-37, the "Campaign Finance Reform, Transparency and Accountability Amendment Act of 2013".

¹⁴ The bill would also define the term "affiliated entity" to mean "each business entity that is related to an entity by virtue of one of the following relationships: (A) One of the entities owns or controls the other; or (B) The entities share an owner or controller, whether that owner or controller is another entity or an individual."

BEGA will continue to monitor the Council's continuing efforts in the area of campaign finance reform, standing ready to provide input and make recommendations when requested.

ADDITIONAL RECOMMENDATIONS OF THE OFFICE OF GOVERNMENT ETHICS

1. **Clarification of term "Candidate" for purposes of Financial Disclosure Statement Filings.** The Council should amend section 101(6) of the Ethics Act (D.C. Official Code § 1-1161.01(6)) to refine the definition of "candidate" to include only successful candidates or, alternatively, only candidates who appear on the ballot. The current definition is so broad that it includes, for example, individuals who obtain a nominating petition from the Office of Campaign Finance (OCF), but do not thereafter obtain any signatures, announce their candidacy, or file anything with OCF at all. Also, BEGA already has learned from experience that, once a candidate loses, it is nearly impossible to track him or her down a year or more after the election. The enforcement difficulties stemming from that reality are only compounded by the fact that many candidates do not know that they must file a personal financial disclosure statement, even if they lose the election, and records are consequently lost or destroyed. With the kind cooperation of the BOE, BEGA is taking steps to apprise candidates of their financial disclosure responsibilities by including information in the BOE's nominating petition package. However, an amendment narrowing the definition, preferably to one encompassing only successful candidates, would greatly facilitate enforcement efforts.
2. **Tightening Requirement to File Financial Disclosure Statement When Circumstances Change.** The Council should amend section 224 of the Ethics Act (D.C. Official Code § 1-1162.24) by adding a new subsection to require that Financial Disclosure filers file an amended Financial Disclosure form when an actual conflict of interest arises. Currently, the filer is not be required to report the actual conflict of interest until he/she files his/her Financial Disclosure form for the following year. Creating an affirmative duty to report an actual conflict of interest when the actual conflict of interest arises would greatly aid BEGA's ability to audit Financial Disclosure reports, as required by D.C. Official Code § 1-1162.24(g). Additionally, an affirmative duty to report an actual conflict of interest when it arises also would aid superiors in the executive and legislative branches, who would then be aware of the conflicts of interest of their subordinates, and could manage their subordinate's responsibilities accordingly.
3. **Authority to Impose Fines.** BEGA should have the authority to fine all non-government candidates up to \$2,000 for failing to file a financial disclosure statement, as opposed to having to pursue the matter by means of an evidentiary hearing.
4. **Expanding Definition of "Conflict of Interest."** The Council should amend section 223(a) of the Ethics Act (D.C. Official Code § 1-1162.23(a)) to include financial, as well as non-financial, conflicts of interest. As one commentator has observed, "many if not most local government ethics codes limit the definition of 'conflict of interest' to situations where an official's interest involves money. But there are many personal interests that create a conflict, even though no

money is involved.”¹⁵ To illustrate the point with a local example, currently, an ANC Commissioner who serves on a neighborhood Civic Association can represent the association before his or her own ANC, while simultaneously voting on an association-related matter as an ANC Commissioner with no prohibition, as long as there is no financial conflict of interest. Section 223(a), therefore, could be amended to read as follows:

No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee’s personal or financial interests or the financial interests of a person closely affiliated with the employee.¹⁶

5. ***Barring Non-Compliant Lobbyists from Registering.*** The Council should amend section 229 of the Ethics Act (D.C. Official Code § 1-1162.29) by adding a new subsection to provide that a registrant cannot file an annual registration form without clean hands. The provision would operate in similar fashion to D.C. Official Code § 47-2862, which prohibits the District from issuing licenses or permits to any applicant who owes more than \$100 to the District for certain fines, penalties, assessed interest, past due taxes, or service fees. In the case of lobbyists, the prohibition would apply if the registrant had failed to file any required registration forms or activity reports for prior periods, or if the registrant owed BEGA more than \$100 because of unpaid fines or registration fees. It should be noted that in years past, OCF permitted non-compliant lobbyists to register and file forms and reports. It is unclear, however, whether this was a policy decision or whether this was done because OCF felt, as does BEGA, that it does not currently have statutory authority to prevent a noncompliant lobbyist from registering.
6. ***Electronic Filing for Lobbyists.*** The Council should amend section 230 of the Ethics Act (D.C. Official Code § 1-1162.30) to authorize BEGA to charge a \$100 administrative fee for lobbyists who file paper activity reports. Currently, BEGA’s administrative staff is overwhelmed when lobbyists file paper activity reports and accompanying attachments. The information must be entered manually into a database, thereby increasing the risk of making errors. An

¹⁵ Robert Wechsler, *Personal, Non-Financial Interests* (Feb. 7, 2009, 3:56 PM) <http://www.cityethics.org/node/635> (last visited Nov. 20, 2013).

¹⁶ Cf. section 1802 of the CMPA (D.C. Official Code § 1-618.02) (“No employee, member of a board or commission, or a public official of the District government shall engage in outside employment or private business activity or have any direct or indirect financial interest that conflicts or would appear to conflict with the fair, impartial, and objective performance of officially assigned duties and responsibilities.”); Canon 2(B) of the Code of Conduct for United States Judges (“A judge should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgment.”).

administrative fee would encourage electronic filing, thereby cutting down on the amount of documents that have to be stored, and reduce administrative strain.

7. **Clarifying Reporting Requirements for Lobbyists who do not Engage in Lobbying Activities During a Particular Reporting Period.** The Council should amend section 230(c) of the Ethics Act (D.C. Official Code § 1-1162.30(c)) to clarify that a registered lobbyist must file an activity report even if he or she engaged in no lobbying activity during the reporting period. The provision currently states that “[e]ach registrant who does not file a report required by [section 230] for a given period is presumed not to be receiving or expending funds that are required to be reported under this part.” Although we do not interpret this as relief from the filing requirement for temporarily dormant lobbyists, the amendment would resolve the arguable ambiguity in the statute, which one late filer raised as “good cause” in his request that the Board waive the penalty for a late-filed activity report. Moreover, the alternative interpretation – that activity reports need only be filed when activity during the reporting period has occurred -- has the potential to be a problem for our auditors because it is impossible to distinguish between a non-compliant lobbyist and one who did no lobbying for the reporting period without contacting each one individually and receiving only verbal confirmation. If no lobbying activity occurred during a particular reporting period, it should not be too much of a burden for the lobbyist to simply file a form stating so.

8. **Clarifying that Lobbyists Should be Prohibited from Serving on Certain Boards and Commissions.** The Council should amend section 231(f) of the Ethics Act (D.C. Official Code § 1-1162.31(f))¹⁷ to clarify that lobbyists who are required to register pursuant to the Act are prohibited from serving on certain boards and commissions. The Board considered the need for legislation on this issue during several public meetings this year.¹⁸ Based on staff input, it determined that lobbyists should be prohibited from serving on those boards and commissions that perform quasi-judicial or rulemaking functions, or that exercise certain other types of authority (e.g., licensing, contracting, or grant-making). The Board nevertheless decided to solicit public opinion as well, and did so by inviting comments in conjunction with the symposium held in October. Informed by those comments and any further staff research, the Board anticipates presenting a proposed legislative package to the Council on this issue in the early part of next year.

9. **Concurrent Criminal/Civil Jurisdiction over Lobbyists.** The Council should amend section 232(a) of the Ethics Act (D.C. Official Code § 1-1162.32(a)) to authorize BEGA to exercise concurrent civil jurisdiction to enforce Part E (Lobbyists) of the Act.¹⁹ In keeping with the

¹⁷ Section 231(f) currently provides that, with certain exceptions, “[n]o public official shall be employed as a lobbyist while acting as a public official.”

¹⁸ Visit <http://bega.dc.gov> for the minutes of those meetings.

¹⁹ Section 232(a) currently provides that violations of Part E are punishable by a fine of not more than \$5,000, imprisonment for not more than 12 months, or both.

general principle that the District should be able to regulate and enforce its ethics laws, this recommendation is meant to extend BEGA authority over non-compliant lobbyists. Perhaps an oversight when the Ethics Act was adopted, but the only penalty available to punish lobbyists who violate the Ethics Act is a criminal penalty, which essentially means that only the USAO can act (the potential sanction of incarceration *and* a fine removes it from the purview of the District's Attorney General). In the past, there has been criticism that the USAO has declined to pursue District matters that it deems to be minor. By extending jurisdiction to include both civil and criminal penalties, less serious offenses could be pursued by BEGA while the more serious violations could be left to the USAO. The Council also should amend section 232(b) or add a new subsection permitting BEGA to bar registrants from engaging in any lobbying activity for a period of up to 2 years following a Board finding of a Code of Conduct violation.

10. ***Prohibiting Gifts from Lobbyists.*** The Council should amend Rule III(e)(1) of its Code of Official Conduct to prohibit soliciting or accepting *any* gifts from lobbyists. The Rule currently prohibits “[s]olicit[ing] or accept[ing] anything of value from a registered lobbyist that is given *for the purpose of influencing the actions of the employee in making or influencing the making of an administrative decision or legislative action.*” (Emphasis added.) Gifts from lobbyists should be avoided, no matter the value (lobbyists are in the business of attempting to influence legislative activity in order to obtain results for their clients). Soliciting or accepting gifts from lobbyists – for whatever purported purpose – creates, at a minimum, the appearance of impropriety and, therefore, should be prohibited.

11. ***Providing Consistency in Definition of the term “Employee” for Purposes of Code of Conduct Coverage.*** The Council should amend section 301(7) of the CMPA (D.C. Official Code § 1-603.01(7)) to include in the definition of “employee” both paid and unpaid individuals who perform functions for the District government. The term currently is defined as meaning, “except when specifically modified by [the CMPA], an individual who performs a function of the District government and who receives compensation for the performance of such services.” Amending the definition would serve to clarify that ANC Commissioners and some boards and commissions members are covered by the Code of Conduct. As noted in BEGA’s first report, a substantial number of employees are subject to the Code of Conduct pursuant to the District Personnel Manual (DPM), which, in turn, incorporates the CMPA by reference. However, ANC Commissioners and some boards and commissions members are not covered by the DPM because they serve without compensation.²⁰ Amending the definition would, then, close the gap in coverage as between compensated District government employees and uncompensated public officials.²¹

²⁰ It should be noted that, while the DPM does not cover unpaid boards and commissions members for the most part, it does cover them for purposes of post-employment restrictions, see 6B DCMR § 1814.1

²¹ Amending the CMPA definition of “employee” also would conform with a section of Bill 20-412, which would amend the Ethics Act by adding a new section to provide that the Code of Conduct “shall apply to all employees and elected officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions, but excluding the Courts.”

12. **Mandatory Annual Ethics Training for all District Government Officials and Employees.** BEGA's duty to conduct mandatory training on the Code of Conduct²² should be reflected in an official policy in both the executive and legislative branches that ethics training be required annually for all District government employees. Ethics is a fluid subject area, and yearly training to keep pace with developments is a best practice followed in other jurisdictions. The training could be done in person or via a webinar, so as to make it as convenient and accessible as possible. Either way, BEGA would need more funds for staff and the development of the webinar and other training materials.

13. **BEGA Office Location.** BEGA should be headquartered in the John A. Wilson Building. When the Council passed the Ethics Act, its ultimate goal was "to restore the public's trust in its government." Report of the Committee on Government Operations on Bill 19-511, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Act of 2011, at 2 (Council of the District of Columbia, December 5, 2011). BEGA was seen as the centerpiece of the legislation. "Most importantly, the bill will establish a new entity charged exclusively with administering and enforcing the new and enhanced [ethics] laws and the code of conduct." *Id.* Cost and other practical considerations notwithstanding, relocation to the Wilson Building would accord with the Council's vision for BEGA by establishing for it a real "presence" in the seat of local government.

²² See section 202(a)(5) of the Ethics Act (D.C. Official Code § 1-1162.02(a)(5)).

Unlike BEGA, the OOG is not statutorily required to conduct and present a yearly assessment of the District's compliance with government transparency. Nevertheless, so as to make this report as comprehensive as possible, the OOG Director was required by the Board to make recommendations regarding the feasibility of 1) establishing a comprehensive citywide open data and transparency policy; 2) modifying the OOG's mission so as to better align its FOIA and OMA enforcement functions; and 3) enforcing OMA under the Code of Conduct.

Below are the OOG's recommendations on best practices, as the District looks toward implementing a sustainable open government and transparency policy. Any such policy must contemplate cross-connections with FOIA and a more robust OMA to ensure the public's ability to gain greater access to its government in a more efficient and streamlined manner.

COMPREHENSIVE CITYWIDE OPEN DATA AND TRANSPARENCY POLICY

The District of Columbia is in a prime position to establish a transparency and open data policy which contemplates not only proactive disclosure of agency operations, but disclosure of data in a manner that will improve city services, lead to greater government accountability, and promote innovative uses of technology that will make government more efficient and responsive to the needs of District residents.

Long before President Barack Obama issued the *Memorandum on Transparency and Open Government*,²³ the District was among the earliest jurisdictions to establish criteria for the online publication of high-value data sets,²⁴ creating an online data portal of not all, but some, District agency data. The posting of the data has since evolved into a catalog of 459 data sets from multiple District agencies.²⁵ The data, however, is not published real-time, but posted in formats that are largely static and far from adaptable. Operational data is provided through the Office of the City Administrator agency data reports of select agencies (Department of Transportation, Metropolitan Police Department, Office of Tax and Revenue and the Citywide Call Center).²⁶ Agency-specific budget and performance

²³ The memorandum was published at 74 Fed. Reg. 4685 (January 26, 2009) and is also available at http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment.

²⁴ See 2006 Memorandum from then-City Administrator, Robert Bobb, requiring certain agencies to stream certain bulk data sets through DCStat (available at http://www.scribd.com/fullscreen/26442622?access_key=key-20rfsh26eu0ob66xlbm). Instituted in 2004, DCStat was managed by the Office of the Chief Technology Officer (OCTO) "to provide key information about city conditions from multiple agencies/sources in a real time basis to facilitate accountable, cost-effective, data-driven, customer focused management."

²⁵ See <http://data.dc.gov>.

²⁶ See <http://oca.dc.gov/page/agency-data-reports>.

data is supplied through the District's Track DC portal.²⁷ The data appearing on the Track DC site is a prime example of how data can be aligned with strategic goals. Residents may submit feedback on agency responsiveness through Grade DC.²⁸

It is obvious from the outset that the District is well-intentioned about making data publicly available and providing online tools to encourage public input. However, it has fallen short by failing to establish an open data and transparency policy which mandates open formats for government data, ongoing data publication updates, code sharing or publication in open source, and establishing independent oversight authority to ensure compliance with new open data measures. The District government's many disparate sites must be contained in such a way to offer the public access to malleable data that is both current and useful.

Any open government and transparency policy adopted by District leaders must be memorialized in the form of legislation directing implementation, compliance processes, and enforcement. Transparency of government operations and open data need not be mutually exclusive. Technology and its common uses by the public to gain access to information about the government goes far beyond FOIA requests and the proactive disclosure of certain records.²⁹ The release of data must be dictated as much by service delivery as by accountability.³⁰

Machine Readable Data

On May 9, 2013 President Obama issued Executive Order 13642, *Making Open and Machine Readable the New Default for Government Information*.³¹ The memorandum requires federal agencies to establish protocols for collecting, managing, and creating structured data in a format which will allow for ease of down-streaming, searching, and sorting. Open data formats include JavaScript Object Notation (JSON), Extensible Markup Language (XML), Comma-Separated Values (CSV), Tab-Separated Values (TSV), RDF Site Summary (RSS feeds), HTML, and plain text.³²

²⁷ See <http://track.dc.gov>.

²⁸ See <http://grade.dc.gov>.

²⁹ D.C. Official Code § 2-531 mandates the proactive disclosure of administrative staff manuals, final orders and opinions, statements of policy, contracts, budgets, etc. See also Mayor's Memorandum 2011-1 *Transparency and Open Government Policy*, which expands public access to documents and errs on the side of releasing exempted information under DC FOIA if is not harmful to public interest (<http://www.dcfpi.org/wp-content/uploads/2011/01/2011-1-mayors-memorandum-re-transparency-and-open-government-policy.pdf>).

³⁰ Harlan Yu and David G. Robinson, *The New Ambiguity of Open Government*, 59 UCLA L. Rev. Disc. 178, 182 (2012).

³¹ The Executive Order was published at 78 Fed. Reg. 16129 (May 14, 2013) and is also available at <http://www.whitehouse.gov/the-press-office/2013/05/09/executive-order-making-open-and-machine-readable-new-default-government>.

³² Both the House and Senate have passed Digital Accountability and Transparency Acts (H.R. 2061 and S.994) to amend the Federal Funding Accountability and Transparency Act 2006 to expand the release of

Supplying bulk data in these formats proactively distributes data and will encourage public engagement.³³ The format provisions defining the scope of the data must be determined by OCTO.³⁴

The use of the term “data” also encompasses the body of electronic documents that are currently proactively disclosed pursuant to D.C. Official Code § 2-536 and are maintained by each agency according to its respective document retention schedules.³⁵ Policy direction implementing standard data formats should be in alignment with FOIA and the public policy of the District that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.

Mandate Ongoing Data Updates

Once standards have been established for maintaining bulk data and disseminating the data in structured formats, there must be a process in place for the continual update of the data. For example, the New York City Information Technology and Telecommunications Open Data Policy and Technical Standards Manual specifically addresses the maintenance of data and identification of *open data coordinators* in each city agency to identify the delivery of data sets to a single web portal.³⁶

Creating an Open Data Policy

A specific authority should be identified to ensure agency compliance with open data policy. Compliance monitoring practices should be established in coordination with OCTO, and consideration should be given to identifying key positions within OCTO to be solely focused on data. It is not

federal spending data in structured data formats. See Sunlight Foundation, *House keeps DATA Act Momentum Moving* (<http://sunlightfoundation.com/blog/2013/11/19/house-keeps-data-act-momentum-moving/>).

³³ The City of New York is the gold standard in implementing policy and standards governing the publication of open data. Its open data policy (Local Law 11) was signed into law on February 29, 2012 (http://www.nyc.gov/html/doitt/html/open/local_law_11_2012.shtml) and has since spurred public private partnerships with the local tech and digital communities that have tapped into the city’s Application Programming Interfaces (APIs) in innovative ways that are benefiting city operations and residents. See, for example, <https://data.cityofnewyork.us>.

³⁴ Although bulk data provides the most basic access to searching and retrieving government data, government bodies can also develop APIs that allow third parties to automatically search, retrieve, or submit information directly from databases online. See Open States Project at <https://code.google.com/p/openstates/wiki/StateBestPractices>.

³⁵ See 1 DCMR § 1508. However, it should be noted that many agencies have failed to update document retention schedules for many years and, in some instances, for decades. In coordination with the OOG, OCTO, and the Office of Public Records, document retention schedules must address documents maintained in hard, electronic, and data formats and should be reviewed every two years to ensure that maintenance schedules are harmonized with technological advances in document access.

³⁶ The manual is available at http://www.nyc.gov/html/doitt/downloads/pdf/nyc_open_data_tsm.pdf.

uncommon for jurisdictions to assign policy adoption and oversight responsibility to an independent body with specific open government mandates.³⁷

Any open data policy must be forward thinking and include the input of not only each city agency, but also the community to (1) identify the data that will be made available; (2) create a process for scrubbing confidential information or personal identifiers; (3) create a process for ensuring data quality; (4) set out the goals of the policy; (5) clearly define means by which the policy will be regulated; (6) establish criteria for public collaboration with developers; (7) consider channels to share data among neighboring jurisdictions; and (8) publish a comprehensive list of all data sets.

It is encouraging that much of the work has been done to identify bulk data sets and to create dashboards for some agencies, but it is not enough that these dashboards exist for agency use only. They also must be available for public access. An agreed upon policy must encourage agency directors to overcome a culture of non-disclosure outside the confines and strictures of the city's FOIA. An effective open government, open data, and transparency plan can benefit government in numerous ways by improving agency productivity, enhancing city services, and encouraging entrepreneurship.

OFFICE OF OPEN GOVERNMENT PROCESS FOR MEDIATING FREEDOM OF INFORMATION ACT DISPUTES AMONG REQUESTERS AND AGENCIES

Currently, there is no formal process by which the OOG may mediate FOIA disputes. D.C. Official Code § 2-593(c) allows the OOG to issue advisory opinions, but there is no language in the statute that either gives binding effect to the opinions or directs parties to follow an established process to seek formal opinions.

In the federal government, the Office of Government Information Services (OGIS)³⁸ has the authority to arrange mediation to resolve FOIA disputes,³⁹ but is only in the process of drafting procedures for

³⁷ There are several open data policies that are instructive and approach policy establishment and compliance in different ways. For example, the federal government's Recovery Accountability and Transparency Board is a non-partisan, non-political agency tasked with managing FederalTransparency.gov in accordance with its mission: "To promote accountability by coordinating and conducting oversight of Recovery funds to prevent fraud, waste, and abuse and to foster transparency on Recovery spending by providing the public with accurate, user-friendly information."

The City of Chicago established an advisory group to bring organizational structure to the city's existing open data program. See http://www.cityofchicago.org/city/en/narr/foia/open_data_executiveorder.html).

New York State has a Committee on Open Government that oversees its FOIA statute, Open Meetings Act, and the Personal Privacy Protection Law. In 2012, the committee issued a report to the governor and legislature recommending the publication of open data sets as a natural extension of proactive disclosure requirements under FOIA. See <http://www.dos.ny.gov/coog/pdfs/AnnualReport.pdf>).

³⁸ OGIS is responsible for reviewing policies and procedures of administrative agencies under FOIA and for recommending policy changes to Congress and the President to improve the administration of FOIA.

³⁹ See <https://ogis.archives.gov/about-ogis/ogis-procedures.htm#Mediation>.

issuing advisory opinions.⁴⁰ Mediation proceedings are conducted in accordance with Administrative Dispute Resolution Act guidelines, but OGIS affirmatively acknowledges that reduction in FOIA litigation must first begin with changing the internal processes among federal agencies by encouraging open lines of communication among FOIA officers and staff, agency counsel, and ADR-trained professionals when responding to FOIA requests and by proactively interacting with requesters.⁴¹

In some states, dispute resolution and the issuance of advisory opinions are regulated by statute. For example, in Connecticut, the Freedom of Information Commission has authority to resolve FOIA disputes in formal contested hearings.⁴² In Illinois, Public Access Counselors in the Office of the Attorney General resolve disputes.⁴³

In fiscal year 2012, 6,008 FOIA requests were made of District government agencies. Of that number, there were 86 administrative appeals and 49 reported lawsuits – 33 of which were from the same plaintiff.⁴⁴ Such a small percentage of lawsuits does not warrant a formal mediation process, but does call for the option of having requesters lodge an administrative appeal with the OOG and for that process to be clearly defined as part of the OOG's enforcement authority. The issuance of any opinions should be binding and offer safe harbor to an agency, as is the case for opinions provided by BEGA. Considering that the volume of administrative FOIA appeals is relatively large compared to the number of contested ethics hearings conducted to date by the Board, it is not the OOG's recommendation that procedures for contesting hearings be undertaken at this time.

OPEN MEETINGS ACT ENFORCEMENT UNDER THE CODE OF CONDUCT

The OOG recommends that OMA be made part of the Code of Conduct. Pursuant to D.C. Official Code § 2-579, the OOG currently has the authority to bring a lawsuit in the Superior Court of the District of Columbia for injunctive or declaratory relief for OMA violations. If the court finds that that a member of a public body engages in a pattern or practice of willfully participating in one or more closed meetings in violation of OMA, it may impose a civil fine of not more than \$250 for each violation. That sum is *de minimis* at best and does not serve as a deterrent, as would a civil penalty of up to \$5,000 imposed by the Board pursuant to section 221 of the Ethics Act (D.C. Official Code §

⁴⁰ See <https://ogis.archives.gov/about-ogis/ogis-procedures.htm#Advisory+Opinions>.

⁴¹ See *OGIS Policy Recommendations for Improving Freedom of Information Act Procedures March 13, 2013* at <https://ogis.archives.gov/Assets/OGIS+2013+Recommendations.PDF>.

⁴² See C.G.S.A. § 1-205(d).

⁴³ Public Access Counselors may choose to resolve a request for review by mediation, or by means other than issuance of a binding opinion. Should an agency be found to violate the Act, it may seek administrative review by the Court. See 5 ILCS 140/9.5(f) and 11.5.

⁴⁴ See *Office of the Attorney General Fiscal Year 2012 FOIA Litigation Report* at <http://os.dc.gov/sites/default/files/dc/sites/os/publication/attachments/FY2012FOIALitigationReport.pdf>. The litigation cost to the District was \$196,658.30.

1-1162.21) for a Code of Conduct violation. Therefore, the Council should amend the Code of Conduct to include OMA.

ADDITIONAL RECOMMENDATION OF THE OFFICE OF OPEN GOVERNMENT

1. **Advisory Neighborhood Commissions (ANCs) should be included under the Open Meetings Act.** The policy of the District leans strongly in favor of full transparency. The operative intent of OMA is that the public is entitled to know what decisions are being made in the interest of residents by District government employees and elected officials – whether it be by passing laws or making city government more responsive to the needs of the citizenry.⁴⁵ However, OMA specifically exempts ANCs from its requirements,⁴⁶ even though they are elected by the public to consider and offer advice on District business.⁴⁷ ANCs are not considered “public bodies” under OMA and, therefore, are not bound to properly and timely notice meetings, post agendas, and supply meeting minutes to the public. While ANCs are required under a separate statute to conduct open and transparent meetings,⁴⁸ compliance is mixed. Both ANCs and the public are confused as to what statutory provisions mandate transparency and mistakenly (although understandably) assume the applicability of the OMA.

It is also common for members of the public, and even fellow ANCs, to submit multiple FOIA requests for meeting minutes and agendas, when by law, the documents should be made available upon request.⁴⁹ Bringing the ANCs under the umbrella of the OMA will eliminate

⁴⁵ See D.C. Official Code § 2-572 (“The public policy of the District is that all persons are entitled to full and complete information regarding the affairs of government and the actions of those who represent them.”). The same statement of policy is reiterated in FOIA (see D.C. Official Code § 2-531) and in Mayor’s Memorandum 2011-1.

The District has long-recognized the important role ANCs play in the operation of city government. See, e.g., 10-A DCMR § 2507.1 (noting that ANCs “provide a unique forum for seeking local input and expressing priorities on a range of land use issues”).

⁴⁶ See D.C. Official Code § 2-574(3)(F).

⁴⁷ The ANC website describes the ANCs’ role, in part, as follows: “The ANCs are the *body of government* [emphasis added] with the closest official ties to the people in a neighborhood. The ANCs present their positions and recommendations on issues to various District government agencies, the Executive Branch, and the Council.” See <http://dccouncil.us/offices/office-of-the-advisory-neighborhood-commissions>.

⁴⁸ See D.C. Official Code § 1-309.11(c) (providing that “[e]ach Commission shall give notice of all meetings or convocations to each Commissioner, individuals with official business before the Commission, and residents of the Commission area no less than 7 days prior to the date of such meeting. Shorter notice may be given in the case of an emergency or for other good cause. Notice of regular and emergency meetings must include, but is not limited to, at least 2 of” certain means of posting or publishing notice).

⁴⁹ D.C. Official Code § 1-207.42 provides as follows:

(a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the Council of the District of Columbia, at which

confusion over what meetings are public and which discussions may be had in closed session. It would also lead to better enforcement and ensure that *all* ANC's are complying with open government mandates and policies. Further, until such time that the ANC's are required to comply with OMA, the OOG should be required to train ANC's annually on compliance with D.C. Official Code §§ 1-207.42 and -309.11, inasmuch as those statutes fall squarely within the OOG's mission.

official action of any kind is taken shall be open to the public. No resolution, rule, act, regulation, or other official action shall be effective unless taken, made, or enacted at such meeting.

(b) A written transcript or a transcription shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts or copies of such transcriptions shall be available, upon request, to the public at reasonable cost.

BEGA Board

Robert Spagnoletti, Chairman ■ Deborah Lathen ■ Laura Richards

Directors

Darrin P. Sobin, Government Ethics ■ Traci L. Hughes, Office of Open Government

Board of Ethics and Government Accountability
2013 Best Practices Report
www.bega.dc.gov



TAB 15

BEGA Initiatives Implemented within FY 2014 and FY 2015

Both offices under BEGA instituted a number of initiatives to meet objectives in both 2014 and 2015.

In 2014, the OGE plan states in relevant part:

OBJECTIVE 1: Conduct timely and appropriate investigations and enforcement actions.

INITIATIVE 1.1: Provide opportunities for OGE investigators to attend training related to conducting investigations.

The OGE will ensure that there is money in the budget and time available for investigators to attend specific trainings geared towards investigators, particularly those trainings conducted by nationally recognized entities in conducting investigator trainings. This will help ensure that all OGE investigations are conducted timely and appropriately. Completion Date: September 30, 2014.

INITIATIVE 1.2: Provide opportunities for OGE attorneys to attend training related to conducting enforcement actions, including hearings, and to improve their legal writing skills.

The OGE will ensure that there is money in the budget and time available for the OGE attorneys to attend specific training geared towards conducting hearings and legal writing. In particular, OGE will look to send its attorneys to such training conducted by nationally recognized entities in these areas. This will help ensure that all OGE enforcement actions are conducted timely and appropriately. Completion Date: September 30, 2014.

INITIATIVE 1.3: Review and analyze lobbyist registration forms and lobbyist activity reports.

The OGE will implement its lobbyist review plan and conduct a review and analysis of 2013 lobbyist registration forms and lobbyist activity reports. The review and analysis will include comparing reports filed by lobbyists with reports filed by lobbying clients, comparing lobbyist registration forms to lobbyist activity reports, and analyzing data obtained from the lobbyist activity reports with data obtained from research/information obtained from other sources. Discrepancies or unusual or unexplained entries will be investigated and may lead to enforcement actions. Completion Date: September 30, 2014.

INITIATIVE 1.4: Revise the Financial Disclosure Statement (“FDS”) electronic filing system and hard copy forms to improve ease of use by filers.

The OGE will revise the FDS electronic and hard copy forms to make FDS filing more efficient in an effort to increase the number of timely FDS filings. Completion Date: September 30, 2014.

INITIATIVE 1.5: Revise the Financial Disclosure Statement (“FDS”) electronic filing system and hard copy forms to facilitate OGE review.

In addition to making the FDS forms easier for filers to use, OGE will revise the FDS electronic filing system to make it searchable by OGE staff members. This will enhance OGE's ability to analyze the responses to determine whether any further review or investigation is warranted. Completion Date: September 30, 2014.

OBJECTIVE 2: Conduct mandatory training on the Code of Conduct and produce ethics training materials and a plain-language guide.

INITIATIVE 1.1: Update the Ethics Manual and training materials to reflect changes in the law and keep up-to-date with best practices in the field of government ethics.

The OGE will update the online plain-language ethics guide called The District Ethics Manual and all training materials to reflect changes to the various laws that comprise the Code of Conduct; changes to the Ethics Act and BEGA rules; and best practices in the field of government ethics. On an on-going basis, OGE will revise and update all training materials and the Ethics Manual to reflect the application of any changes to the law, the Ethics Act, and best practices for District government employees and public officials. Completion Date: September 30, 2014.

INITIATIVE 1.2: Increase ethics training to District government employees and public officials.

The OGE will expand its training component to include ethics training as part of the new employee orientation provided by the D.C. Department of Human Resources to all new employees. OGE also will conduct ethics training for legislative branch elected officials and members of their staffs. Completion Date: September 30, 2014.

OBJECTIVE 3: Issue formal, written Advisory Opinions upon application made by an employee or public official subject to the Code of Conduct and issue, on its own initiative, an advisory opinion on any general questions of law it deems of sufficient public importance.

INITIATIVE 1.1: Fully implement the pilot program regarding the tracking of informal ethics advice requests.

The OGE will fully implement the pilot program of recording and tracking the receipt of informal ethics advice requests by using the OGE electronic case management system. The recording and tracking will include maintaining information regarding the requestor's informal advice requested and the informal advice provided. Completion Date: September 30, 2014.

INITIATIVE 1.2: Increase the number of Advisory Opinions issued on its own initiative.

The OGE will analyze the informal requests for advice received to determine which issues of general questions of law it deems of sufficient public importance to warrant the issuance of a written Advisory Opinion on its own initiative. In addition, OGE will monitor best practices to identify general questions of law that warrant the issuance of a written Advisory Opinion on its own initiative. Completion Date: September 30, 2014.

INITIATIVE 1.3: Decrease the response time to issue formal, written Advisory Opinions to within 30 days of receiving complete information regarding the request. Through increased training of its own attorneys and maintaining records regarding previously issued Advisory Opinions by OGE and other agencies and jurisdictions, the OGE will decrease its response time regarding the issuance of formal, written Advisory Opinions to within 30 days of receiving complete information from the requestor regarding the request for an Advisory Opinion. Completion Date: September 30, 2014.

In 2015, the OGE plan states in relevant part:

OBJECTIVE 1: Conduct timely and appropriate investigations and enforcement actions.

INITIATIVE 1.1: Hold weekly meetings with investigators and attorneys to discuss case progress.

The OGE will hold weekly meetings with staff to discuss progress on cases and to ensure that staff is receiving necessary guidance and feedback with regard to case development. Measurable success from one meeting to the next on given cases will be expected and targets for task completion will be set. Completion Date: September 30, 2015.

INITIATIVE 1.2: Develop an automated system by which demand letters for lobbyist fines are sent 30 days after a reporting period has ended.

The OGE will ensure that current software for lobbyist filing will include a feature that automatically generates demand letters for late filers and that those letters will be sent within 35 days of the end of a filing period. This will help ensure that all OGE administrative/ministerial enforcement actions are conducted timely and appropriately. Completion Date: September 30, 2015.

OBJECTIVE 2: Conduct mandatory training on the Code of Conduct and produce ethics training materials and a plain-language guide.

INITIATIVE 1.1: Develop a monthly newsletter for all District Government employees updating latest OGE actions as well as timely advice and guidance on matters of general interest.

The OGE will develop a monthly newsletter that will be distributed via email to District employees. The purpose of the newsletter will be to keep employees abreast of developments in the area of ethics. It will include a synopsis of OGE issuances for the previous month, public pending actions of note, and useful advice and guidance on matters of general interest. Completion Date: September 30, 2015.

INITIATIVE 1.2: Increase ethics training to District Government employees and public officials by working with DCHR to actively promote city-wide ethics trainings.

The OGE will expand its training component to include ethics training in a collaborative effort with DCHR. Currently OGE conducts ethics trainings on an invitation basis when an agency requests training. Holding monthly city-wide ethics trainings through DCHR will substantially

increase the number of trainings and employees who receive training. Completion Date: September 30, 2015.

OBJECTIVE 3: Issue formal, written Advisory Opinions upon application made by an employee or public official subject to the Code of Conduct and issue, on its own initiative, an advisory opinion on any general questions of law it deems of sufficient public importance.

INITIATIVE 1.1: Conduct trainings based on formal advice requests to provide employees with a better understanding of the formal advice BEGA issues.

The OGE will add to its training offerings issues that arise with regard to formal advice issued. These examples and discussion topics during our regular training sessions will provide employees with concrete, reality based examples, of ethics principles and how they are applied in practice. Completion Date: September 30, 2015.

INITIATIVE 1.2: Tailor Trainings to Trending Issues in District Government Ethics.

The OGE will tailor its training offerings to trending ethics inquiries that result in the issuance of formal and informal advice. An example of this might be Post-employment matters that typically trend upward when there is to be an expected change in administrations or Hatch Act trainings during an election year. This will serve the dual purpose of informing employees of topical ethics issues as well as providing a forum for discussing and understanding OGE interpretations of these issues.

In 2014, the OOG plan states in relevant part:

OBJECTIVE 1: Ensure Compliance with the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA).

INITIATIVE 1.1: Develop a citywide tracking system to monitor Freedom of Information Act (FOIA) requests.

The OOG will work with the Executive Office of the Mayor (EOM) to formalize a citywide tracking system to streamline the processing of FOIA Requests and for resolving complaints filed with OOG for agency non-compliance. Completion Date: December 20, 2013.

This initiative was met. The EOM acted upon the recommendation of the director of OOG to implement central processing system that will allow agencies to electronically review and redact records, and to supply documents to the public through a central portal. In July, 2014, the EOM launched FOIAXpress for 65 District Government agencies. Records supplied by agencies are viewable through the FOIA public access library. The system is allowing agencies to better meet the 15 business-day timeline to respond to FOIA requests.

INITIATIVE 1.2: Develop policies and procedures to ensure compliance with the Open Meetings Act (OMA).

The OOG will develop policies and procedures to ensure compliance with the OMA. As part of this effort, the OOG will also work with the Executive Office of the Mayor, Office of Boards and

Commissions to ensure all newly sworn board and commission members are trained on the procedural requirements of the OMA. Completion Date: December 20, 2013.

This initiative was met. The OOG launched as part of the revamped BEGA website a central calendar for all meetings of public bodies. The OOG administers the calendar, and provides access to points of contact for boards and commissions to post meeting minutes, agendas, audio files and any relevant administrative materials directly to the site. The OOG worked directly with the then, Office of Boards and Commissions to train public body members on the OMA. Also the OOG places on the BEGA website all OMA training slides.

OBJECTIVE 2: Promote Transparency and Open Government Policies.

INITIATIVE 2.1: Establish District Agency and D.C. Council Transparency Policies and Guidelines.

In FY14, the OOG will work with agency directors and members of the Council to establish transparency policies and guidelines. Transparency policies will support proactive disclosure requirements under FOIA and will conform to the public policy of the District government that all persons are entitled to full and complete information regarding the affairs of government. OOG will coordinate with the Office of the City Administrator to identify lead personnel in each District agency who will be responsible for drafting agency transparency plans and the timelines for implementation of those plans. Completion date: December 30, 2014.

This initiative was partially met. The OOG worked directly with the EOM to draft and implement Mayor's Order 2014-170, Transparency, Open Government and Open Data Directive. The Directive incorporates all of recommendations submitted by OOG in December 31, 2013 BPR (Tab 14). OOG has not yet worked directly with the Council to establish transparency policies and guidelines, as it has worked to solidify first EOM and agency engagement on open government and transparency policies.

INITIATIVE 2.2: Develop and create partnerships with the community to inform the development of transparency guidelines.

In FY14, the OOG will engage community stakeholders to obtain their input in the development of transparency guidelines. Community stakeholders are in the best position to inform the government about the types of information they are seeking and how that information can promote civic engagement in government operations and the legislative process. OOG will conduct outreach to community stakeholders, attend ANC meetings, distribute survey and establish a working group community, nonprofit and IT professionals to offer input into the type of information that will be of the most utility to those living and working in the District. Completion date: September 30, 2014.

This initiative was met. OOG engaged several community stakeholders, seeking input on a sustainable transparency policy and civic engagement tools. For example, the OOG sought input from the Open Government Coalition, Code for DC, and the Open Gov Foundation. OOG also formulated a working group of developers to advise the office on technology trends.

INITIATIVE 2.3: Ensure all BEGA related records are accessible and open to the public.

In FY14, the OOG will ensure that all BEGA related records are accessible and open to the public in accordance with the Ethics guidelines and other relevant personnel rules and regulations. Specifically, the OOG will establish guidelines and procedures for producing advisory opinions, nonpublic informal dispositions, public negotiated dispositions, training slides, and best practice manuals on the BEGA website (<http://bega.dc.gov>) and in hard copy. Completion date: December 30, 2013.

This initiative was met. OOG managed the develop of the BEGA website, and administers the posting of all public BEGA documents on the site. The OOG director works directly with the OGE directly to ensure all opinions, dispositions, training slides and, manual and reports are posted on the site.

INITIATIVE 2.4: Develop a new website to make it easier for residents and businesses to find frequently requested information.

In FY14, the OOG will develop a new website to make it easier for residents and businesses to find frequently requested information. Information is sometimes buried on agency websites, requiring end-users to have a deep familiarity with government agencies. The purpose of the new OOG website will be to make commonly requested information easier to find. The new website will provide a direct pathway to the information users are seeking (within one or two clicks of a mouse). In addition, the new website will be in a format that engages end-users and promotes civic engagement. This will be a multiphase project. Phase one – development of the BEGE/OOG Web site. To be completed in FY '14; Phase two – incorporation of commonly accessed public safety (MPD) procurement (OCP) and financial (OCFO) data. To be completed in FY15; Phase three – incorporation of links to commonly accesses District services (DCRA, DMV, DDOT, DPR). To be completed FY16. Completion Date for phase 1: December 30, 2013.

Phase one of this initiative was met. As noted, the BEGA website provides all public records produced by OGE and OOG, and includes a central listing of boards and commissions meetings.

In 2014, the OOG plan states in relevant part:

OBJECTIVE 1: Promote Transparency and Open Government Policies.[1]

INITIATIVE 2.1: Develop and create partnerships with the community to inform the development of transparency policy.

In FY15, the OOG will engage community stakeholders to obtain their input in the development of transparency guidelines. Community stakeholders are in the best position to inform the government about the types of information they are seeking and how that information can promote civic engagement in government operations and the legislative process. OOG will conduct outreach to community stakeholders, establish a working group of community, nonprofit and IT professionals to offer input into the type of information that will be of the most utility to those living and working in the District. Completion date: September 30, 2015.

INITIATIVE 2.2: Ensure all BEGA related records are accessible and open to the public.

In FY15, the OOG will expand access to BEGA records, meetings and trainings through the use of online technologies. Technologies will include such tools as web streaming, interactive web-based trainings, and civic engagement tools allowing for public review and comment on the BEGA Best Practices Report. The development of policies are ongoing as OOG works to employ additional tools giving the public access to BEGA documents, trainings, etc. Completion date: December 30, 2015.

INITIATIVE 2.3: Develop an online portal providing the public access to frequently requested data and agency information.

In FY15, the OOG will develop Phase 2 of the OOG website^[2] to make it easier for residents and businesses to find frequently requested information. Information is sometimes buried on agency websites, requiring end-users to have a deep familiarity with government agencies. The purpose of the new OOG website will be to make commonly requested data and information easier to find. The new website will be in a format that engages end-users and promotes civic engagement. Completion Date: January 30, 2015.

This initiative was met. The new OOG website (www.open-dc.gov) was launched on January 14, 2015.

OBJECTIVE 2: Ensure Compliance with the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA).

INITIATIVE 1.1: Develop online training courses on the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA).

The OOG will implement online training courses to be completed by agency FOIA Officers and Boards and Commissions Points of contact on the OMA. User progress and completion will be monitored by the OOG. Completion Date: March 30, 2015.

INITIATIVE 1.2: Develop policies and procedures to ensure compliance with the Open Meetings Act (OMA).

The OOG will develop policies and procedures to ensure compliance with the OMA. As part of this effort, the OOG will also work with the Executive Office of the Mayor, Office of Boards and Commissions to ensure all newly sworn board and commission members are trained on the procedural requirements of the OMA. Completion Date: June 30, 2015.

(b) Please provide, as an attachment, a copy of your agency's fiscal year 2015 performance plan as submitted to the Office of the City Administrator. Please see the attached FY 2015 BEGA Performance Plan. **Tab 13.**

TAB 16

By-Laws of the Open Government Advisory Group

(Adopted November 19, 2014)

Article I—Name and Purpose

Section A. Name of the Group

The official name of this body shall be the Open Government Advisory Group ("Advisory Group").

Section B. Existence of the Advisory Group

The Advisory Group shall exist only during such times as it may be meeting with the presence of a quorum.

Section C. Purposes and Duties

In accordance with Mayor's Order 2014-250, the purposes and duties of the Advisory Group shall include:

1. Evaluating the District's progress towards meeting the requirements of Mayor's Order 2014-170, the Transparency, Open Government and Open Data Directive or any successor law or administrative issuance ("Directive"), and making specific recommendations to the Mayor, Chief Technology Officer, and Director of the Office of Open Government ("OOG"), for improving the openness and transparency of the District government;
2. Providing a forum for agencies and the public to share best practices on innovative ideas to promote transparency, participation, and collaboration. This shall include systems, process solutions, and existing and new technologies designed to further the goals of the Directive;
3. Providing a public forum for receiving input on the goals of the Directive, including input from the general public, information technology entities, nonprofit organizations, and individuals that use government data;
4. Providing a forum for sharing best practices and innovative ideas for engaging the public in agency decision-making;
5. Identifying and recommending additional categories and types of government information that should be collected and proactively published online;
6. Recommending to the Mayor, Chief Data Officer, and Director of the Office of Open Government ("OOG"), policies and practices to:
 - a. Establish specific criteria for agency identification of additional datasets;
 - b. Designate categories of protected data in addition to those identified in the Directive;

- c. Ensure that new and existing datasets are regularly updated and archived; and
- d. Establish the types of open formats to be used for published data;
7. Reviewing and evaluating agency Open Government Reports and provide recommendations on improving the content and format of the reports;
8. Reviewing and recommending whether the terms and conditions applicable to additional categories and types of information published online should be changed;
9. Providing recommendations on technology and methods that District boards and commissions can use to work more openly, including best practices to webcast and archive their meetings;
10. Providing recommendations on the use of and contribution to open-source software by the District government and contractors;
11. Providing recommendations on policies, terms and conditions, requirements, and procedures that promote open government data through procurement of goods and services;
12. The Chairperson of the Advisory Group shall publish the evaluation and recommendations on the Open Government Web Portal and/or advise the Chief Technology Officer and the Director of OOG on the creation of an Open Government Dashboard that will provide the public with both graphic and narrative evaluation information; and
13. Undertake other duties as assigned by the Mayor, or his designee.

Article II—Membership

Section A. Membership

The Advisory Group shall be comprised of members appointed in accordance with section IV of Mayor's Order 2014-250.

Section B. Selection of Chairperson

The Mayor shall appoint the Chairperson of the Advisory Group.

Article III – Meetings

1. All meetings of the Advisory Group shall be open to the public, unless otherwise permitted by section 405 of the Open Meetings Amendment Act of 2011, effective March 31, 2011 (D.C. Law 18-350: D.C. Official Code § 2-575(b)) (“Open Meetings Act”).
2. Meetings shall be held at the times and places specified by the Advisory Group; provided, that at least four (4) meetings shall be held each year. The exact number of meetings will be determined by the anticipated workload of the Advisory Group.
3. The Chairperson shall endeavor to limit meetings to approximately two (2) hours. In his or her discretion, the Chairperson may limit the number of, and allocate time for public comment in order to conform the comments to the meeting duration.

4. In accordance with section 407 of the Open Meeting Act, D.C. Official Code § 2-577, meetings may be held, and a member may participate by video conference, telephone conference, or other electronic means.

Article IV—Officer and Member Responsibilities

Section A. Officer Responsibilities

1. The Chairperson shall be responsible for the development of the agenda and preside at all meetings of the Advisory Group.
2. The Chairperson may establish committees or subcommittees when necessary to accomplish the work of the Advisory Group.
3. The Chairperson, or Vice-Chairperson when so delegated by the Chairperson, shall sign all correspondence necessary to carry out the purposes and functions of the Advisory Group.
4. The Vice-Chairperson, in the absence or disability of the Chairperson, shall preside at all meetings of the Advisory Group.

Section B. Member Responsibilities

1. Each member is expected to attend meetings and to participate in Advisory Group activities.
2. Each member is expected to study the issues or problems which come before the Advisory Group in order to contribute to the resolution process.

Article V-- Agenda, Order of Business, and Voting

1. Agendas for all regular meetings of the Advisory Group shall be prepared by the Chairperson, taking into consideration the recommendations of the members.
2. The Chairperson will circulate a proposed agenda at least five (5) business days before each meeting. Any member may propose agenda items.
3. The Order of Business for each regular meeting shall follow the following order of business:
 - i. Call to Order
 - ii. Announcement of a Quorum
 - iii. Approval of Minutes of the Previous Meeting
 - iv. Consideration of Reports and Recommendations
 - v. Old Business
 - vi. New Business
 - vii. Public Comment
 - viii. Adjournment
4. A majority of the appointed members constitutes a quorum for the convening of a meeting and the transaction of business.

Article VI-- Rules of Procedure

Rules of procedure not specifically addressed in the Bylaws will follow the current edition of Roberts' Rules of Order.

Article VII-- Adoption and Amendment of Bylaws

These Bylaws shall be adopted by two-thirds of the Advisory Group as voting membership present. Amendments to the Bylaws must be approved by two-thirds of the voting members present at a meeting. Proposed Amendments to the Bylaws shall be distributed to the membership a minimum of two weeks prior to a vote.

Agency	A	B	C	D	E	F	G	H	I	J	K	L	M	Number of - 's
	salaries	manuals	final opinions	policy/rules	correspond.	spending	budget	minutes	prop records	permits	freq. records	org chart	feedback	
	2-536(a)(1)	2-536(a)(2)	2-536(a)(3)	2-536(a)(4)	2-536(a)(5)	2-536(a)(6)	2-536(a)(6A)	2-536(a)(7)	2-536(a)(8)	2-536(a)(8A)	2-536(a)(9)	2014-170	2014-170	
African Affairs	+	N/A	N/A	-	N/A	-	+	+	N/A	N/A	+	+	+	2
Aging	+	+	N/A	+	N/A	+	+	+	N/A	+	+	+	+	0
Alcoholic Beverage Regulation Administration	+	+	+	-	+	+	+	+	N/A	+	+	+	+	1
Arts, DC Commission on	+	+	N/A	+	N/A	+	+	+	N/A	+	+	+	+	0
Asian Pacific Islander Affairs	+	N/A	N/A	N/A	N/A	+	+	+	N/A	N/A	+	+	+	0
Attorney General	+	N/A	N/A	+	+	+	+	N/A	N/A	N/A	+	+	+	0
Behavioral Health	+	+	N/A	+	N/A	+	+	N/A	N/A	N/A	+	+	+	0
Cable Television	+	N/A	N/A	+	+	-	+	N/A	N/A	+	+	-	+	2
Chief Medical Examiner	+	+	+	+	+	+	+	+	+	+	+	+	+	0
Chief Technology Officer	+	N/A	N/A	+	N/A	+	+	N/A	N/A	+	+	+	+	0
Child and Family Services Agency	+	+	+	+	+	+	+	N/A	+	+	+	+	+	0
Community Affairs	+	N/A	N/A	+	N/A	+	+	N/A	N/A	+	+	+	+	0
Consumer and Regulatory Affairs	+	+	+	+	+	+	+	+	+	+	+	+	+	0
Contracting and Procurement	+	+	N/A	+	N/A	+	+	+	N/A	N/A	+	+	+	0
Corrections	+	+	N/A	+	N/A	+	+	N/A	N/A	+	+	+	+	0
DC Public Library	+	+	N/A	+	N/A	+	+	+	N/A	+	+	+	+	0
DC Public Schools	+	-	N/A	+	N/A	+	+	N/A	N/A	+	+	+	+	1
Deputy Mayor for Education	+	N/A	N/A	N/A	N/A	+	+	-	N/A	N/A	+	+	+	1
Deputy Mayor for Planning and Economic Development	+	N/A	N/A	+	N/A	+	+	+	N/A	+	+	+	+	0
Deputy Mayor for Public Safety and Justice	+	N/A	N/A	N/A	N/A	+	+	N/A	N/A	N/A	+	+	-	1
Deputy Mayor Health and Human Services	+	N/A	N/A	N/A	N/A	N/A	+	N/A	N/A	N/A	+	+	+	0
Disability Rights	+	+	N/A	+	+	+	+	+	N/A	N/A	+	+	+	0
Disability Services	+	+	-	+	-	+	+	+	N/A	N/A	+	+	+	2
Employment Services	+	+	N/A	+	+	+	+	+	N/A	+	+	+	+	0

Agency	A	B	C	D	E	F	G	H	I	J	K	L	M	Number of - 's
	salaries	manuals	final opinions	policy/rules	correspond.	spending	budget	minutes	prop records	permits	freq. records	org chart	feedback	
	2-536(a)(1)	2-536(a)(2)	2-536(a)(3)	2-536(a)(4)	2-536(a)(5)	2-536(a)(6)	2-536(a)(6A)	2-536(a)(7)	2-536(a)(8)	2-536(a)(8A)	2-536(a)(9)	2014-170	2014-170	
Environment	+	-	-	+	-	+	+	+	N/A	+	+	+	+	3
Fire and Emergency Medical Services Department	+	+	+	+	+	+	+	N/A	+	-	+	+	+	1
Forensic Sciences	+	+	N/A	N/A	N/A	+	+	+	+	N/A	+	+	+	0
General Services	+	+	-	+	-	+	+	+	+	+	+	+	+	2
Health	+	+	+	+	N/A	+	+	+	N/A	-	+	+	+	1
Health Care Finance	+	N/A	N/A	+	N/A	+	+	+	N/A	+	+	+	+	0
Homeland Security and Emergency Management Agency	+	N/A	N/A	N/A	N/A	+	+	N/A	N/A	+	+	+	+	0
Housing and Community Development	+	N/A	+	+	+	+	+	+	N/A	N/A	+	+	+	0
Human Resources	+	+	N/A	+	N/A	+	+	N/A	N/A	+	+	+	+	0
Human Rights	+	+	+	+	+	+	+	+	+	+	+	+	+	0
Human Services	+	+	N/A	+	N/A	+	+	N/A	N/A	N/A	+	+	+	0
Insurance Security and Banking	+	+	+	+	+	+	+	+	N/A	+	+	+	+	0
Justice Grants Administration/Victim Services	+	N/A	N/A	N/A	N/A	+	+	N/A	N/A	N/A	+	+	+	0
Labor Relations and Collective Bargaining	+	N/A	N/A	N/A	N/A	+	+	N/A	N/A	+	+	+	+	0
Latino Affairs	+	N/A	N/A	+	N/A	+	+	+	N/A	N/A	+	+	-	1
Mayor, Executive Office	+	N/A	N/A	+	N/A	+	+	N/A	N/A	+	+	+	+	0
Metropolitan Police Department	+	+	N/A	+	N/A	+	+	N/A	N/A	+	+	+	+	0
Motion Picture Development	+	N/A	N/A	+	N/A	+	+	N/A	N/A	N/A	+	+	+	0
Motor Vehicles	+	+	+	+	N/A	+	+	N/A	N/A	-	+	+	+	1
Office of the City Administrator	+	N/A	N/A	N/A	+	+	+	N/A	N/A	+	+	+	+	0
Office on Women's Policy and Initiatives	+	N/A	N/A	+	N/A	+	+	N/A	N/A	+	+	+	+	0
Parks and Recreation	+	+	N/A	+	-	+	+	-	N/A	N/A	+	+	+	2

Agency	A	B	C	D	E	F	G	H	I	J	K	L	M	Number of - 's
	salaries	manuals	final opinions	policy/rules	correspond.	spending	budget	minutes	prop records	permits	freq. records	org chart	feedback	
	2-536(a)(1)	2-536(a)(2)	2-536(a)(3)	2-536(a)(4)	2-536(a)(5)	2-536(a)(6)	2-536(a)(6A)	2-536(a)(7)	2-536(a)(8)	2-536(a)(8A)	2-536(a)(9)	2014-170	2014-170	
Partnerships and Grants	+	+	N/A	+	+	+	+	N/A	N/A	N/A	+	+	+	0
Planning	+	N/A	N/A	-	N/A	+	+	+	N/A	N/A	+	+	+	1
Public Works	+	+	N/A	+	N/A	+	+	-	N/A	-	+	+	+	2
Religious Affairs	+	N/A	N/A	+	N/A	+	+	-	N/A	N/A	+	+	+	1
Risk Management	+	+	+	+	N/A	+	+	N/A	N/A	+	+	+	+	0
Secretary	+	+	N/A	+	N/A	+	+	+	N/A	-	+	+	+	1
Serve DC	+	N/A	N/A	+	N/A	+	+	+	N/A	N/A	+	+	+	0
Small and Local Business Development	+	N/A	N/A	-	N/A	+	+	N/A	N/A	-	+	+	+	2
State Superintendent of Education	+	-	+	+	+	+	+	+	N/A	+	+	+	+	1
Taxicab Commission	+	-	N/A	+	N/A	+	+	+	N/A	+	+	+	+	1
Transportation	+	+	N/A	+	N/A	+	+	+	N/A	+	+	+	+	0
Unified Communications	+	N/A	N/A	+	N/A	+	+	N/A	N/A	N/A	+	+	+	0
University of the District of Columbia	+	+	N/A	+	N/A	+	-	+	N/A	-	+	+	+	2
Veterans Affairs	+	N/A	N/A	-	N/A	+	+	N/A	N/A	N/A	+	+	+	1
Youth Advisory Council	+	-	N/A	+	N/A	+	+	-	N/A	N/A	+	+	+	2
Youth Rehabilitation Services	+	+	N/A	+	+	+	+	N/A	N/A	+	+	+	+	0

Board	Exempt	Yes	No	Comments
Child Fatality Review Committee (CFRC)	Exempt			None of the fatality review committee/boards meetings are webcasts due to the confidential nature of the discussions - Meetings of the CFRC, DVFRB and the DD FRC are closed to the public pursuant to §2-575(b)(1) - law or court order requires that a particular matter or proceeding not be public; and §2-575(b)(10) to discuss personnel matters.
Concealed Pistol Licensing Review Board	Exempt			Concealed Pistol License Review Board (CPLRB)-no live stream as they have not officially begin their duties. Hearings may be closed due to the sensitive nature of the material and individuals not wanting to be identified.
Contract Appeals Board	Exempt			In response to your inquiry, the Contract Appeals Board is in compliance with the live broadcasting provision of Mayor's Order 2014-170. We do not currently live stream meetings over the internet. Please note that our meetings are generally exempt from the Open Meeting Act as deliberations "upon a decision in an adjudication action or proceeding by a public body exercising quasi-judicial functions." All pleadings filed with the Board are available at the Board's website, and archived audio recordings of trials are available upon request. Archived audio recordings of trials conducted by the Board are available at CAB.DC.GOV. To enhance transparency, the Board will in FY15 determine the costs of live streaming its trials, for possible inclusion in its FY16 budget
Developmental Disabilities Fatality Review Committee (DD FRC)	Exempt			None of the fatality review committee/boards meetings are webcasts due to the confidential nature of the discussions - Meetings of the CFRC, DVFRB and the DD FRC are closed to the public pursuant to §2-575(b)(1) - law or court order requires that a particular matter or proceeding not be public; and §2-575(b)(10) to discuss personnel matters.
Domestic Violence Fatality Review Board	Exempt			None of the fatality review committee/boards meetings are webcasts due to the confidential nature of the discussions - Meetings of the CFRC, DVFRB and the DD FRC are closed to the public pursuant to §2-575(b)(1) - law or court order requires that a particular matter or proceeding not be public; and §2-575(b)(10) to discuss personnel matters.
Homeland Security Commission	Exempt			Code § 7-2271.05, all meetings are closed to the public.
Judicial Disabilities and Tenure, Commission on	Exempt			The Commission on Judicial Disabilities and Tenure does not live stream its meetings because by statute (D.C. Code §11-1528) the Commission's meetings and hearings are confidential.
Judicial Nomination Commission (JNC)	Exempt			We are an independent agency and our meetings are not public.
Juvenile Abscondence Review Committee	Exempt			The answer is no. We have the capabilities of doing so, but we discuss case files that would violate juvenile confidentiality laws of the District.
Juvenile Justice Advisory Group (JJAG)	Exempt			The Juvenile Justice Advisory Group does not stream videos. Meetings are held in DC Superior Court building and I am unfamiliar with the capabilities. I will ask at our next meeting.
Metropolitan Washington Airports Authority Board of Directors (MWAA)	Exempt			No, the MWAA Board is not live streaming its meetings. MWAA is not subject to the DC Open Meetings act.
Office of Administrative Hearings, Advisory Committee to the (OAH)	Exempt			Acting Chief Judge Wanda Tucker passed your email along to me today. The two Boards that govern the Office of Administrative Hearings (OAH) are the Commission on Selection and Tenure (COST) and the Advisory Board. Membership is not determined by our Agency and as such, the agendas and meetings are not run by OAH. OAH is neither a Board nor a Commission in the general sense, but an administrative court charged w/ adjudication disputes between parties. We do not live stream our hearings, but we do comply w/ governing law that require hearings to be recorded. Some hearings are confidential. Thus access to records is restricted by law. Neither the COST nor the Advisory Board Live Stream. The COST is charged w/ hiring, disciplining and removing OAH ALJs for cause. These are protected personnel matters not suitable for live streaming. Requests for more information on the COST should be directed to the COST Chair, DC Superior Court Judge Yvonne Williams. Requests for information on the Advisory Board should be directed to the Chair, Brian Flowers, Legal Counsel to the Mayor.
People's Counsel	Exempt			The Office of the People's Counsel is excluded from living streaming due to the fact that we are a District agency (Independent).
Police and Firemen's Retirement and Relief Board (PFRRB)	Exempt			The answer to your question is no, because the Police and Firefighters' Retirement and Relief Board is close to the public by regulations.
Police Officers Standards and Training Board (POST)	Exempt			Police Officers Standards and Training Board (POST)- no live stream as this is generally a closed meeting. We comport with the Open Meeting Act requirements
Public Defender Service Board of Trustees	Exempt			The Public Defender Service for the District of Columbia Board of Trustees is not live-casting its meetings. It is not required for our Board.
Rental Housing Commission	Exempt			The Rental Housing Commission (RHC) does not video or audio stream the hearings of the judicial body as the hearings involve proprietary information of stakeholders (including banking information and other identifying information that could be subject to appropriation by others).

Board	Exempt	Yes	No	Comments
Retirement Board	Exempt			DCRB is not performing live broadcasting because it is not mandatory for our board.
Review for Anti-Deficiency Violations, Board of	Exempt			The Board of Review for Anti-Deficiency Violations (BRADV) does not participate in live streams. All of our meetings are "closed" to the public.
Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings, Commission on	Exempt			Acting Chief Judge Wanda Tucker passed your email along to me today. The two Boards that govern the Office of Administrative Hearings (OAH) are the Commission on Selection and Tenure (COST) and the Advisory Board. Membership is not determined by our Agency and as such, the agendas and meetings are not run by OAH.
Washington Metropolitan Area Transit Commission (WMATC)	Exempt			WMATC does not live stream (video or audio) its meetings over the Internet. As an interstate compact agency, WMATC is not subject to Mayor's Order 2014-170. In addition, WMATC has no budget for live streaming.
Chesapeake Bay Scientific & Technical Advisory Committee		Yes		STAC quarterly meetings can be accessed via webinar.
Historic Preservation Review Board (HPRB)		Yes		Yes, the Historic Preservation Review Board does live stream (video) its meetings.
Interagency Coordinating Council (ICC)		Yes		The Interagency Coordinating Council did not live stream the last meeting due to technology constraints. We are working to rectify this issue before the next quarterly meeting
Open Government Advisory Group		Yes		
Public Charter School Board (PCSB)		Yes		Yes, the DC Public Charter School Board live streams its meetings.
Public Service Commission (PSC)		Yes		Yes, the DC Public Service Commission live streams its open meetings via video over the Internet.
Water and Sewer Authority Board of Directors (DC Water)		Yes		DC Water and Sewer Authority Board of Directors - Yes we live stream our meetings.
Zoning Adjustment (BZA), Board of		Yes		Live streaming since 2006.
Zoning Commission		Yes		Live streaming since 2006.
Accountancy, Board of			No	We currently do not have the necessary equipment (audio-visual equipment) to do so. I wasn't aware of such requirement, we could procure equipment and setup the process, but we would need some time to go through our IT team to procure this special equipment. We hope that you can give us some time to correct this issue.
Age-Friendly DC Task Force			No	We have been moving at such a fast pace. Meetings are alternately (sic) in JAW and at GWU. Cost is an issue, but frankly I haven't explored the expense. In 2015 we'd love to stream meetings both for public participation and to increase awareness of Age-Friendly DC.
Aging, Commission on			No	In response to your question, please be advised that, at this time, the Office on Aging lacks the technical capacity necessary to provide live web streaming of meetings of the Commission on Aging. We are coordinating with OCTO to incorporate this capacity as soon as possible.
Alcoholic Beverage Control Board (ABC Board)			No	The Alcoholic Beverage Control Board is not currently providing webcasting of its meetings over the Internet. This is due to the current financial hardship that would be borne by the agency resulting from the requirements of... Mayor's Order No. 2012-160. The 2012 Mayor's Order requires "proper captioning" of the video content to ensure that webcasts are accessible to persons who are deaf or hard of hearing. Please know that the ABC Hearing Room is equipped with cameras and microphones to allow for the recording and webcasting of Board hearings. ABRA and the ABC Board are currently assessing the resources needed to make Board hearings available online and to ensure compliance with accessibility requirements under both Mayor's Orders. If you are aware of funding sources available to agencies such that "proper captioning" can be provided, please let me know. That information will be very helpful to assist the ABC Board in its ongoing efforts to ensure compliance.
Apprenticeship Council			No	Apprenticeship Council does not live streams its meetings over the internet. We did not know that we were required to live stream our meetings. The current location that we use for our meeting does not support the ability to live stream our meeting. Our current budget does not take into account the necessary equipment to live stream; however, we have begun to look into the cost.
Architecture and Interior Designers, Board of			No	We currently do not have the necessary equipment (audio-visual equipment) to do so. I wasn't aware of such requirement, we could procure equipment and setup the process, but we would need some time to go through our IT team to procure this special equipment. We hope that you can give us some time to correct this issue.
Arts and Humanities, Commission on the			No	Meetings are not yet being live streamed at this point due to technological limitations.

Board	Exempt	Yes	No	Comments
Asian and Pacific Islander Community Development, Commission on			No	The Commission on Asian and Pacific Islander Community Development does not currently live stream its meetings over the internet. The Commission is in the process of ensuring its meetings are broadcast live, and hope to address technical issues and achieve live streaming by the next meeting on December 16, 2014.
Audiology & Speech Language Pathology, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Barber and Cosmetology, Board of			No	We currently do not have the necessary equipment (audio-visual equipment) to do so. I wasn't aware of such requirement, we could procure equipment and setup the process, but we would need some time to go through our IT team to procure this special equipment. We hope that you can give us some time to correct this issue.
Boxing and Wrestling Commission			No	We currently do not have the necessary equipment (audio-visual equipment) to do so. I wasn't aware of such requirement, we could procure equipment and setup the process, but we would need some time to go through our IT team to procure this special equipment. We hope that you can give us some time to correct this issue.
Bullying Prevention Task Force, Mayor's			No	The Mayor's Task Force on Bullying Prevention has not used live streaming for our meeting. Our office does have a video camera that we could use to film the meetings – do you know of a free system we could use to stream them?
Chesapeake Bay Program Citizens Advisory Committee			No	We currently do not live stream the meetings. The reason is because of cost and that the members only meet 4 times a year (per the funding agency contract with EPA), so we want to encourage in person meetings to enhance member dialogue.
Chesapeake Bay Program Local Government Advisory Committee			No	We currently do not live stream the meetings. The reason is because of cost and that the members only meet 4 times a year (per the funding agency contract with EPA), so we want to encourage in person meetings to enhance member dialogue.
Child Support Guideline Commission			No	The Child Support Guideline Commission has not been in session this year and therefore has not needed to live stream meetings. The Commission submitted its report to the Mayor in December 2013 and pursuant to DC statute has not needed to hold meetings in 2014. In the future it may be a challenge to live stream meetings because of technology limitations.
Chiropractic, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Commemorative Works Committee			No	No, the Commemorative Works Committee has not live streamed its meetings on the internet. The last Committee meeting was in May 2014 and it has not met since Mayor's Order 2014-170 went into effect. There are no pending commemorative works applications and no future meetings of the Committee are currently scheduled. The Committee will explore options for live streaming when it meets to consider any new applications.
Commission for National and Community Service (Serve DC)			No	No, meetings are currently not being live stream (video or audio over the internet) The agency currently does not have such technology that would allow this to happen and the rooms that we have access to hold our meetings have not had reliable internet service in order to live stream.
Commission on HIV/AIDS, Mayor's			No	Up to this point, The Mayor's Commission on HIV/AIDS has not provided video or audio meetings over the Internet because of the lack of technology, capacity, cost, support, etc.
Condemnation of Insanitary Buildings, Board for the			No	At this time, we do not have the technological capabilities to live webcast. Our technology office is currently exploring the necessary equipment and its procurement.
Construction Codes Coordinating Board			No	At this time, we do not have the technological capabilities to live webcast. Our technology office is currently exploring the necessary equipment and its procurement.
Corrections Information Council (CIC)			No	Currently the CIC does not live stream its meeting over the internet. This is because we have a very small full staff (two FTES) and do not have the technological capabilities to do so.
Dentistry, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Destination DC (Washington DC Convention and Tourism Corporation)			No	Since we are not a District Agency... Destination DC does not. We do not live stream our Board Meetings. It is not a requirement.
Developmental Disabilities State Planning Council (DD Council)			No	No, the DC Developmental Disabilities Council does not live stream its meetings over the Internet. The DDC does not possess the technology and the financial resources. Additionally, live streaming is general useful for large audiences that possess devices with flash capability and a strong internet connection. The DDC meets as a full council 4 times a year and we generally have between 20 and 30 District residents in attendance, and a third of them do not have access to the technological capabilities for live streaming.
Dietetics & Nutrition, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Eastern Market Community Advisory Committee (EMCAC)			No	The Eastern Market Community Advisory Committee does not live stream its meetings. We would be happy to but we have no staff, and no budget from the city and therefore no money or any resources to do this.
Education (SBOE), State Board of			No	No, the D.C. State Board of Education does not stream meetings over the internet due to cost and lack of available technology.

Board	Exempt	Yes	No	Comments
Education Licensure Commission (ELC)			No	The Education Licensure Commission does not presently live stream its meetings. I am the new director. This is an initiative that I plan to investigate further to determine feasibility. I do not believe there are resources internally to support this at OSSE. We do have the meetings recorded and transcribed professionally.
Elections, Board of			No	The Board of Elections does not live stream its meetings over the internet. We do record with a court reporter.
Emergency Medical Services Advisory Committee (EMSAC)			No	The Emergency Medical Services Advisory Committee (EMSAC) is not in compliance with the Mayor's Order 2014-170. I was not aware of this order nor do we have the technology, agency support or government funding to achieve this.
Ethics and Government Accountability (BEGA), Board of			No	Currently, the Board of Ethics and Government Accountability (BEGA) does not live stream public meetings. BEGA will, however, test for the first time on December 4, 2014, a web streaming service provided by OCTO. The BEGA hearing room, located at 441 4th Street Suite 540 South, is fully supported with the necessary equipment to live stream all meetings.
Fashion Arts and Events, Commission on			No	No, the Commission on Fashion, Art and Events does not live stream our meetings because of costs and lack of technology.
Financial Literacy Council			No	The DC Financial Literacy Council does not currently live stream its meetings. I have contacted the DC Department of Insurance, Securities and Banking technology office to determine the most effective way to live stream public meetings. The issue will be addressed at future meetings of the DC Financial Literacy Council.
Funeral Directors, Board of			No	We currently do not have the necessary equipment (audio-visual equipment) to do so. I wasn't aware of such requirement, we could procure equipment and setup the process, but we would need some time to go through our IT team to procure this special equipment. We hope that you can give us some time to correct this issue.
Gay, Lesbian, Bisexual and Transgendered Affairs, Advisory Committee to the Office of (GLBT)			No	At this point, the Advisory Committee to the Mayor's Office of GLBT Affairs does not live stream its meetings. The reasons are that the Mayor's Office of GLBT Affairs does not have the resources to purchase equipment that would allow for a clear live stream; moreover, the meetings are held in different locales around the city (in an effort to make them more accessible for residents) and not all the locations have reliable internet access that is necessary for the live stream.
Green Buildings Advisory Council			No	We don't have the technology to do so here, and I'm not sure the council would be very interested in live streaming.
Health Benefit Exchange Authority Executive Board (HBX)			No	We have previously utilized Web-EX to allow the public to participate in all meetings held by the Board. We have, however, just moved into new space which includes a conference room with the capabilities for real time audio and video streaming of our meetings. We will launch this expanded capability at the January meeting after the staff has been trained.
Health Information Exchange Policy Board (HIE)			No	DC HIE Policy Board does not live stream meetings. We record the meetings and post the minutes on our website. The Policy Board has never had a request to stream the meetings live.
Healthy Youth and Schools Commission			No	We do not have the necessary technology.
Housing Authority Board of Commissioners			No	The department's answer regarding live streaming would have to be No at this time because of cost/technology restraints – specifically bandwidth issues. The minimum bandwidth required is approximately two times our existing capacity and the cost to upgrade would be in the 15 to 20k per year range. However, as Marcus indicated previously, we will soon be positioned to offer taped meetings via a video-on-demand service.
Housing Finance Agency Board of Directors			No	The Housing Finance Agency Board of Directors does not stream its meetings live.
Humanities Council			No	No: timing, costs and technology are reasons why.
Industrial Trades, Board of			No	We currently do not have the necessary equipment (audio-visual equipment) to do so. I wasn't aware of such requirement, we could procure equipment and setup the process, but we would need some time to go through our IT team to procure this special equipment. We hope that you can give us some time to correct this issue.
Innovation and Technology Inclusion Council			No	Newly formed council. They have not started their official duties yet.
Interagency Council on Homelessness (ICH)			No	The Interagency Council on Homelessness (ICH) is not currently streaming its meeting over the Internet because of a lack of funding and agency support to do so.
Library Trustees, Board of			No	DC Public Library currently records all Board of Library Trustee meetings and makes the audio recording available for all residents upon request. The Library live streamed a board meeting in 2012 but it was a meeting held at the central library. The Board rotates its meetings across the District and technology logistics is the primary reason the Library has not live streamed all meetings. If the Mayor and Office of Boards and Commissions implements Live Webcasting as a District policy the Library would be able to implement the plan at all regular Board of Library Trustee meetings. ☐
Long-Term Care Administration, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Marriage and Family Therapy, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.

Board	Exempt	Yes	No	Comments
Massage Therapy, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Medicine, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Metabolic Disorders, Committee on			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Motor Vehicle Theft Prevention Commission (MVTPC)			No	We do not live stream and the reason is because of cost.
Nursing, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Occupational Therapy, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Office of Employee Appeals (OEA)			No	The Office of Employee Appeals does not have the budgetary funds, technology support, or staff to comply with this recommendation. However, the agency is in compliance with all other requirements of the Open Meetings Act.
Optometry, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Persons with Disabilities, Commission on			No	The DC Commission on Persons with Disabilities currently does not live stream meetings. We post the call-in number and notes. I do not believe we have the technology to live stream; however, we would like to learn about options to do so.
Pharmacy, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Physical Fitness, Health, and Nutrition, Mayor's Council on			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Physical Therapy, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Podiatry, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Police Complaints Board			No	The Police Complaints Board (PCB) does not live stream either video or audio of its meetings. Neither PCB nor the Office of Police Complaints (OPC) has the technological capacity or know-how to setup and execute live streaming. It is not mandatory and represents an unbudgeted expense for the agency. The email survey was the first notice OPC was provided of this order. We will review the memo, and we look forward to receiving further guidance from your office on the obligations placed on OPC and PCB.
Professional Counseling, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Professional Engineering, Board of			No	We currently do not have the necessary equipment (audio-visual equipment) to do so. I wasn't aware of such requirement, we could procure equipment and setup the process, but we would need some time to go through our IT team to procure this special equipment. We hope that you can give us some time to correct this issue.
Psychology, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Public Charter School Credit Enhancement Fund Committee			No	The OSSE Credit Enhancement Committee does not currently stream its meetings over the internet. Due to significant staff shortage, we have not had the capacity to provide this service. Furthermore, we do not currently have the technology to live broadcast our meetings. We do, however, keep an "Open Door Policy" at these meetings and publish the meeting calendar with location and times in the DC Register. All are welcome to attend. We can begin researching the cost of live streaming and see what options are available and begin the process of garnering agency support.
Public Space Committee			No	The Public Space Committee doesn't currently stream (video) its meetings over the internet.
Real Estate Appraisers, Board of			No	We currently do not have the necessary equipment (audio-visual equipment) to do so. I wasn't aware of such requirement, we could procure equipment and setup the process, but we would need some time to go through our IT team to procure this special equipment. We hope that you can give us some time to correct this issue.

Board	Exempt	Yes	No	Comments
Real Estate Commission			No	We currently do not have the necessary equipment (audio-visual equipment) to do so. I wasn't aware of such requirement, we could procure equipment and setup the process, but we would need some time to go through our IT team to procure this special equipment. We hope that you can give us some time to correct this issue.
Real Property Tax Appeals Commission (RPTAC)			No	The Real Property Tax Appeals Commission does not stream its public meetings. We have just hired an IT Specialist who will start on 12/1/14 and so one of his first tasks will be to work with OCTO so that our agency can come into compliance with this Order.
Respiratory Care, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Saint Elizabeths Redevelopment Initiative Advisory Board (SERI Board)			No	No, we currently do not live stream our meetings. We are planning to move them to another building starting this month. Is this something that OBC requires? If so, who do we contact to get technical IT assistance?
Science Advisory Board			No	If I'm not mistaken, I cannot recall ever having received instruction to webcast meetings of the Department of Forensic Sciences Science Advisory Board. During previous training sessions, OBC, as well as the Board of Ethics and Government Accountability, discussed at length the audio and video recording of meetings. However, I am not certain that webcasting has ever been requested.
Selective Service System (SSS)			No	Selective Service Boards during peacetime do not hold regular meetings. As Board Program Managers we distribute annual training materials via on-line link, self-study or group training budget permitting.
Sentencing and Criminal Code Revision Commission			No	The DC Sentencing and Criminal Code Revision does not live stream video or audio its meeting over the internet at this time. The agency currently does not have the equipment, technical resources or staff to offer this service.
Social Work, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
State Advisory Panel on Special Education (SAPSE)			No	At this time, we are not live streaming (video or audio) the meetings. We do provide access via conference call and have provided access via Go To Meeting. I am working to remedy this matter via Adobe Connect. I wasn't aware of the requirement. I was out of the office from the last week of June – 1st week of September and must have missed the announcement regarding the Mayor's Order.
State Early Childhood Development Coordinating Council (SECDC)			No	We do not stream our meetings over the internet.
State Mental Health Planning Council (SMHPC)			No	The DC Department of Behavioral Health currently does not have the capacity (audio-visual technology) to conduct live webcasting of meetings. We are exploring with the Information Technology staff how we can address this issue.
Statewide Health Coordinating Council (SHCC)			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Taxicab Commission			No	No, DC Taxicab Commission does not live stream (video or audio) its meetings over the Internet. The reason why is we were told that we had to go through the cable TV office, and they were never available.
Uniform Law Commission (ULC)			No	The D.C. Uniform Law Commission consists of uniform law commissioners appointed by various District Government officials and entities. The DC members attend the meetings of the National Conference of Commissioners on Uniform State Laws, a national organization including all states and territories of the United States. However, the D.C. Uniform Law Commission does not itself hold meetings outside of the meetings arranged by the national organization. The primary function of the D.C. Uniform Law Commission is to encourage the Council to enact uniform laws. In this capacity, members of the D.C. Uniform Law Commission regularly testify in hearings of the Council on particular uniform laws. These hearings are live-streamed by the Council.
United Planning Organization Board of Directors (UPO)			No	UPO....technology, lack thereof. Not a requirement, private board
University of the District of Columbia, Board of Trustees (UDC)			No	No, we do not live stream (video or audio) meetings over the internet. Reason: lack of funding.
Veterinary Examiners, Board of			No	The Department of Health is exploring the infrastructure needs as well as staffing and procedure changes necessary to live stream (video or audio) its meetings over the Internet.
Washington Convention and Sports Authority Board of Directors (Events DC)			No	No, we do not have the technology necessary for live streaming.
Washington Convention Center Advisory Committee (WCCAC)			No	No, we do not have the technology necessary for live streaming.
Women, Commission for			No	Currently the DC Commission for Women does not live stream its meetings due to lack of technology support. We are working with OCTO to discuss our needs this month.
Workforce Investment Council (WIC)			No	I was not aware of the requirement.
African Affairs, Commission on	-	-	-	No response.
African-American Affairs, Commission on	-	-	-	No response.
Armory Board	-	-	-	No response.
Bicycle Advisory Council (BAC)	-	-	-	No response.

Board	Exempt	Yes	No	Comments
Cable Television Public Access Corporation Board of Directors	-	-	-	No response.
Caribbean Community Affairs, Mayor's Advisory Commission on	-	-	-	No response.
Child Abuse and Neglect, Mayor's Advisory Committee on (MACCAN)	-	-	-	No response.
Children and Youth Investment Trust Corporation Board of Directors (CYITC)	-	-	-	No response.
Citizen Review Panel: Child Abuse and Neglect	-	-	-	No response.
Educational Opportunity for Military Children State Council, District of Columbia	-	-	-	No response.
Emancipation Commemoration Commission	-	-	-	No response.
Housing Production Trust Fund Board (HPTF)	-	-	-	No response.
Human Rights, Commission on	-	-	-	No response.
Interfaith Council, Mayor's	-	-	-	No response.
Interstate Commission on the Potomac River Basin	-	-	-	No response.
Latino Community Development, Commission on	-	-	-	No response.
Martin Luther King, Jr. Holiday, Commission on the	-	-	-	No response.
Metropolitan Washington Regional Ryan White Planning Council	-	-	-	No response.
National Capital Planning Commission (NCPC)	-	-	-	No response.
Notaries Public Board of Review	-	-	-	No response.
Not-for-Profit Hospital Corporation Board of Directors (known as UMC, United Medical Center)	-	-	-	No response.
Occupational, Safety and Health Board (OSHA)	-	-	-	No response.
Pedestrian Advisory Council	-	-	-	No response.
Pretrial Services Agency Executive Committee	-	-	-	No response.
Public Employee Relations Board (PERB)	-	-	-	No response.
Recreational Trails Advisory Committee	-	-	-	No response.
Re-Entry and Returning Citizen Affairs, Commission on	-	-	-	No response.
State Rehabilitation Council (SRC)	-	-	-	No response.
Statewide Independent Living Council (SILC)	-	-	-	No response.
Sustainable Energy Utility Advisory Board (SEU Advisory Board)	-	-	-	No response.
Task Force to Combat Fraud	-	-	-	No response.
Tobacco Settlement Financing Corporation Board of Directors	-	-	-	No response.
Veterans Affairs, Advisory Board on	-	-	-	No response.
Walter Reed Army Medical Center Site Reuse Advisory Committee	-	-	-	No response.
Washington Metropolitan Area Transit Authority Board of Directors (WMATA)	-	-	-	No response.

Category	Qty
Exempt	21
Yes	9
No	90
No Response	35
Total Boards	155

Name of Board, Commission, Committee, Council or Task Force	Point of Contact
Accountancy, Board of	Lori Fowler
Acupuncture, Advisory Committee on	Dr. Jacqueline A. Watson, MBA
African Affairs, Commission on	Ngozi Nmezi
African-American Affairs, Commission on	Marcus Allen
Age-Friendly DC Task Force	Gail Kohn
Aging, Commission on	Dr. John M. Thompson, FAAMA
Alcoholic Beverage Control Board (ABC Board)	Martha Jenkins, Esq.
Anesthesiologist Assistants, Advisory Committee on	Dr. Jacqueline A. Watson, MBA
Apprenticeship Council	Jamell A. Thrower
Architecture and Interior Designers, Board of	Jason Sockwell
Armory Board	Major General Errol R. Schwartz
Arts and Humanities, Commission on the	Victoria Murray Baatin
Asian and Pacific Islander Community Development, Commission on	Andrew Chang
Audiology & Speech Language Pathology, Board of	Robin Y. Jenkins
Barber and Cosmetology, Board of	Cynthia Z. Briggs
Bicycle Advisory Council (BAC)	James (Jim) R. Sebastian, AICP
Boxing and Wrestling Commission	Skip Brown
Bullying Prevention Task Force, Mayor's	Suzanne Greenfield
Cable Television Public Access Corporation Board of Directors	Nantz Rickard, Esq.
Caribbean Community Affairs, Mayor's Advisory Commission on	Marcus Allen
Chesapeake Bay Program Citizens Advisory Committee	Jessica Blackburn
Chesapeake Bay Program Local Government Advisory Committee	Jessica Blackburn

Name of Board, Commission, Committee, Council or Task Force	Point of Contact
Chesapeake Bay Scientific & Technical Advisory Committee	Natalie Gardner
Child Abuse and Neglect, Mayor's Advisory Committee on (MACCAN)	Michele Rosenberg
Child Fatality Review Committee (CFRC)	Tracie Martin
Child Support Guideline Commission	Ms. Cory M. Chandler, Esq.
Children and Youth Investment Trust Corporation Board of Directors (CYITC)	Ed N. Davies
Chiropractic, Board of	Dr. Jacqueline A. Watson, MBA
Citizen Review Panel: Child Abuse and Neglect	Ransom Washington, Jr.
Commemorative Works Committee	Chris Shaheen
Commission for National and Community Service (Serve DC)	Jeffrey Richardson
Commission on HIV/AIDS, Mayor's	Wanda Lockridge
Comprehensive Housing Strategy Task Force	Allison Ladd
Concealed Pistol Licensing Review Board	Gitana Y. Stewart-Ponder, Esq.
Condemnation of Insanitary Buildings, Board for the	Todd Starke
Construction Codes Coordinating Board	Paul Waters, Esq.
Contract Appeals Board	Richard K. Rothchild, Esq.
Corrections Information Council (CIC)	Cara Compani, Esq.
Dentistry, Board of	Dr. Vito R. DelVento
Destination DC (Washington DC Convention and Tourism Corporation)	Crispus Gordon, III
Developmental Disabilities Fatality Review Committee (DD FRC)	Tracie Martin
Developmental Disabilities State Planning Council (DD Council)	Mathew (Mat) McCollough
Dietetics & Nutrition, Board of	Robin Y. Jenkins
Domestic Violence Fatality Review Board	Tracie Martin
Eastern Market Community Advisory Committee (EMCAC)	Donna Scheeder

Name of Board, Commission, Committee, Council or Task Force	Point of Contact
Education Licensure Commission (ELC)	Angela Lee
Education (SBOE), State Board of	Jesse B. Rauch
Educational Opportunity for Military Children State Council, District of Columbia	Sandra Schlicker, PhD
Elections, Board of	Clifford D. Tatum, Esq.
Emancipation Commemoration Commission	Cynthia Brock-Smith
Emergency Medical Services Advisory Committee (EMSAC)	Cynthiana Lightfoot
Ethics and Government Accountability (BEGA), Board of	Darrin Sobin, Esq.
Fashion Arts and Events, Commission on	Connie Boddie
Financial Literacy Council	Idriys J. Abdullah
Funeral Directors, Board of	Kevin Cyrus
Gay, Lesbian, Bisexual and Transgendered Affairs, Advisory Committee to the Office of (GLBT)	Sterling Washington
Green Buildings Advisory Council	William (Bill) Updike
Healthy Youth and Schools Commission	Nancy Katz
Historic Preservation Review Board (HPRB)	David Maloney
Homeland Security Commission	Nicole A. Chapple
Housing Authority Board of Commissioners	Hammere Gebreyes
Housing Finance Agency Board of Directors	Allison Ladd
Housing Production Trust Fund Board (HPTF)	Beatrice D. Fields, Esq.
Human Rights, Commission on	Monica Palacio
Humanities Council	Joy F. Austin
Industrial Trades, Board of	Pamela Hall
Innovation and Technology Inclusion Council	
Interagency Coordinating Council (ICC)	Kerda DeHaan
Interagency Council on Homelessness (ICH)	Darrell Cason
Interfaith Council, Mayor's	Dexter Nutall

Name of Board, Commission, Committee, Council or Task Force	Point of Contact
Interstate Commission on the Potomac River Basin	Carlton Haywood
Judicial Disabilities and Tenure, Commission on	Cathae Hugins
Judicial Nomination Commission (JNC)	Kim M. Whatley
Juvenile Abscondence Review Committee	Adam Aljoburi, Esq.
Juvenile Justice Advisory Group (JJAG)	Bridgette D. Royster
Latino Community Development, Commission on	Roxana Olivas
Library Trustees, Board of	Gary Romero
Long-Term Care Administration, Board of	Robin Y. Jenkins
Marriage and Family Therapy, Board of	Robin Y. Jenkins
Martin Luther King, Jr. Holiday, Commission on the	Sharon D. Anderson
Massage Therapy, Board of	Robin Y. Jenkins
Medicine, Board of	Dr. Jacqueline A. Watson, MBA
Metabolic Disorders, Committee on	Yvockeea Monteiro
Metropolitan Washington Airports Authority Board of Directors (MWAA)	Quince T. Brinkley, Jr.
Metropolitan Washington Regional Ryan White Planning Council	Lamont Clark, MBA
Motor Vehicle Theft Prevention Commission (MVTPC)	Tykisha McCray
National Capital Planning Commission (NCPC)	Deborah Young
Naturopathic Medicine, Advisory Committee on	Dr. Jacqueline A. Watson, MBA
Notaries Public Board of Review	
Not-for-Profit Hospital Corporation Board of Directors (known as UMC, United Medical Center)	Natalie C. Williams
Nursing, Board of	Karen V. Scinio Skinner, MSN, RN

Name of Board, Commission, Committee, Council or Task Force	Point of Contact
Nursing, Board of	Karen V. Scipio-Skinner, MSN, RN
Occupational, Safety and Health Board (OSHA)	Mohammad R. Sheikh
Occupational Therapy, Board of	Robin Y. Jenkins
Office of Administrative Hearings, Advisory Committee to the (OAH)	Brian Flowers
Office of Boards and Commissions (OBC)	David J. Walker
Office of Employee Appeals (OEA)	Lasheka Brown Bassey, Esq.
Open Government Advisory Group	Brian Flowers
Optometry, Board of	Robin Y. Jenkins
Pedestrian Advisory Council	Marlene Berlin
People's Counsel	Sandra Mattavous-Frye, Esq.
Persons with Disabilities, Commission on	Kali Wasenko, MSW
Pharmacy, Board of	Patricia (Trish) M. D'Antonio, RPh, MS, MBA, CGP
Physical Fitness, Health, and Nutrition, Mayor's Council on	Amelia Peterson-Kosecki, MS, RDN, LD
Physical Therapy, Board of	Robin Y. Jenkins
Physician Assistants, Advisory Committee on	Dr. Jacqueline A. Watson, MBA
Podiatry, Board of	Robin Y. Jenkins
Police and Firemen's Retirement and Relief Board (PFRRB)	Lela R. Jones
Police Complaints Board	Christian J. Klossner
Police Officers Standards and Training Board (POST)	Laura Wagman
Polysomnography, Advisory Committee on	Dr. Jacqueline A. Watson, MBA
Pretrial Services Agency Executive Committee	Pamela R. Hall
Professional Counseling, Board of	Robin Y. Jenkins
Professional Engineering, Board of	Lori Fowler

Name of Board, Commission, Committee, Council or Task Force	Point of Contact
Psychology, Board of	Robin Y. Jenkins
Public Charter School Board (PCSB)	Scott Pearson
Public Charter School Credit Enhancement Fund Committee	Katherine Cox
Public Defender Service Board of Trustees	Ms. Avis E. Buchanan
Public Employee Relations Board (PERB)	Keturah D Harley, Esq.
Public Service Commission (PSC)	Tiffany A. Frazier
Public Space Committee	Catrina Felder
Real Estate Appraisers, Board of	Leon Lewis
Real Estate Commission	Leon Lewis
Real Property Tax Appeals Commission (RPTAC)	Carlynn F. Jenkins, Esq.
Recreational Trails Advisory Committee	Heather Deutsch
Re-Entry and Returning Citizen Affairs, Commission on	Charles Thornton
Rental Housing Commission	LaTonya Miles
Respiratory Care, Board of	Robin Y. Jenkins
Retirement Board	Deborah Reaves
Review for Anti-Deficiency Violations, Board of	Takiea Ferguson
Saint Elizabeths Redevelopment Initiative Advisory Board (SERI Board)	Catherine V. Buell
Science Advisory Board	Herbert Thomas
Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings, Commission on	Wanda Tucker
Selective Service System (SSS)	Margaret Stilke
Sentencing and Criminal Code Revision Commission	Barbara Tombs-Souvey
Social Work, Board of	Robin Y. Jenkins
State Advisory Panel on Special Education (SAPSE)	Desiree Brown
State Early Childhood Development Coordinating Council (SECDC)	Rachel Molly Joseph

Name of Board, Commission, Committee, Council or Task Force	Point of Contact
State Mental Health Planning Council (SMHPC)	Dr. Juanita Y. Reaves
State Rehabilitation Council (SRC)	Erin Leveton
Statewide Health Coordinating Council (SHCC)	Mr. Amha Selassie
Statewide Independent Living Council (SILC)	Andrew Reese
Surgical Assistants, Advisory Committee on	Dr. Jacqueline A. Watson, MBA
Sustainable Energy Utility Advisory Board (SEU Advisory Board)	Lynora Hall
Task Force to Combat Fraud	Brenda Berkley
Taxicab Commission	Juanda Mixon
Tobacco Settlement Financing Corporation Board of Directors	
Trauma Technologist, Advisory Committee on	Dr. Jacqueline A. Watson, MBA
Uniform Law Commission (ULC)	James C. McKay
United Planning Organization Board of Directors (UPO)	Mr. Dana M. Jones
University of the District of Columbia, Board of Trustees (UDC)	Beverly Franklin
Veterans Affairs, Advisory Board on	Matthew (Matt) Cary
Veterinary Examiners, Board of	Dr. Vito R. DelVento
Walter Reed Army Medical Center Site Reuse Advisory Committee	
Washington Convention and Sports Authority Board of Directors (Events DC)	Sean Sands
Washington Convention Center Advisory Committee (WCCAC)	Theresa DuBois
Washington Metropolitan Area Transit Authority Board of Directors (WMATA)	Richard Sarles
Washington Metropolitan Area Transit Commission (WMATC)	William S. Morrow, Jr.
Water and Sewer Authority Board of Directors (DC Water)	Linda R. Manley
Women, Commission for	Latisha R. Atkins, J.D.
Workforce Investment Council (WIC)	Kermit Kaleba
Zoning Adjustment (BZA), Board of	Clifford Moy
Zoning Commission	Sharon Schellin

Name of Board, Commission, Committee, Council or Task Force	Point of Contact
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