



## BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY



February 3, 2025

**Via Electronic Mail**

The Honorable Brooke Pinto  
Councilmember, Ward 2  
Chairwoman, Committee on the Judiciary and Public Safety  
Council of the District of Columbia  
1350 Pennsylvania Ave, N.W., Suite 106  
Washington, D.C. 20004

Re: Responses to the Preliminary Performance Oversight Questions from the Committee on the Judiciary and Public Safety

Dear Councilmember Pinto,

On behalf of the Board of Ethics and Government Accountability (BEGA), we thank you for this opportunity to provide responses to the Performance Oversight Questions contained in the Committee on the Judiciary and Public Safety's (the "Committee") correspondence to BEGA's Chairperson Norma Hutcheson, dated January 23, 2025. The Board Chairperson and the Directors of Government Ethics and Open Government look forward to providing testimony and answering any questions you or the members of the Committee may have at the Public Hearing scheduled for February 5, 2025, at 10:00am.

Attached to this cover letter, please find the responses to the preliminary performance oversight questions that the Committee requested. If you have any additional questions or require more information, please let us know.

Sincerely,

Niquelle Allen  
Director of Open Government  
Board of Ethics and Government Accountability

Ashley Cooks  
Director of Government Ethics  
Board of Ethics and Government Accountability

## ORGANIZATION AND OPERATIONS

1. Please provide the agency's mission statement.

### Response:

The Board of Ethics and Government Accountability (BEGA or Board) was established in 2012 pursuant to Section 202(b) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (the "Ethics Act"). BEGA is comprised of two divisions the Office of Government Ethics (OGE) and the Office of Open Government (OOG). The Ethics Act also amended the Open Meetings Act to establish the OOG as an independent office within BEGA with a mission of promoting open governance in the District, primarily through the enforcement of the Open Meetings Act. The BEGA Amendment Act of 2018 clarified the structure of BEGA. The legislation established the OGE as a separate entity from the Board and renamed the Open Government Office to the OOG.

OGE is an office that investigates allegations of ethical misconduct concerning District government employees and officials. It has authority over the District government's workforce of approximately 34,000 employees, including ethics oversight of the Mayor and the Council. Through its Director, OGE serves as the District's ethics prosecutor and is empowered to bring enforcement proceedings before the five-member Board of Ethics and Government Accountability which, in turn, can levy civil penalties including substantial monetary fines—*up to \$5,000 per violation, or three times the amount of any unlawful gift or contribution*. In addition to its ethics enforcement role, OGE is also responsible for providing binding ethics advice and training to District employees; oversight of Lobbyist registration and activity; and compliance with Financial Disclosure Statement filing requirements by high-level employees and elected officials. OGE is tasked with administering and enforcing the Code of Conduct.

OOG is an office charged with advancing open governance in the District of Columbia by ensuring compliance with the District of Columbia Open Meetings Act (OMA), which requires that all public bodies gathered to consider, conduct or advise on public business take all official action during public meetings and provide proper notice and detailed records of their meetings. OOG provides formal and informal advice to public bodies seeking guidance on compliance with the provisions of the OMA and has the authority to bring suit in the Superior Court of the District of Columbia against any public body, absent the Council of the District of Columbia, which fails to comply with the DC Open Meetings Act. Enforcement ranges from injunctive relief to fines of up to \$500 per violation. OOG also provides advice on the implementation of the DC Freedom of Information Act (FOIA). OOG issues advisory opinions on FOIA issues in response to inquiries and assist members of the public in filing FOIA requests.

The Board was established as an independent agency tasked with administering and enforcing the Code of Conduct.

2. Please provide a complete, up-to-date organizational chart for the agency and each division within the agency, including the names and titles of all senior personnel.

**See EXHIBIT 1 – BEGA Organization Chart**

- a. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.
- b. Please include a list of the employees (name and title) for each subdivision and the number of vacant, frozen, and filled positions for each subdivision. For vacant positions, please indicate how long the position has been vacant and the date on which the vacant position was posted for re-hiring, if applicable.
- c. Has your agency experienced a hiring freeze at any point in FY 2024 or FY 2025? If yes, please indicate the dates of the freeze.

**Response:** BEGA has not experienced a hiring freeze.

- d. Please provide a narrative explanation of any major changes to the organizational chart made during the previous year.

**Response:** BEGA has not experienced any major changes over the past year.

3. Please list each new program implemented by the agency during FY 2024 and FY 2025, to date. For each initiative please provide:
  - a. A description of the initiative, including when it began and when it was completed or is expected to be completed;
  - b. The funding required to implement the initiative; and
  - c. Any documented results of the initiative.

**Response:** OGE has begun an outside employment training initiative to combat the issue of employees engaging in outside employment that conflicts with their District government employment. Since the COVID-19 pandemic, to date, BEGA has seen an increase in outside employment violations. Specifically, when investigating these types of cases, it was discovered that certain employees took advantage of telecommuting by working an outside job during their tour of duty. In an effort to educate and deter this conduct, OGE now offers quarterly outside employment training, which informs employees of the restrictions that must adhere to when obtaining outside employment. We also offered an outside employment webinar during our last, annual Ethics Week symposium. We are in the process of creating a new on-demand training course that will be available on our Learning Management System. This initiative does not require funding. The initiative began in October with the outside employment webinar and has continued with the quarterly trainings which started in January 2025.

**Response:** OOG: In FY24, OOG implemented an education initiative to offer targeted OMA training to members of DCPS Local School Advisory Teams (LSAT). OOG conducted two OMA trainings specifically for LSATs in FY24. Additionally, OOG hired a new attorney-advisor in FY24 whose portfolio specifically includes acting as OOG's main point of contact and training coordinator for DCPS LSATs as well as the DC Public Charter School Board and Boards of Trustees of Public Charter Schools. In FY25, OOG is implementing a monthly Open Meetings Act training to be held on the third Thursday of every month, as well as a quarterly D.C. Freedom of Information Act training. The monthly OMA trainings, which began on January 23, 2025, provide an overview of the provisions of the OMA as well as best practices for public body compliance with the OMA. The quarterly DC FOIA trainings will begin on February 18, 2025. The funds expended to implement OOG's training initiatives are BEGA's expenditures through MOUs with the Office of the Chief Technology Officer (OCTO) to utilize OCTO's enterprise WebEx contract and Microsoft Teams. In order to fund the Attorney-Advisor position regarding schools, BEGA had to defund the Trial Attorney position. While the current team has resolved to conduct the preceding trainings with all vigor, funding this position would be of great assistance. OOG does not yet have metrics to illustrate whether or not our training initiatives have resulted in meaningful changes regarding OMA compliance.

4. Please provide a complete, up-to-date position listing for your agency, ordered by program and activity, and including the following information for each position:

**See EXHIBIT 2 – Schedule A Chart**

- a. Title of position;
- b. Name of employee or statement that the position is vacant, unfunded, or proposed;
- c. Date employee began in position;
- d. Salary and fringe benefits (separately), including the specific grade, series, and step of position;
- e. Job status (continuing/term/temporary/contract); and
- f. Whether the position must be filled to comply with local or federal law.

*Please note the date that the information was collected.*

5. Please provide a list of all memoranda of understanding ("MOUs") entered into by your agency during FY 2024 and FY 2025, to date, as well as any MOUs currently in effect. For each, indicate the date on which the MOU was entered and the termination date (if applicable).

## BEGA FY24-25 J&PS Performance Oversight Responses

### Response:

FY	BUYER	SELLER	Project	Project Description	MOU AMOUNT
2024	AG0	TO0	400019	AG0.500228.IT ASSESSMENT	1,320.00
	AG0	TO0	400020	AG0.500238.IT ASSESSMENT	576.00
	AG0	TO0	400021	AG0.500245.IT ASSESSMENT	24,225.95
	AG0	TO0	400022	AG0.500230.IT ASSESSMENT	1,112.00
	AG0	TO0	400023	AG0.500235.IT ASSESSMENT	7,999.60
	AG0	KT0	400024	AG0.KTAGFM.FLEET MGMT BEGA	2,293.28
	AG0	TO0	400025	AG0.500237.IT ASSESSMENT	7,846.03
	AG0	OFRM	401162	AG0 - RTS NON-DCNET	3,029.93
	AG0	AT0	401442	AG0 MERCHANT MOU	2,589.11
	AG0	TO0	402433	AG0 FY24 TO0 MOU	2,506.65
	AG0	JS0	402574	AG0 FY24 MOU JS0	614.00
					<b>54,112.55</b>
FY	BUYER	SELLER	Project	Project Description	MOU AMOUNT
2025	AG0	TO0	400019	AG0.500228.IT ASSESSMENT	5,670.00
	AG0	TO0	400020	AG0.500238.IT ASSESSMENT	720.00
	AG0	TO0	400021	AG0.500245.IT ASSESSMENT	27,253.07
	AG0	TO0	400022	AG0.500230.IT ASSESSMENT	1,529.00
	AG0	TO0	400023	AG0.500235.IT ASSESSMENT	8,267.48
	AG0	KT0	400024	AG0.KTAGFM.FLEET MGMT BEGA	1,693.94
	AG0	TO0	400025	AG0.500237.IT ASSESSMENT	9,403.55
	AG0	BE0	401075	HR SERVICES FY 2023	4,415.00
	AG0	AT0	401442	AG0 MERCHANT MOU	3,503.74
					<b>151,380.78</b>

6. Please provide a list of each collective bargaining agreement that is currently in effect for agency employees.

**Response:** BEGA does not have collective bargaining agreements.

- Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.
- Please provide, for each union, the union leader's name, title, and his or her contact information, including e-mail, phone, and address if available.
- Please note if the agency is currently in bargaining and, if so, its anticipated completion date.

7. Please provide the agency's FY 2024 Performance Accountability Report.

See **EXHIBIT 3 - FY24 BEGA PAR**

#### **BUDGET AND FINANCE**

8. Please provide a chart showing the agency's approved budget and actual spending, by division, for FY 2024 and FY 2025, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.

See **EXHIBIT 4 - FY24 Spending**

9. Please list any reprogrammings, in, out, or within, related to FY 2024 or FY 2025 funds. For each reprogramming, please list:

See **EXHIBIT 5**

- a. The reprogramming number;
  - b. The total amount of the reprogramming and the funding source (i.e., local, federal, SPR);
  - c. The sending or receiving agency name, if applicable;
  - d. The original purposes for which the funds were dedicated; and
  - e. The reprogrammed use of funds.
10. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY 2024 and FY 2025, to date, including:

See **EXHIBIT 6 -**

- a. Buyer agency and Seller agency;
- b. The program and activity codes and names in the sending and receiving agencies' budgets;
- c. Funding source (i.e., local, federal, SPR);
- d. Description of MOU services;
- e. Total MOU amount, including any modifications; and
- f. The date funds were transferred to the receiving agency.

11. Please identify any special purpose revenue accounts maintained by, used by, or available for use by your agency during FY 2024 and FY 2025, to date. For each account, please list the following:

See **EXHIBIT 7**

- 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 FY 2024 and FY 2025, to date; and
  - e. Expenditures of funds, including the purpose of each expenditure, for FY 2024 and FY 2025, to date.
12. Please provide a list of all projects for which your agency currently has capital funds available. Please include the following:

**Response:** BEGA does not have any capital funds.

- a. A description of each project, including any projects to replace aging infrastructure (e.g., water mains and pipes);
  - b. The amount of capital funds available for each project;
  - c. A status report on each project, including a timeframe for completion; and
  - d. Planned remaining spending on the project.
13. Please provide a complete accounting of all federal grants received for FY 2024 and FY 2025, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2024, the amount of any unspent funds that did not carry over.

**Response:** BEGA does not have any federal grants.

14. Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended and option years exercised, by your agency during FY 2024 and FY 2025, to date. For each contract, please provide the following information, where applicable:
- a. The name of the contracting party;
  - b. The nature of the contract, including the end product or service;
  - c. The dollar amount of the contract, including budgeted amount and actually spent;

## BEGA FY24-25 J&PS Performance Oversight Responses

- d. The term of the contract;
- e. Whether or not the contract was competitively bid;
- f. The name of the agency's contract monitor and the results of any monitoring activity;
- g. Funding source; and
- h. Whether the contract is available to the public online.

Supplier	PoTitle	Amount	Start Date	End Date	Competitive Bid	Contract Monitor	Fund	Is Contract Available Online
WINGSWEPT LLC	Annual Maintenance Support	36,219.72	1-Oct-23	30-Sep-24	Option Yr	C.Mitchell	1060013	Yes
LRN CORPORATION	OGE Training Portal	136,000	21-Sep-23	21-Sep-24	Option Yr	C.Mitchell	1010001	Yes
DIA Productions INC	OOG Learning Platform	34,125	1-Oct-23	30-Sep-24	Option Yr	C.Mitchell	1010001	Yes

15. Please provide the details of any surplus in the agency's budget for FY 2024, including:

See **EXHIBIT 8**

- a. Total amount of the surplus; and
- b. All projects and/or initiatives that contributed to the surplus.

16. For FY 2024 and FY 2025 to date, please provide the number of contracts and procurements executed by your agency. Please indicate how many contracts and procurements were for an amount under \$250,000, how many were for an amount between \$250,000-\$999,999, and how many were for an amount over \$1 million.

FY	Number of Contracts/ Procurements	Under 250,000	Over 250,000	Over 1 Million
2024	3	3	0	0
2025	4	4	0	0



## LAWS, AUDITS, AND STUDIES

17. Please list and describe any ongoing investigations, audits, or reports on 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 FY 2024 or FY 2025, to date.

**Response:** There were no investigations, audits, or reports conducted on BEGA.

18. Please list any reports the agency is required by law to prepare and whether the agency has met these requirements.

- a. Are there any required regular reports that the agency believes are unduly burdensome and/or underutilized by the Council or the public? If so, please provide details on each such report and, to the extent feasible, an estimate of the budget and/or person-hours required to prepare each report.

Response: BEGA is in full compliance with the reporting requirements. OGE complied with the following statutory reporting requirements:

- D.C. Official Code § 1-1162.19 – Advisory Opinions
- D.C. Official Code § 1-1162.20 – Quarterly Complaint Report
- D.C. Official Code § 1-1162.02(b) – Best Practices Report
- D.C. Official Code § 2-576 (3) – Notice of meetings, including agenda
- D.C. Official Code § 2-578(b)(1) – Copies of minutes
- D.C. Official Code § 1-1162.24 (c) – List of public officials who have filed a public financial disclosure statement, received an extension of the deadline for filing, or not filed
- D.C. Official Code § 1-1162.29(b)(2) – summary of registered lobbyist information by August 15<sup>th</sup> or within 10 days after registering.

19. Please list all lawsuits filed in FY 2024 and FY 2025 to date that name the agency as a party, and provide the case name, court where claim was filed, case docket number, and a brief description of the case.

**Response:** In FY 2024 and FY 2025 to date, BEGA was named as a party in three matters filed in the Superior Court of the District of Columbia. The first matter, Barry Weise v. Board of Ethics and Government Accountability, 2024-CAB-002160, seeks judicial review of BEGA's decision to dismiss a formal investigation in Case No. 24-003-F, which involved allegations that Councilmember Anita Bonds engaged in campaign activity in violation of the District's Code of Conduct.

The second and third matters, Zainab Yusuff v. DISB, et al., 24-CAB-003479 and Zainab Yusuff v. District of Columbia Government, et al., 24-CAB-005229, both stem from BEGA's decision to deny claimant's appeal of her designation as a District employee required to file a Confidential Financial Disclosure Statement. Yusuff v. DISB, et al, seeks judicial review of BEGA's decision on the financial disclosure designation appeal while Yusuff v. District of Columbia Government, et al. alleges that claimant was wrongfully terminated from her District employment. Claimant voluntarily moved to dismiss her agency review case and then moved to

have the case reinstated. The court granted the District's motion to dismiss the complaint with prejudice as to BEGA and several other agencies as non sui juris in the wrongful termination matter.

20. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 2024 and FY 2025 to date, including any covered by D.C. Code § 2-402(a)(3), and provide the parties' names, the amount of the settlement, and, if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g., administrative complaint).

**Response:** BEGA has not entered any settlements or litigation in FY24 or FY25.

21. Please list any administrative complaints or grievances that the agency received in FY 2024 and FY 2025 to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY 2024 or FY 2025 to date, describe the resolution.

**Response:** BEGA received 1 grievance based on an employee disciplinary action. The agency contacted the MOLC to act as the Mediator. Mediation was held within 3 weeks of the request, resulting in editing verbiage in the file, with no changes to the disciplinary action.

## WORKPLACE ISSUES AND EQUITY

22. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY 2024 and FY 2025 to date, and whether and how those allegations were resolved.

**Response:** BEGA follows the procedures set forth in Mayor's Order 2017-313, "Sexual Harassment Policy, Guidance, and Procedures." Consistent with the Order, BEGA has a Sexual Harassment Officer (S.H.O.) who is charged with receiving and investigating allegations of sexual harassment. BEGA utilizes the processes and procedures set forth in the District of Columbia Personnel Manual when investigating allegations of sexual harassment, sexual misconduct, or discrimination committed by or against agency employees. See <https://edpm.dc.gov/issuances/sexual-harassment-reports-and-investigations>.

The agency did not receive any allegations of sexual harassment, sexual misconduct, or discrimination committed by or against agency employees during FY24 or FY25, to date.

23. The District defines racial equity as “the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents.” What are three areas, programs, or initiatives within your agency where you see the most opportunity to make progress toward racial equity?

**Response:** In previous budget request opportunities, BEGA requested funding for two legal fellows to research and examine how race impacts the reporting of government transparency violations. BEGA does not currently utilize metrics to measure complaints based on demographics. These legal fellows would be tasked with creating these metrics and researching and recommending solutions to any racial disparities that exists within BEGA’s execution of its mission.

24. In FY 2024 and FY 2025 to date, what are two ways that your agency has addressed racial inequities internally or through the services you provide?

**Response:** (1) All BEGA managers completed mandatory Racial Equity training, and (2) the agency hosted Racial Equity training during Ethics Weeks in partnership with the Office of Racial Equity.

OOG receives complaints about meetings from residents in all 8 Wards. OOG was receiving complaints regarding the conduct of ANC meetings in Wards 7 and 8. The demographic of that area of the city is majority people of color. An ANC from that area of the city requested Parliamentary Procedure training. As a result of that request, OOG sought funding for the Parliamentary Procedure portal to provide training on how to conduct professional meetings. While OOG does not have jurisdiction over ANC meetings, OOG has provided ANC Commissioners with access to the training portal to assist ANCs throughout the city with conducting professional meetings using Robert’s Rules of Order.

## AGENCY-SPECIFIC QUESTIONS

### General

25. Please provide the Committee with a brief summary of advisory opinions issued during FY 2024 and FY 2025 to date, including the issue, conclusion, whether the opinion was requested or issued *sua sponte*, and the link to the opinion.

**Response:** OGE FY24:

- Cooperation and Retaliation Advisory Opinion - This *sua sponte* advisory opinion discusses the obligation of District employees to cooperate with Office of Government Ethics’ (“OGE”) investigations and the prohibition against retaliating against employees who report unethical conduct and cooperate with investigations.  
Link: [Office of Government Operations](#)
- Draft Advisory Neighborhood Commissioners and Sign-on Letters Advisory Opinion - This draft advisory opinion was written by request and provides guidance to the Office of the Advisory Neighborhood Commissions on the circumstances under which Advisory Neighborhood Commissioners can ethically write sign-on letters. OGE determined that

ANCs should only use their official title and position for ANC business. OGE is working on an updated draft of this opinion that considers comments received during the comment period.

Link: [Neighborhood Commissioners and Sign-on Letters Advisory Opinion.pdf](#)

- Post-employment and Attorney Appearance Advisory Opinion - This advisory opinion was written by request and provides guidance to a past District government employee regarding whether, under the District's post-employment rules, he can enter an appearance and represent the plaintiff in a legal matter in which the District, and his previous office is the defendant. OGE determined that the past employee may serve as a part of the legal team in the matter but is prohibited, for one year from separation, from entering an appearance in the matter.

Link: [Employment - Attorney Appearance Advisory Opinion.pdf](#)

- Updated Social Media/Official Use Advisory Opinion – This *sua sponte* advisory opinion provides guidance on how District employees and elected officials should properly use official social media accounts in accordance with the Supreme court's ruling in *Lindke*. Official accounts maintained by a DC Government office or agency are government resources and should be used only for official purposes.

Link: [Updated Advisory Opinion on Social Media use for Official Purposes.pdf](#)

- OSA Providing Statehood Information at the Democratic National Convention - This advisory opinion was written by request and provides guidance to the Mayor's Office of the Senior Advisor ("OSA") regarding whether representatives of OSA may attend the 2024 Democratic National Convention to present information regarding D.C. Statehood. OGE determined that it would not violate the Local Hatch Act for OSA representatives to attend the convention to provide information regarding statehood since statehood is a non-partisan issue. OGE further determined that OSA representatives were prohibited from engaging in any personal political activity while on the work trip to the DNC.

Link: [Advisory Opinion on OSA Providing Statehood Information at the Democratic National Convention w attachment.pdf](#)

- Guidance on Serving as President/CEO of an Organization that Does Business with the District - This opinion responds to a request for guidance on the District's ethics rules as they pertain to serving as President and CEO of an organization that does business with the District. OGE determined that the employee could serve as President/CEO but that he is prohibited from appearing before the District on behalf of the organization.

Link: [Serving as President and CEO of An Organization That Does Business with the District.pdf](#)

FY25 (October 2024 – present):

- Draft Lobbying Registration and Reporting Advisory Opinion – This *sua sponte* advisory opinion provides guidance for lobbyists and to inform District Government employees of their obligations regarding lobbyists.

Link: [DRAFT Lobbyist Registration and Reporting Advisory Opinion for publication.docx](#)

**Response:** OOG FY24

- FOIA Advisory Opinion: On August 26, 2024, the Office of Open Government issued Advisory Opinion # OOG-2023-006\_AO in response to a Request. The advisory opinion addressed whether the Deputy Mayor for Planning and Economic Development's (DMPED) denial of a D.C. FOIA request was proper when DMPED denied the request as unreasonable because searching for, retrieving, redacting, and delivering so many e-mails would “significantly interfere with the operation of [DMPED]’s automated information system.” The director determined that DMPED may properly refuse to undertake an e-mail search with the D.C. FOIA requesters specific search terms because of the significant interference with the agency's system. However, the Director noted that D.C. case law suggests that DMPED should, in good faith, carry out the reasonable e-mail search with the search terms that its FOIA Officer and OCTO estimated would likely produce the requested records. The Director concluded that DMPED correctly denied the FOIA request as unreasonable.  
[https://www.open-dc.gov/FOIA\\_AdvisoryOpinion\\_Email\\_Significant\\_Interference](https://www.open-dc.gov/FOIA_AdvisoryOpinion_Email_Significant_Interference).
- OMA Advisory Opinion: On April 12, 2024, the Director of Open Government issued Advisory Opinion # OOG-2024-0008 in response to a request for advice regarding whether the Aston Community Advisory Team (Aston CAT) is a public body subject to the Open Meetings Act (OMA). The Director relied on previously issued advisory opinions in deciding. OOG’s previous decisions concerning similar issues broadened OOG’s interpretation to include public bodies that have not been established by a Mayor’s Order or statute, but by a subordinate office or agency. The Director decided that entities that are considered public bodies include task forces and other bodies that were created with the intent to impact District operations and inform policy. The Director concluded that the Aston CAT and comparable “community advisory teams” are subject to the OMA because the entity met this description.  
<https://www.open-dc.gov/documents/oog-2024-0008-oma-advisory-opinion-aston-cat>.
- OMA Advisory Opinion: On March 7, 2024, the Director of Open Government issued Advisory Opinion # OOG-2023-0006 in response to the Science Advisory Board’s (SAB) October 27, 2023, Request, where SAB sought detailed advice regarding four specific Open Meetings Act (OMA) issues. The areas of concern addressed in the advisory opinion included how a public body may modify its agenda at a meeting and the relationship between a public body and the agency that assists the public body in meeting its obligations under the District of Columbia’s transparency laws. The Director concluded that: (1) SAB may modify the planned agenda if an unanticipated item of new business arises; (2) D.C. FOIA may preclude the agency from releasing certain non-public information to public body members; (3) the laws under OOG’s scope do not constrain the public body’s use of its own website, but D.C. FOIA and OCTO’s policies may provide legitimate justification for declining to publish information on its DC.GOV website; and (4) the OMA does not prohibit any particular District entity from meeting with any other District entity.  
[https://www.open-dc.gov/SAB\\_DFS\\_AdvisoryOpinion\\_03072024](https://www.open-dc.gov/SAB_DFS_AdvisoryOpinion_03072024).

- FOIA Supplemental Advice to Advisory Opinion: On October 6, 2023, the Office of Open Government provided a legal advice letter to the Metropolitan Police Department's (MPD) General Counsel as a supplement to its advice rendered on September 22, 2023, regarding correctly stating the law in its D.C. FOIA responses (# OOG-2023-003-A). OOG advised MPD to inform all D.C. FOIA requesters of the correct recitation of sections 134 and 135 of the Comprehensive Policing Act because MPD provided numerous requesters with D.C. FOIA denial letters that incorrectly stated this law. [https://www.open-dc.gov/Legaladvice\\_MPD\\_FOIA\\_ComprehensivePolicingAct](https://www.open-dc.gov/Legaladvice_MPD_FOIA_ComprehensivePolicingAct).

#### FY25 to Date

- FOIA: In FY2025, the Office of Open Government has not yet issued a FOIA advisory opinion.
- OMA Advisory Opinion: On January 31, 2025, the Director of Open Government issued Advisory Opinion #OOG-2024-0001, opining that while there was a lack of sufficient evidence of a meeting in violation of the Open Meetings Act ("OMA"), and that although several of the allegations asserted were not within the scope of the Director's authority under the Open Meetings Act (OMA), as a result of its independent investigation, OOG determined that Coolidge LSAT was operating in violation of provision of meeting records requirements of the Open Meetings Act ("OMA"), and determined that the entire Coolidge LSAT must take training on the OMA within 60 days. <https://www.open-dc.gov/documents/oog-2024-0001-oma-advisory-opinion-coolidge-lsat>

26. How many inquiries and cases did BEGA receive in FY 2024 and FY 2025, to date, disaggregated by fiscal year and subject matter?

#### **See Exhibit of Quarterly Complaint Reports**

- a. Please detail BEGA's intake process and tracking system for complaints.

**Response:** OGE receives complaints through it hotline, online submission via the BEGA website, email, telephone, mail, or by delivery of documents to our office. For online submissions, the complaint is accepted into our case management system (CMTS) and assigned a number. For complaints received through other means, such as mail or hand delivery, the complaint is scanned and uploaded into CMTS. All complaints are reviewed by the Director, General Counsel, and Supervisory Investigator. If the complaint includes allegations that are within BEGA's jurisdiction, it is converted into a preliminary investigation, then assigned to an investigative team. If the complaint is submitted under oath sworn oath, or is based on a finding by the Office of the Inspector General, D.C. Auditor, or a court of competent jurisdiction, the complaint is presented to the Board as a formal investigation. All complaints and investigations are tracked in CMTS from initiation to closure.

- b. How many ethics complaints did the agency receive in FY 2024 and FY 2025, to date?



**Response:** OGE received 265 ethics complaints in FY 2024, and 90 complaints in FY 2025 as of January 31, 2025

c. Generally, how long does it take BEGA to resolve a complaint?

**Response:** OGE has set an internal deadline of 120 days to reach a disposition or file formal charges in a case. Extenuating external circumstances can impede that timeframe.

d. How does BEGA communicate to the filer the status of their complaint?

**Response:** With every complaint that is submitted to BEGA, an acknowledgement of receipt is sent to the complainant. If a complaint is submitted online, a tracking number is automatically generated upon submission. If a complaint is submitted through other means, a complainant will receive an email or letter acknowledging receipt of the complaint and providing a tracking number associated with the complaint. During the investigation, to protect the confidentiality of the complaint, we do not provide status updates to the complainant. Upon completion of the investigation, the complainant is sent correspondence from the Director informing them of the decision made regarding their complaint.

e. How many complaints are currently pending?

**Response:** OGE currently has 11 complaints that are pending dismissal or conversion to an investigation, and 49 open preliminary and formal investigations.

27. How many complaints did the Office of Government Ethics (OGE) close out in FY 2024 and FY 2025, to date?

**Response:** OGE closed 199 investigations, which included investigations initiated in FY23, 24 and 25

a. How does BEGA close out a complaint? How is notice sent to the complainant that the matter has been closed?

**Response:** If OGE receives a complaint that alleges conduct that is outside of BEGA's jurisdiction, a dismissal letter is sent to the complainant within 10 calendar days. If a complaint alleges conduct that violates the ethics rules, an investigation is initiated. Once an investigation is conducted and no ethics allegations are found, the matter will be recommended for dismissal. A closing memorandum summarizing investigative activity is completed and reviewed by the Director, as well as any memorandum of interviews. OGE will notify the complainant of a dismissal via letter. If evidence of an ethics violation is found, the complainant is sent notice of the disposition once the investigation is resolved. If OGE's staff identifies allegations that relate to conduct outside of OGE's jurisdiction during the course of an investigation, the matter will be referred to the appropriate agency before closure. OGE will notify the complainant if it refers a matter to another District agency. In addition, OGE takes several steps, as outlined in the Investigations Standard Operating Procedure, to close out the actual case file in our case management system.

b. How many staff are responsible for investigating complaints?

**Response:** Currently, OGE's investigative team consists of 1 Supervisory Attorney, 1 Supervisory Investigator, (3) Attorney Advisors and (3) Investigators, for a total of 8 staff members who are responsible for investigating complaints, with the support of the Director and General Counsel.

28. In last year's performance oversight responses, you indicated that BEGA responded to a total of 464 requests for advice and support (124 Open Meetings Act (OMA), 2 parliamentary-law, 115 Freedom of Information Act (FOIA), and 223 technical assistance requests). Nearly 48% of these were requests for technical assistance with the open-dc.gov website, averaging approximately one technical assistance request every other day over the reported period.

- a. Given the significant portion of staff time dedicated to addressing technical assistance requests, are there potential improvements to the website's user interface or request forms that could help reduce these technical support needs? Are there other suggestions you have for reducing the number of technical assistance requests?

**Response:** BEGA requires funding to implement changes to its website to reduce the number of staff hours dedicated to providing technical assistance. BEGA made a budget enhancement request of \$24,000 in FY 2024 to make critical upgrades to open-dc.gov, which houses the District of Columbia Central Meeting Calendar.

Upgrading the content management software - Drupal 7 to Drupal 10/11- is a critical change that is required to ensure the safety and functionality of our website. Drupal 7 reached its (EOL/End of Life) on January 5, 2025. The website is secure with our SSL, but our security updates offline lead it to be vulnerable. With Drupal 10 technology, users will have emails automatically sent to them with change within our website. Backups of our central meeting calendar website will aid if any documentation will not carryover. More user-friendly interface for people to navigate to certain parts of the website. Also, with the new Drupal core database of 10/11, it will condense the size of major files and keep records/timestamps on every file, documentation posted. Also, Drupal 10/11 offers live help and support. There were plenty of instances where our agency would reach out for assistance only to be told no support was available. Drupal 10/11 comes with views, equivalent to YouTube views. This is where you can see how many times that tab or that document/meeting was seen or visited.

- b. If this is an ongoing challenge, what support would you need from the Council or Executive to address these technical barriers and potentially reduce the staff resources required for website assistance?

**Response:** The aid that the agency will need from Council is to bring in an outside contractor to perform the overhaul on our website. We are currently searching for Drupal vendors to see if this project is feasible for implementation. As an administrator of the website, I am only allowed certain maintenance privileges which I cannot perform due to the website being out of date. Once this is completed, our team will be able to have the rights and backups I need to make sure the open-dc.gov on Drupal 10/11 runs efficiently. As mentioned above, this would require a budget enhancement of \$24,000 to complete this overhaul.



## Open Meetings Act Questions

29. Please provide detailed information about any complaints received from the public alleging Open Meetings Act violations in FY 2024 and FY 2025 to date, including the nature of the complaints, resolution timeframes, and outcomes.

**Response:** OOG receives complaints regarding OMA violations through its website, via email, and orally at our office. Until OOG resolves a matter, the details of our investigation remain confidential. The timeframe for resolution of complaints depends upon the nature of the complaint. OOG receives complaints about ANC's, over which we have no jurisdiction, and those complaints are dismissed within 7 business days of receiving the complaint. OOG's resolution of complaints regarding public bodies over which we have jurisdiction varies widely, but most matters are resolved by advisory opinions within 6 months. In FY24, OOG hired 3 new attorneys, so the transition of cases and matters to the new staff members delayed the time that we normally issue advisory opinions in FY24 and FY25, to date.

### FY24

- OMA Complaint: On March 26, 2024, the Director dismissed Complaint # OOG-2024-0005 against an Advisory Neighborhood Commission (ANC) because the allegations asserted were not within the scope of the Director's authority under the Open Meetings Act (OMA). The merits of the complaint were not evaluated or considered because ANC's are not public bodies subject to the OMA.

<https://www.open-dc.gov/documents/dismissal-oog-2024-0005-oma-dismissal-anc>.

- OMA Complaint: On November 30, 2023, the Director dismissed Complaint # OOG-2023-0009 against the Department of Forensic Sciences (DFS) because it did not raise issues within the Director's authority under the Open Meetings Act. However, because the allegations showed a possible abuse of position by a DFS staff member intervening to stop a public body from meeting, the Director referred the matter to the Office of the Inspector General.

<https://www.open-dc.gov/documents/redacted-dismissal-oog-2023-0009>.

### FY25 to date

- OMA Complaint: On January 31, 2025, the Director issued Advisory Opinion #OOG-2024-0001 opining that while there was a lack of sufficient evidence of a meeting in violation of the Open Meetings Act ("OMA"), and that although several of the allegations asserted were not within the scope of the Director's authority under the Open Meetings Act (OMA), as a result of OOG's independent investigation, the Director determined that Coolidge LSAT was operating in violation of provision of meeting records requirements of the Open Meetings Act ("OMA"), and determined that the entire Coolidge LSAT must take training on the OMA within 60 days.

<https://www.open-dc.gov/documents/oog-2024-0001-oma-advisory-opinion-coolidge-lsat>

30. How many OMA complaint adjudications in total did BEGA complete in FY 2024 and FY 2025 to date?

**Response:** BEGA's Board did not receive any appeals from the Director of Open Government's issuance of Advisory Opinions in FY24 or FY25, to date. 3 DCMR § 10407.6.

31. How many OMA complaints that public bodies failed to follow the modified public access rules did the Office of Open Government (OOG) receive in FY 2024 and FY 2025 to date?

**Response:** OOG did not receive any OMA complaints in FY2024 and FY2025 stating that public bodies did not follow the modified public access rules. However, OOG staff observed and corrected violations of those rules through its public body monitoring activity where OOG's attorneys and paralegal attend meetings each month to prevent and correct OMA violations. The most frequent violations of the modified rules include, but are not limited to: (1) failure to provide information (meeting link/phone number) regarding electronic meeting attendance on meeting notice and (2) improper meeting notice format (no agenda or insufficient).

- a. How many were sustained?

**Response:** Not applicable

- b. Did the office receive any complaints about modified requirements of public access to meeting records?

**Response:** OOG has received complaints regarding access to meeting recordings.

32. Please describe any legal actions BEGA initiated in Superior Court regarding the Open Meetings Act in FY 2024 and FY 2025 to date, including the basis for the suits, current status, and outcomes.

**Response:** BEGA as not initiated any such lawsuits to enforce the OMA through the Office of Open Government, in FY24 and FY25, to date, pursuant to D.C. Official Code § 1-1162.05c(b).

33. Please provide a summary of any advisory opinions issued regarding the Open Meetings Act in FY 2024 and FY 2025 to date, including the key issues addressed and conclusions reached.

**Response:** FY24

- OMA Advisory Opinion: On April 12, 2024, the Office of Open Government issued Advisory Opinion # OOG-2024-0008 in response to a request for advice regarding whether the Aston Community Advisory Team (Aston CAT) is a public body subject to the Open Meetings Act (OMA). The Director relied on previously issued advisory opinions in deciding. OOG's previous decisions concerning similar issues broadened OOG's interpretation to include public bodies that have not been established by a Mayor's Order or statute, but by a subordinate office or agency. The Director decided that entities that are considered public bodies include task forces and other bodies that were created with the intent to impact District operations and inform policy. The Director concluded that the Aston CAT and comparable "community advisory teams" are subject to the OMA because the entity met this description.

- OMA Advisory Opinion: On March 7, 2024, the Office of Open Government issued Advisory Opinion # OOG-2023-0006 in response to the Science Advisory Board's (SAB) October 27, 2023, Request, where SAB sought detailed advice regarding four specific Open Meetings Act (OMA) issues. The areas of concern addressed in the advisory opinion included how a public body may modify its agenda at a meeting and the relationship between a public body and the agency that assists the public body in meeting its obligations under the District of Columbia's transparency laws. The Director concluded that: (1) SAB may modify the planned agenda if an unanticipated item of new business arises; (2) D.C. FOIA may preclude the agency from releasing certain non-public information to public body members; (3) the laws under OOG's scope do not constrain the public body's use of its own website, but D.C. FOIA and OCTO's policies may provide legitimate justification for declining to publish information on its DC.GOV website; and (4) the OMA does not prohibit any particular District entity from meeting with any other District entity.

FY25 to date

- OMA Complaint: On January 31, 2025, the Director issued Advisory Opinion #OOG-2024-0001 opining that while there was a lack of sufficient evidence of a meeting in violation of the Open Meetings Act ("OMA"), and that although several of the allegations asserted were not within the scope of the Director's authority under the Open Meetings Act (OMA), as a result of OOG's independent investigation, the Director determined that Coolidge LSAT was operating in violation of provision of meeting records requirements of the Open Meetings Act ("OMA"), and determined that the entire Coolidge LSAT must take training on the OMA within 60 days.

<https://www.open-dc.gov/documents/oog-2024-0001-oma-advisory-opinion-coolidge-lsat>

34. How many requests for formal and informal advice regarding compliance with the OMA did BEGA receive in FY 2024 and FY 2025 to date?

**Response:** OOG provides informal OMA advice via e-mail or telephone, to requests for assistance. OOG received and processed 18 requests for informal OMA advice in FY2025, to date. OOG received 60 requests for informal OMA advice in FY2024.

Public bodies may request formal advice regarding the OMA. This is distinguished from an OMA Complaint. We provide advisory opinions in both instances. In FY2024, OOG received one request for formal OMA advice. In FY2025, OOG has not received any requests for formal OMA advice. Please note that in FY2024, OOG received 16 OMA complaints and in FY2025, to date OOG received 3 OMA complaints. Formal OMA advice was or will be issued in these matters as well.

## Cases, Investigations, and Resolutions

35. What is the typical timeframe of a case beginning with the investigation phase to the resolution?

**Response:** The typical time frame for a case, starting from the investigation phase to the resolution, is generally around 120 days. However, this can vary depending on the complexity of the case, the availability of evidence, and the specifics of the legal or investigative process involved. This is a standard that the office has set for itself because there is no statutory deadline for resolving investigations.

36. What are the general categories for the fines collected by BEGA in FY 2024 and FY 2025?

**Response:** BEGA assessed fine in four categories, (1) Late FDS submissions, (2) Lobbyist Registration Non-Compliance, (3) Late or Missing Lobby Activity Reports, (4) Violations of the Ethics Rules.

## FOIA Questions

37. How many requests for formal and informal advice regarding compliance with FOIA did BEGA receive in FY 2024 and FY 2025 to date?

**Response:** This question relates to informal advice regarding FOIA compliance; we answer specifics about DC FOIA requests to BEGA, specifically, below in Questions #43-50. In FY24, 45 requests were submitted to OOG regarding compliance with DC FOIA. To date in FY25, there have been 22. The average response time on a request for information or advice is less than one day. Generally, each inquiry is handled by one Attorney Advisor, with occasional consultation with another, or with the Chief Counsel. The average time spent on responding to informal FOIA advice requests is approximately 2 hours. For FY24, the total hours spent was approximately 102, while in FY25 the running total is approximately 47 hours. The average cost of compliance is approximately \$5,202 and to date in FY25, the amount is \$2,397.

38. What agency's FOIA processing was the focus of the most public complaints, concerns and inquiries for assistance in FY 2024 and FY 2025 to date?

**Response:** For both of these periods, the agency with the most public complaints, concerns and/or inquiries has been the Metropolitan Police Department (MPD).

39. What aspects of FOIA processing had the most public complaints in FY 2024 and FY 2025 to date?

**Response:** For the period in question, the following have been the basis for the majority of the public's complaints to OOG regarding D.C. FOIA:

(1) Delayed or absent agency responses – Requesters complain that agencies exceed the deadline to respond to FOIA requests.

(2) Search/review fees – Requesters complain that agencies charge unwarranted fees for FOIA requests.

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(3) Timing of disposition of appeals – Requesters complained that appeals to the Mayor’s Office of Legal Counsel (MOLC) were not acknowledged and/or responses were slow or not received at all.

40. Last year, BEGA reported detailed information about its intake and tracking processes for both ethics advice and OMA/FOIA requests, including that OGE attorneys responded to ethics requests within 1-8 hours with a 48-hour maximum turnaround time, while OOG provided initial responses by the next business day. Could you provide an update on these processes, specifically:

- a. Have there been any changes to the response time standards or communication procedures for either ethics or OMA/FOIA requests?

**Response:** No, there have been any changes respecting OOG’s processes. Procedurally and practically, OOG responds to requests by the next business day on OMA, DC FOIA, parliamentary procedure and technical issues related to open-dc.gov and the Central Meeting Calendar.

41. Has the size or structure of either the OGE or OOG legal teams changed? If so, please describe.

**Response:** The OOG legal team has one change. OOG does not currently have a Trial Attorney on staff due to funding limitations. We currently have a Chief Counsel (General Counsel), three Attorney-Advisors, and one Paralegal. BEGA requested a budget enhancement to fund the Trial Attorney position.

42. What are the current numbers for requests handled in FY 2024 (complete) and FY 2025 (to date), broken down by type of request?

CATEGORY	FY24	FY25
Number of FOIA Requests	37	13
Number granted IN WHOLE	4	0
Partially granted	0	0
Denied IN WHOLE	4	1
Pending	0	0
Withdrawn	2	0
Other disposition	19	10
Average response time	14 bus. days	12 bus. days
Est. number of FTEs required to process	2	2
Est. number of hours spent responding	67.5	24
Cost of compliance	\$3,180	\$1324

- a. How many and what types of requests are currently pending?

**Response:** There are currently no request pending.

- b. Have you implemented any changes to how these requests are tracked, processed, or reported since last year?

43. For the past three fiscal years, BEGA has consistently identified four primary areas of public complaint regarding FOIA processing: 1) agency response times exceeding the 15-business-day requirement, 2) excessive or inappropriate review fees, 3) slow or nonexistent responses to FOIA appeals, and 4) inconsistent handling of FOIA requests by ANCs. Please assess these complaints based on your current data and observations. Please also provide specific recommendations for how the Council, Executive agencies, ANCs, or other relevant government entities could implement structural or procedural changes to address each of these concerns. In your response, please include any relevant metrics that demonstrate the scale of these issues and any successful initiatives from other jurisdictions that could serve as models for improvement.

**Response:** Based on our observations and consultations, we have noted the following: As regards agency response times, the two key issues seem to be available work hours to process requests and the need to forward or consult with another agency (or agencies). The review fee issue has become polarized in many jurisdictions, including Massachusetts and Michigan, and is governed largely by agency standards and practices. We have advocated for a task force that would, among other things, consider possible District-wide standards for FOIA responses, including fees and waivers.

With respect to the processing of FOIA requests, BEGA recommends amending D.C. FOIA to extend the response time for FOIA requests to mirror the timelines in the federal FOIA. Federal FOIA provides agencies with 20 days to respond to requests. D.C. FOIA, however, provides District agencies with 15 days to respond to FOIA requests. Both statutes allow agencies to invoke a 10-day extension (excluding Saturdays, Sundays, and legal public holidays) for unusual circumstances, as defined in the respective statutes. Amending section 202(c)(1) of D.C. FOIA to adopt the 20 days available to federal agencies would allow District agencies additional time to process FOIA requests. Changing the response time via statute would not require an amendment of the implementing regulations for D.C. FOIA as the provision at 1 DCMR § 405.1 refers to “the time prescribed by applicable law following the receipt of a request” in reference to the initial response time for a FOIA request. BEGA also recommends extending the time for the Mayor’s Office of Legal Counsel (MOLC) to respond to FOIA appeals. The D.C. Council should consider amending D.C. FOIA to reflect the reality of the MOLC’s resources, its dependence on agency response, the legal complexity of some appeals, and the practices of the federal government, Maryland, and Virginia.

With respect to the legislative branch (D.C. Council and ANCs), we recommend that the D.C. Council and ANCs automate the records request process by procuring an automated system to receive and process D.C. FOIA requests. The Executive Branch has used FOIAXpress and GovQA, though there are many reputable vendors for this service. Establishing a centralized office and designating a public records officer to receive and process D.C. FOIA requests on behalf of the D.C. Council is advisable along with a similar process for the Advisory Neighborhood Commissions. Adding this responsibility to otherwise burdened legal and office staff members is not the best solution for the legislative branch due to staff turnover. Having a dedicated records management office and public records officer is the best solution.

## Lobbyists

44. How many lobbyists are currently registered with BEGA?

### Response:

January 2024	July 2024	January 2025 (as of 1/29/25)
374	394	410

a. Out of the total number of registered lobbyists, how many filed their activity reports in January 2024, July 2024, and January 2025?

### Response:

January 2024	April 2024	July 2024	October 2025	January 2025 (as of 1/29/25)
395	389	413	410	403

b. Out of those who did not file or filed untimely, what penalties did BEGA assess?

### Response:

Q4-2023	\$1,200	Due January 16, 2024
Q1-2024	\$4,860	Due April 16, 2024
Q2-2024	\$2,070	Due July, 15, 2024
Q3-2024	\$62,200	Due October 15, 2024

c. Of the total amount of penalties assessed, how much has been recovered? How does nonpayment affect a lobbyist's ability to lobby?

**Response:** Nonpayment does not affect a lobbyist's ability to lobby, but it does affect their ability to submit a filing on the e-filing system. When a lobbyist owes a fine, the system will not allow the lobbyist to file a registration, renewal, or activity report until the fine is paid. Of the current pending fines, \$59,700 is still outstanding.

d. How much did BEGA receive in lobbyist registration fees in FY24 and FY25, to date?

### Response:

FY2024	FY2025 (as of 1/29/25)
\$87,800	45. 137,200



45. Please describe any upgrades to the lobbyist filing system that occurred in FY24 or during Q1 FY25.

**Response:** N/A

46. Last year, you described your communications strategy, which included quarterly trainings for the lobbying community and using the upgraded Financial Disclosure Statement (FDS) System to send filing reminders.

a. How effective has this approach been over the past year?

**Response:** Due to improved communications with FDS Filers, there have been marked improvements in the timeliness and overall compliance. In 2024, 94.5% of filers completed their filings in a timely manner. This is up from 92% in 2023 and 89% in 2020. Regarding the quarterly trainings for the lobbyist community, the quarterly trainings have been well-attended by lobbyists, serving as a valuable opportunity for them to stay informed about system updates, filing procedures, and best practices. These sessions also provide important reminders about upcoming filing deadlines, ensuring that lobbyists remain compliant with reporting requirements and due dates.

b. Have you made any changes or improvements to your communication methods, and what metrics do you use to evaluate whether these communications are successfully reaching and engaging filers?

**Response:** During the 2024 FDS filing season, OGE created a filer reminder postcard which was sent to designated public filers in addition to the filing notice. The postcard contained a reminder of the May 15<sup>th</sup> filing deadline and brief instructions on how to submit an FDS on the e-filing system. As mentioned in the previous question, in 2024, 94.5% of filers submitted their FDS in a timely manner. Regarding Lobbyists, we have improved our communication tracking by utilizing QuickBase to maintain records of interactions. Additionally, we periodically seek feedback from lobbyists.

c. Based on your experience over the past year, what additional improvements to your communication strategy would you recommend?

**Response:** OGE would like to improve communication via the e-filing system. The current system does not allow direct communications with active lobbyists/clients. A system tracking active lobbyists and sending communications would eliminate the 8% of undeliverable messages.

47. Last year, you mentioned that OGE was in the process of creating a QuickBase application to allow lobbyists to submit fine waiver and e-file waiver requests through the BEGA website. Has this QuickBase application been implemented? If so, how has it impacted the efficiency of processing these requests, and what has been the feedback from the lobbying community?

a. What improvements does BEGA suggest making to the lobbyist filing process?

**Response:** OGE created a QuickBase application for the submission of lobbying forms. It has improved the internal tracking of forms and serves as a one-stop-shop for lobbyists to submit forms. The entire lobbying team is able to view submissions and track actions taken from initiation to closure. This alleviates duplication of work, misplaced forms, lack of



communication, and increases the resolution time for the forms. We have received positive feedback from the lobbying community. There are no scheduled improvements to the filing process. However, OGE would like to improve the functionality and reporting capabilities of the system. Ideally the system would automatically generate late filing fines and notify of us when any report filings are late and not filed. Currently, the Program Coordinator has to run a report within the system to determine when a lobbyist has failed to timely file. And that person manually inputs fines into the system.

48. Regarding the new lobbying fee structure effective October 1, 2024, could you please provide:

a. The number of registered lobbyists affected by the fee increase

**Response:** To date 410 registered lobbyists have paid the increased registration fees, amounting to \$137,200.00 in FY25.

b. Revenue projections from the increased fees

**Response:** The amendment to registration fees, increased the registration fee for non-profit entities from \$50 to \$100, and from \$250 to \$350 for other entities. BEGA received \$87,800 in registration fees before an increase in registration fees. In January 2025, we received \$137,200 in registration fees based on the increase fees. Revenue projections are based on the total number registered lobbyists which changes each year.

49. An explanation of how the increased late filing penalties have affected compliance rates

**Response:** In Q3 2024, there were only 13 lobbyists that were late in filing an activity report or failed to file a report. If Q3 2024 is an indication of things to come, compliance and timeliness rates for filings will continue to improve. This improvement reflects a greater awareness among lobbyists of the importance of timely submission and the consequences of non-filing.

## Trends

50. BEGA's FOIA requests have decreased significantly from 29 requests in 2022 to just 13 requests in 2024, representing a roughly 55% decline. What factors do you believe are contributing to this substantial decrease in FOIA requests, and has there been any change in how the agency handles or promotes public access to information?

**Response:** The decrease between FY22-FY23 and FY23-FY24 was possibly an aberration, as the number has changed to 37 for FY24, representing a 65% increase year-to-year, but also a return to near the number for the year prior. OOG continues to promote government transparency and the proactive disclosure of all public information not exempted by law

51. The number of ethics complaints received by BEGA has shown a consistent downward trend, falling from 177 complaints in 2022 to 92 complaints in 2024 – a nearly 48% decrease. While a reduction in ethics complaints could be viewed positively, what analysis has BEGA conducted to understand the root causes of this decline?

**Response:** The number of ethics complaints received by BEGA from 2022 to 2024 has increased. In 2022, BEGA received 177 complaints, in 2023 we received 205 complaints, and in

2024 we received 265 complaints. The increase in complaints can be attributed to the increase in ethics training offered by OGE. In 2022, OGE offered 62 live ethics trainings, and in 2024 we offered 77 trainings. When employees are aware of the ethics rules they are able to recognize possible unethical conduct and in-turn they report that information to BEGA.

### Events, Symposiums and Trainings

52. Please describe any symposia held by the agency in FY24 and FY25, to date. What symposia, if any, does the agency plan to hold in the remainder of FY24 and in FY25?

**Response:** OGE's Ethics Week is BEGA's annual ethics conference. Each year we pick an ethics related theme and provide training sessions and informational materials based on our theme. The conference is one week and usually takes place in October. Certain District government employees and public officials, who are required to take ethics training annually, can satisfy the requirement by attending an Ethics Week course. Ethics Week 2024's theme was "Empowered by Ethics" and it consisted of the following courses: "Introduction and Opening Remarks from OGE Director", "Can They Do That?", "Local Hatch Act Gameshow", "Financial Disclosure Workshop", "Ethics and Yoga", "Common Ethics Violations: Learn Them and Avoid Them", "Recusal Workshop: When and How", "Ask BEGA", "Being Ethical is Harder Than You Think", "FOIOA and OMA Introduction from OOG Director", "Overview of DC FOIA", "Newcomers Guide to the Open Meetings Act", Parliamentary Procedure", "Overview of Recent OMA and FOIA Advisory Opinions and Advice", "Fireside Chat: Journalism and Ethics", "Outside Employment Overview", and "Legal Ethics for Government Attorneys"

Ethics Week 2025 will take place in October 2025.

In FY24, OOG co-hosted and participated in the DC Open Government Coalition's Sunshine Week, a nonpartisan collaboration among groups in the journalism, civic, education, government and private sectors that shines a light on the importance of public records and open government. The theme of the event, which was held from March 10-16, 2024, was public safety transparency.

Additionally, annually, OOG hosts a FOIA Webinar Series on D.C. FOIA for the District's FOIA officers, once weekly between July and August (except holiday weeks), covering a variety of related topics. In FY24, the webinar series ran from July 16, 2024 - August 13, 2024, and included topics such as Effectively Managing the FOIA Process; Commonly Used FOIA Exemptions; and Preparing for a FOIA Civil Case/Defensive Litigation.

In FY25, the Director of Open Government participated in a panel discussion for a symposium entitled "Global to Local: Lessons for Open Government & Civic Engagement for DC." This event, held on October 15, 2024, was sponsored by the D.C. Open Government Coalition in conjunction with the federal Open Government Secretariat.

In FY25, OOG plans to collaborate again with the D.C. Open Government Coalition on Sunshine Week, with a summit tentatively planned for March 19, 2025. Additionally, OOG plans to hold its annual D.C. FOIA webinar series in July and August 2025.



53. BEGA announced it will hold an Outside Employment training series starting in January 2024. How has attendance been at these new quarterly training sessions, and what feedback have you received from employees about their effectiveness in preventing outside employment violations? Do you believe these trainings are effective in preventing future DC employee outside work violations?

**Response:** - The Outside Employment training series is a new 2025 offering. The first session had 27 virtual attendees. When asked to rate their overall satisfaction with the training on a scale of 1-5, respondents to the survey gave an average response of 4.8. Prior to the series, outside employment training was offered at our annual Ethics Week program and 150 employees attended the session. Since that time, BEGA has received 7 complaints alleging outside employment violations. We believe that this training series will eventually reduce the number of ethics violations in this area. Again, this is relatively new training series, so the actual impact will be realized within a about six months.

54. In the February 2024 “Ethically Speaking” newsletter, BEGA announced it was launching in-person “Ask BEGA” sessions at agencies. Can you please provide an update on the status of this program? How many agencies have hosted these sessions, what has been the response, and do you plan to expand this program?

**Response:** The response has been mostly positive. Since the launch of Ask BEGA, OGE has visited two agencies and responded to nearly 10 in-person advice inquiries through the program. We plan to remind Ethics Counselors about the program throughout 2025.

55. Last year, you reported plans to add several training modules to your Learning Management System, including "Widely Attended Gatherings as Gifts", "Ethics for DC Government Managers", "How to Recuse", "Lobbying in the District", and "Ethics Counselor Training". Could you provide an update on the implementation status of these modules? Additionally, based on your experience and feedback, were these the most beneficial training topics to prioritize for District employees and officials?

**Response:** OGE is still working with our vendor to implement these trainings. We have prioritized updating some existing LMS trainings. We have updated the Financial Disclosure module which includes an Ethics Counselor Training and are working on updating the Outside Employment module. Based on a review of advice requests and investigation data, these were the best areas to focus our attention on for updates and additions to the LMS.

- a. How many District employees does BEGA train?

**Response:** FY24 - 5,835 (includes Peoplesoft and LMS)  
FY25 – 2,106 (includes Peoplesoft and LMS)

- b. How many ethics trainings did BEGA conduct in FY24 and FY25, to date? How many FOIA and OMA trainings?

**Response:** OGE: In FY24 OGE conducted 97 ethics trainings, and 36 in FY25.

## Best Practices Report and Recommendations

56. Your 2024 Best Practices Report identified 47 District boards and commissions whose members were not required to file financial disclosure reports despite engaging in conduct that creates potential conflicts of interest. What is the status of the rulemaking initiated to designate these members as public financial disclosure statement filers?

**Response:** The Board adopted the rulemaking on December 5, 2024, and the rulemaking became effective upon publication of the Notice of Financial Rulemaking in the District of Columbia Register on December 20, 2024, at 71 D.C. Register 015873-015875.

57. In your 2024 Best Practices Report, you compared the District's maximum \$500 civil penalty for Open Meetings Act violations to neighboring jurisdictions, noting that Maryland allows up to \$1,000 for subsequent violations, Virginia permits up to \$5,000, and West Virginia allows up to \$1,000 for subsequent violations. What specific amendments to the District's penalty structure would you recommend to enhance compliance?

**Response:** To enhance compliance with the Open Meetings Act (OMA), BEGA recommends that the Council amend the act to remove the requirement that a public body engage in a “pattern or practice” of participating in one or more closed meetings before the public body may be subject to a fine. Allowing OOG to seek enforcement in court after a public body engages in a “willful and knowing” violation of the OMA and increasing the potential penalty for noncompliance would reinforce the importance the District places on open government. In conjunction with removing the requirement for multiple violations of the OMA prior to instituting enforcement proceedings, BEGA also recommends that the Council increase the potential civil penalty for public bodies who violate the OMA. Instead of the maximum \$500 civil penalty that OOG can currently seek for repeated violations of the OMA, BEGA recommends that the Council permit OOG to seek a penalty of \$1,000 for each willful and knowing violation in proceedings to enforce the OMA. Removing the requirement for repeated violations before OOG can seek enforcement of the OMA and increasing the potential penalty for multiple violations would serve as an additional incentive for District public bodies to ensure their meetings comply with the OMA.

58. Your 2024 Best Practices Report discussed how the FOIA appeals process faces delays due to statutory deadlines being too short, and you recommended extending the review period to 20 business days. Beyond this extension, what additional legislative or procedural changes would improve the efficiency of the FOIA appeals process, particularly in light of successful models you've observed in Maryland, Virginia, and other jurisdictions?

**Response:** The DC Council should consider a mandatory administrative appeal process that is open to all executive branch requesters. The Office of Administrative Hearings should be able to adjudicate FOIA appeals as an administrative remedy to FOIA requesters. As an independent agency, OAH is a neutral, impartial tribunal that could have an Administrative Law Judge to hold hearings and decide appeals from government decisions regarding D.C. FOIA. This would require a legislative change to DC Official Code § 2-537.

Alternatively, as suggested in the 2024 Best Practices Report, we also recommend that the D.C. Council consider amending D.C. FOIA to permit the MOLC at least 20 business days to complete the FOIA appeals process. Our neighbor Maryland provides a longer period of review, so extending the review period to 20 days would be reasonable.

59. In your 2024 Best Practices Report, you described how several states, including Georgia, Florida, and New Jersey, have implemented successful mediation programs through their state attorneys general offices to resolve open government disputes. How could the District implement a similar mediation program, and what specific legislative changes would be required to establish such a system?

**Response:** The Office of Open Government should officially serve as the “DC FOIA Ombudsman,” similar to the federal government’s Office of Government Information Services (OGIS). OOG would provide confidential dispute resolution allowing for requesters and DC public bodies to engage in candid and fruitful discussions of issues and concerns. OOG’s participation in this process would provide a neutral referee to provide resolution to conflicts. OOG would continue its effort to ensure fairness in DC FOIA processing by serving as an impartial ombudsmen.

Establishing a mediation program would begin with assessing BEGA’s needs in that regard. We would require additional funding for an FTEs to serve as mediators. Next, it would be important for OOG to outline the mediation program’s goals, both internally and externally, and metrics to measure success. Internally, goals might be to reduce caseloads and improve the time required to complete advisory opinions by narrowing the issues that are in dispute. Externally, one goal may be to help requester/complainants and public bodies come to resolutions without the need for formal advisory opinions and the sometimes-lengthy investigations required to publish them. Once the objectives are clear, OOG would develop a framework for the mediation program that includes policies, procedures, and guidelines for mediators, as well as criteria for when mediation should be employed.

After establishing the framework, the focus should be on training and developing a team of qualified mediators within the agency. Finally, implement a feedback mechanism to evaluate the program’s effectiveness and make necessary adjustments over time, ensuring it remains relevant and beneficial to the agency.

OOG’s FOIA mediators would work with our existing legal team to ensure that the DC FOIA process is fair. Given the current tendency for the Mayor’s Office of Legal Counsel to develop a backlog in processing D.C. FOIA appeals because of the volume of requests it receives, if instituted, this program would be designed to reduce that load. It would also be designed to avoid costly litigation for disputes concerning requesters and Mayoral agencies, independent agencies, the D.C. Council, and Advisory Neighborhood Commissions.

With respect to legislative changes, we recommend changes to BEGA’s enabling statute and D.C. FOIA to implement this program. Amendment to Enabling Statute: D.C. Official Code § 1-1162.05c would be amended to add a new subsection “(a)(4)” to read “Offer mediation services as a voluntary and non-exclusive alternative to litigation for disputes concerning subchapter II of Chapter 5 of Title 2.” Amendments to D.C. FOIA: D.C. Official Code § 2-



537 would be amended to add a new subsection “f” to read “The Director of Open Government shall offer mediation services to resolve disputes between persons making requests pursuant to § 2-532 and public bodies as a non-exclusive alternative to litigation and, at the discretion of the Director of Open Government, may issue advisory opinions if mediation has not resolved the dispute.”

60. What specific recommendations would BEGA make regarding enhanced ethics training requirements, oversight protocols, or legislative changes to better prevent and detect ethical violations by elected officials, executive officers, and senior executive leadership? In your response, please differentiate between any distinct training requirements or oversight mechanisms you would recommend for Councilmembers versus Advisory Neighborhood Commissioners, given their different roles, responsibilities, and access to District resources. Please include any best practices from other jurisdictions that could strengthen the District's approach to ethics compliance for elected officials.

**Response:** BEGA, through the OGE, continues to recommend that the District adopt a Comprehensive Code of Conduct (“CCC”) that would consolidate government ethics laws in one place and standardize the practices between the legislative and executive branches. The CCC would establish a single ethical standard for all District employees, whether employed by the executive branch and independent agencies, the Council, or Advisory Neighborhood Commissioner, by setting the same limits for gifts and the same rules for conflicts of interests, require preapproval and set restrictions for outside employment, require annual training for all employees, and streamline financial disclosures. Individuals who perform services for the District government as contractors would also be subject to many of the provisions of the new CCC in the same manner as the District employees they work with.

Financial Disclosure: BEGA recommends streamlining the financial disclosure reporting system to use a bright line salary threshold that would require all District employees, including employees of the Council paid at a rate equivalent to the midpoint of Excepted Service 9 or above, to file public financial disclosure reports, without regard to their duties and responsibilities. This would alleviate the need for determining whether an employee’s duties create a financial conflict of interest, but would require the disclosure from all employees who earn significant salaries.

Gift rules: BEGA recommends changes to the District’s Gifts Rule, including increasing the limits for gifts under the Gifts Rule from \$10 to \$20 per gift and the aggregate annual limit from \$20 to \$50. This would harmonize the rules between the Council and the executive, is consistent with federal executive branch limits for gifts, and would still be comparable to or lower than the limits in other jurisdictions. Philadelphia, for example, permits city officers and employees to accept gifts worth up to ninety-nine dollars (\$99) in the aggregate per calendar year, while Chicago and New York City have a \$50 limit from a single source per year.

Outside Employment: BEGA recommends restrictions on providing professional services by elected officials and agency heads for compensation or affiliating with an entity that

provides professional services for compensation, as well as limitations on the types of clients a District official could represent. This would reduce the potential for a conflict of interest or the appearance of a conflict that could undermine the public's confidence in the District government. The restriction on professional services for compensation would include prohibitions on receiving compensation for affiliating with or being employed by an entity that provides professional services for compensation, permitting their name to be used by such an entity or receiving compensation for practicing a profession that involves a fiduciary relationship. Public officials and agency heads owe a duty to act in the interests of the District and its residents. Where an official or agency head acts as a fiduciary, that creates an obligation to act in the interests of a third party that is not the District, creating the type of conflict of interest that the ethics rules are intended to prevent. Similarly, restricting the ability of elected officials and certain other District employees to provide professional services for compensation would limit the ability to trade on the prestige of office for an individual's personal financial benefit without relying on the individual to recuse.

BEGA also recommends that employees who are required to file a public or confidential financial disclosure statement notify their employing agency prior to engaging in any outside employment, private business activity, or other outside activity. Adopting this rule would avoid employees engaging in outside employment that conflicts with their government employment, such as working for an entity that does business with their agency or working the same tour of duty for both entities. The city of Chicago has a similar rule which requires city employees to obtain written permission for dual employment or outside business activities and prohibits employees of the Mayor and city department heads from engaging in outside employment.

Annual training requirement: An annual ethics training educates and reminds employees and public officials of the ethics rules which promotes awareness and reduces the number of ethics violations. BEGA recommends extending the requirement for annual ethics training from financial disclosure filers to all employees and contract employees. This is similar to other jurisdictions such as Atlanta's ethics code, which requires annual training by all full-time, part-time, and contract employees, as well as Louisiana's code which requires annual training for all elected officials and public employees.

While Council members and Advisory Neighborhood Commissioners are different in their roles as elected officials, both are required to complete ethics training on an annual basis. However, BEGA recommends that elected officials take additional ethics trainings which emphasizes how to avoid financial conflicts of interest and post-employment restrictions. Past investigations and best practices show that these are the areas in which elected officials, especially legislators face the most potential for an ethics violation

61. The closure of Eagle Academy Public Charter School revealed significant gaps in financial oversight, transparency, and ethical governance that ultimately impacted 350 students and their families. Given BEGA's unique perspective on ethics and open government matters, including your office's involvement through OMA Complaint #OOG-2022-0007-M, what specific legislative or regulatory changes would you recommend to the Council and Executive to strengthen oversight of public charter



schools and prevent similar situations in the future? Please include recommendations regarding:

**Response:** BEGA's jurisdiction over public charter schools is currently limited to the Director of Open Government's ability to ensure that their Boards of Trustees adhere to the OMA. Strengthening OOG's ability to enforce the OMA will necessarily increase public charter schools' transparency regarding their meetings and providing the public with access to records concerning their decisions. In the case of Eagle Academy, the OOG investigation into their OMA violations was difficult and they were consistently out of compliance with the OMA. The nature of our statute currently only permits OOG to bring a lawsuit to enforce the OMA where a public body has a pattern or practice of entering into closed meetings. The complaints about Eagle's Board concerned willful and knowing violations of the OMA. OOG was limited in its ability to force compliance with the OMA. This includes making their meeting records available to the public. Our strongest recommendation for transparency in public charter schools is to give OOG meaningful enforcement authority and the ability to seek impactful fines for OMA violation

- a. Financial disclosure requirements,
- b. Board transparency and meeting documentation requirements,

**Response:** The Director of OOG concluded based on the investigation of facts of OMA Complaint #OOG-2022-0007-M that Eagle Board, by not responding to OOG's request for a copy of its February 2022 public meeting notice, conceded to the allegation that the Eagle Board did not give the public notice of the meeting. However, the Director determined that the OMA does not govern DC PSCB's maintenance and posting, nor the accuracy of the boards of trustees for public charter schools' meeting records. While the alleged financial oversight and planning practices that led to the abrupt closure of Eagle were not in issue in the preceding complaint, it stands to reason that the public will be better served if given proper notice of all boards of trustees' public charter school meetings

- c. Whistleblower protections,
- d. Inter-agency coordination for early detection of ethics concerns,
- e. And any other relevant areas within BEGA's expertise that could prevent a similar situation?

**Response:** OOG Recommends that members of the D.C. Public Charter School Board as well as members of the Boards of Trustees of public charter schools be required to attend at least one OMA training per school year. In FY25 OOG is offering monthly OMA trainings and is in the process of scheduling quarterly trainings specifically for DCPS Local School Advisory Teams and Boards of Trustees for Public Charters Schools.

62. What other recommendations for new legislation would BEGA make to improve District government ethics and accountability?

**Response:** OOG: D.C. FOIA Requests Processing Time: BEGA recommends amending D.C. FOIA to extend the response time for D.C. FOIA requests to mirror the timelines in the federal

FOIA. Federal FOIA provides agencies with 20 days to respond to requests. D.C. FOIA, however, provides District agencies with 15 days to respond to FOIA requests. Both statutes allow agencies to invoke a 10-day extension (excluding Saturdays, Sundays, and legal public holidays) for unusual circumstances, as defined in the respective statutes. Amending section 202(c)(1) of D.C. FOIA to adopt the 20 days available to federal agencies would allow District agencies additional time to process FOIA requests. Changing the response time via statute would not require an amendment of the implementing regulations for D.C. FOIA, as the provision at 1 DCMR § 405.1 refers to “the time prescribed by applicable law following the receipt of a request” in reference to the initial response time for a FOIA request.

ANC Meetings Under the OMA: While the ANC Act requires that ANCs conduct open and transparent meetings, in practice compliance with this requirement is mixed. Because ANCs are not required to participate in regular training by OOG and current law does not provide a mechanism to enforce the open meeting requirements of the ANC Act, apart from a private right of action under the Sunshine Act, OOG is in the position of fielding constituent complaints at ANC meetings without any ability to enforce the open meeting requirements. Adding to the confusion is that ANCs are bound by D.C. FOIA, and OOG provides training, monitoring, and advice, as to the ANCs’ public record practices. Accordingly, BEGA recommends that the Council make corresponding amendments to bring ANC meetings under the requirements of the Open Meetings Act and to allow OOG to enforce the ANC Act’s open meetings provisions.

OMA Standards Clarification: BEGA recommends that the Council also address requirements that public bodies comply with the OMA requirements when “feasible.” This provision appears five times in the OMA: (1) in the temporary amendment in response to remote meetings requirements during the COVID pandemic requiring public bodies to take steps “reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable”; (2) in the requirement for public bodies to “establish an annual schedule of its meetings, if feasible”; (3) in the requirement that the meeting notice “shall include, if feasible, a statement of intent to close the meeting or any portion of the meeting” along with an explanation of the reasons for closure and the matters to be discussed; (4) in language on meeting procedures which discusses the requirement that a meeting may be held remotely provided reasonable arrangements are made to accommodate the public’s right to attend and steps are taken to view or hear the meeting taking place or “if doing so is not technologically feasible, as soon thereafter as reasonably practicable”; and (5) in the requirement to provide a recording of the meetings, or “if a recording is not feasible, detailed minutes of the meeting.” The use of the term “feasible” in multiple provisions of the OMA creates confusion among the public and public bodies on the OMA requirements, given the lack of a clear standard for what is “feasible” in terms of compliance with the act. To eliminate this confusion and ensure public bodies’ meetings are open and accessible to the public, BEGA recommends striking the word “feasible” from the OMA.

Remote Open Meetings: BEGA finds that the temporary changes to the OMA to allow public bodies to stream live/contemporaneous meetings virtually rather than physically admitting observers have operated as intended, balancing equity and openness against the health and accessibility concerns of expecting the public to travel to a physical meeting room. Accordingly, BEGA recommends permanent enactment.

Commission to Modernize Open Government Laws: During BEGA’s FY23 and FY24 Performance Hearings, the D.C. Open Government Coalition requested that the Committee

support legislation to create an “Information Technology and Transparency Commission comprised of executive and legislative branch representatives and outside experts in records management and security, public engagement technology, and transparency.” The Council should create and fund this Commission to collaborate with the government and its citizens to create new laws and regulations that better reflect the ways that the District conducts business and collects its records. Creating such a Commission will demonstrate that the District recognizes the importance of government transparency and collaboration with its citizens for the betterment of its processes and procedures.

Enhanced OMA Enforcement: Next, we recommend that the Council amend the Open Meetings Act to provide for enhanced enforcement of the Open Meetings Act. Specifically, the Council should amend subsections (e) and (f) of section 409 of the Open Meetings Act, which currently reads:

*(e) If the court finds 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 the provisions of this title, the court may impose a civil fine of not more than \$500 for each violation.*

*(f) The court may grant such additional relief as it finds necessary to serve the purposes of this title.*

The Council should amend the OMA and adopt the standard from Maryland, Virginia, and West Virginia, namely “willful and knowing” violations of the OMA, in addition to the current language “pattern or practice” of violating the OMA by closing meetings in violation of the law. Such an addition would permit a judge to fine an offender for violating the OMA even after just one violation. The “pattern or practice” language in the current statute suggests that OOG cannot request that the court issue a fine until after allowing multiple (if not several) violative closed meetings to take place, in order to establish “a pattern or practice.” The Council should therefore supplement the recent increase of the base-maximum fine amount of \$500 for a “pattern or practice” of entering into closed meetings by also permitting lawsuits for “willful and knowing” violations of the OMA. We propose that the Council add a provision permitting lawsuits for willful and knowing violations of the OMA with a fine of \$1,000 per (willful and knowing) violation (without increasing the amount for any subsequent violations).

**Response:** OGE: Repealing the Lobbying Registration and Reporting Exemption for 501(c)(4) organizations – Pursuant to D.C. Official Code § 1–1162.27(a), a person who receives compensation or expends funds in an amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying shall register with the Director of Government Ethics and pay the required registration fee. Pursuant to D.C. Official Code § 1–1162.30(a), each registrant shall file with the Director of Government Ethics between the 1st and 15th day of January, April, July, and October of each year a report signed under oath concerning the registrant's lobbying activities during the previous quarter. The registration and filing requirements apply to for-profit organizations and 501(c)(3) non-profit organizations. Many 501(c)(4) organizations engage in lobbying activity but are exempt from registering as lobbyists and filing activity reports.

This preference for § 501(c)(4) organizations alone is an outlier among other jurisdictions. Indeed, most jurisdictions, including the federal lobbying disclosure program, do not differentiate between nonprofit organizations and other organizations that meet the lobbying registration requirements. The legislative history is absent a justification for excluding 501(c)(4)

organizations from registering as lobbyists. While public policy and the nature of 501(c)(3) and 501(c)(4) entities can justify a fee reduction for these nonprofit organizations, BEGA has not identified a practical or public policy purpose for completely exempting 501(c)(4) entities from registration.

The current 501(c)(4) exemption hinders government transparency and casts a shadow on government integrity as the public is not able to determine which 501(c)(4) entities are lobbying government officials and their reasons for doing so. BEGA finds no practicable means for any entity to be wholly exempt from registration that has qualifying lobbying activity and recommends removing the exemption provision from the code.

OGE: Require Lobbyists to Attend Ethics Training - In addition to annual training for employees, BEGA also recommends legislation that establishes a training requirement for the District's lobbyists. The addition of a training requirement to the District's lobbying program will foster uniformity in the reporting process and serve as lobbyists' first line of education. By making the training mandatory, BEGA can ensure the consistency of the lobbying information we disseminate and ensure that all registered lobbyists are equipped with the same tools as they conduct business in the District. The training would also attempt to ensure that lobbyist do not engage in prohibited conduct per the Ethics Act. The state of Hawaii established a mandatory training requirement for all lobbyists who are required to register with the state. Lobbyists are required to complete a lobbyist training course administrated by the Hawaii Ethics Commission prior to registration and at least once every two years. Similarly, Maryland, Louisiana, Utah, Tennessee, and West Virginia have lobbyist training requirements