



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



January 21, 2026

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 December 19, 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 January 28, 2026, 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

GOVERNANCE AND PERSONNEL

1. Please provide a complete and current organizational chart for the agency and each division and subdivision within the agency, including:

See EXHIBIT 1 – BEGA Organization Chart

- a. The names and titles of all senior personnel;

Names	Titles of Senior Staff
Ashley Cooks	Director of Government Ethics
Niquelle Allen	Director of Open Government
Asia Stewart-Mitchell	General Counsel
Louis Neal	Chief Counsel
Christina Mitchell	Chief of Staff
Lynn Tran	Senior Attorney to the Board

- b. A description of the roles and responsibilities for each division and subdivision;

Response: The Board of Ethics and Government Accountability (BEGA) is an independent agency of D.C. government. BEGA is led by a five-member Board that is responsible for appointing a Director of Government Ethics to manage the Office of Government Ethics (OGE) and a Director of Open Government to manage the Office of Open Government (OOG), respectively, and to carry out BEGA’s statutory mission. The Directors report to the Board. The Board is a quasi-judicial public body that is responsible for enforcing the District of Columbia’s government ethics and open meetings laws and advocating for increased government transparency.

BEGA’s two offices – OGE and OOG - operate independently from a subject matter standpoint, but share administrative resources. Descriptions of the offices are as follows.

OGE: The Office of Government Ethics administers and enforces the District of Columbia’s Code of Conduct. More specifically, OGE investigates and adjudicates alleged violations of the Code of Conduct; provides ethics advice and guidance to District employees and public officials; regularly provides mandatory ethics training; issues rules and regulations governing the ethical conduct of employees and public officials; oversees lobbyist registration and activity reporting; manages and oversees the financial disclosure filing requirements for District employees and officials; drafts an annual ethics Best Practices Report; and provides for the anonymous and confidential receipt of information related to violations of the Code of Conduct or other information with regard to the administration or enforcement of the Code. There are no subdivisions under OGE.

OOG: The Office of Open Government (OOG) is a separate office within the Board of Ethics and Government Accountability established to promote open governance in the District. OOG's statutory charge is two-fold: to enforce the DC Open Meetings Act (OMA) and to advise agencies on the implementation of the D. Freedom of Information Act (DC FOIA). OOG provides education and advisory services to DC agencies and the public in an effort to ensure compliance with the requirements of FOIA. It also issues advisory opinions concerning formal and informal advice to agencies on compliance with DC FOIA. OOG's role regarding the OMA is to enforce the provisions of the OMA; issue rules to implement the provisions of the OMA; and to advise and educate public bodies regarding the OMA to ensure compliance with the OMA. Specifically, OOG issues advisory opinions and provides other formal and informal advice on compliance with the OMA. It investigates OMA complaints, and when necessary, issues binding opinions on compliance to public bodies. OOG may bring civil lawsuits against public bodies for violations of the OMA. There are no subdivisions under OOG.

- c. A narrative explanation of any changes to the organizational chart made in the last calendar year; and

Response: BEGA has not experienced any changes to the organizational chart in the last calendar year, our structure remains the same.

- d. An indication of whether any positions in the chart are vacant.

Response: BEGA currently has 2 positions vacant. The Investigator posting closed in December 2026, and Supervisory Attorney Advisor posting closed in January 2026.

2. Please provide a complete, up-to-date list of contract workers working directly for your agency, ordered by program and activity, and including the following information for each position:

Response: N/A. BEGA does not have any contract workers.

- a. Title of position;
- b. Indication that the position is filled or vacant;
- c. Date employee began in the position;
- d. Whether the position must be filled to comply with federal or local law;
- e. If applicable, the federal or local law that requires the position be filled;
- f. The entity from which they are contracted; and
- g. The contracted annual cost.

J&PS Performance Oversight Responses (FY25-26)

3. Please provide, for each month of FY 2025 through FY 2026 to date, the net number of personnel separated from and hired to the agency.

Name	Action	Effective Date
London Greene	Resignation (Transfer)	10/20/2024
Franshun Vann	Resignation	10/25/2024
Tyrell Dow	Resignation (Transfer)	12/15/2024
Megan Stoutamire	Hired	04/06/2025
Shannon Monk	Hired	04/21/2025
Tahja Reid	Resignation	09/10/2025
Rashee Raj	Resignation (Transfer)	10/05/2025
Courtnae Brown	Hired	11/02/2025
Tionna Smith	Hired	11/17/2025

4. Does the agency conduct annual performance evaluations of all its employees? If so, who conducts such evaluations? What steps are taken to ensure that all office employees are meeting individual job requirements?

Response: Each division manager is responsible for conducting annual performance evaluations for their respective staff. Evaluations for non-legal personnel must be submitted through PeopleSoft in accordance with DCHR guidelines, while evaluations for legal staff is submitted in compliance with the OAG’s policy.

5. Please provide the following for each collective bargaining agreement that is currently in effect for agency employees:

Response: N/A. BEGA does not have any collective bargaining agreements.

- a. The bargaining unit (name and local number);
- b. The start and end date of each agreement;
- c. The number of employees covered;
- d. Whether the agency is currently bargaining;

J&PS Performance Oversight Responses (FY25-26)

- e. If currently bargaining, anticipated completion date;
 - f. For each agreement, the union leader’s name title and contact information; and
 - g. A copy of the ratified collective bargaining agreement.
6. Please list all employees currently detailed to or from your agency. For each detailed employee, include:

Response: N/A. BEGA has no employees currently detailed.

- a. The reason for the detail;
 - b. The job duties if detailed to your agency;
 - c. The start date of detail;
 - d. The agency the employee is detailed to/from; and
 - e. The projected date of return.
7. Please provide a copy of your agency’s Schedule A, as of the date of receipt of this questionnaire.

See EXHIBIT 2 – Schedule A

8. Please provide a list and description of all memorandums of understanding and memorandums of agreement in effect during FY 2025 and FY 2026, to date.

Seller Agency	FY 2027 Budgeted Amount	Budget Included in Agency Request (Y/N)?	DIFS Project #	MOU Description
ATO	4571.82	YES	401442	MERCHANT SERVICES WITH OFT
KTO	3031.55	YES	400024	FLEET WITH DPW
TOO	6,967.00	YES	400019	IT ASSESSMENT
TOO	1,350.00	YES	400020	IT ASSESSMENT
TOO	25,376.60	YES	400021	IT ASSESSMENT
TOO	1,807.00	YES	400022	IT ASSESSMENT
TOO	6,696.00	YES	400023	IT ASSESSMENT
TOO	11,500.00	YES	400025	IT ASSESSMENT
TOO	1,070.44	YES	402726	IT ASSESSMENT
TOO	894.88	YES	402727	IT ASSESSMENT
TOO	125.54	YES	402728	IT ASSESSMENT

Response: In addition to the chart above BEGA entered into and MOU with OCFO. FY26- \$4,156.20 and FY25 - \$3,503.74., and with DCHR FY25- \$4,415.

FINANCE AND BUDGET

9. Please provide a status report, including timeframe of completion, for all projects for which your agency currently has capital funds available.

Response: N/A. BEGA has no capital funding.

10. Please provide copies of all budget enhancement requests (The Form B or similar form) submitted in the formulation of the FY 2025 and FY 2026 proposed budgets.

See EXHIBIT 3 – FY2025 and FY2026 Enhancement Request

11. Please list all budget enhancements in FY 2026 and provide a status report on the implementation of each enhancement.

Response: BEGA was not granted any budget enhancements in FY2026.

12. Please fill out the attached spreadsheet titled “Question 12 Grants Received,” and list all federal and/or private grants received by your agency in FY 2025 and FY 2026 to date, current balances, and indicate any that lapsed during or at the end of FY 2025.

Response: N/A. BEGA was not awarded any grants.

- a. Please submit the completed document in both Excel and PDF formats.
- b. Please include your Agency Code in the filename (e.g., question_12_ABO_2026.xls).

13. List all grants issued by your agency in FY 2025 and FY 2026, to date in the attachment labeled “Question 13 Grants Issued”.

Response: N/A. BEGA did not award any grants.

- a. Please submit the completed document in both Excel and PDF formats.
- b. Please include your Agency Code in the filename (e.g., Question_13_ABO_2026.xls).

OPERATIONS

14. Please provide the Committee with a list of all vehicles owned or leased by the agency; the purpose of the vehicle; the division the vehicle is assigned to, if applicable; and whether the vehicle is assigned to an individual employee.

Response: BEGA does not own any vehicles.

15. For each objective and activity in the agency’s FY 2025 Performance Plan, please list:

See EXHIBIT 4 – Performance Outcomes

J&PS Performance Oversight Responses (FY25-26)

- a. The measure of greatest improvement for the agency, and the actions the agency took to improve that measure’s outcome, efficiency or quantity; and
- b. For all measures with missed targets (if any), explain the actions the agency is taking to improve that measure’s outcome, efficiency, or quantity.

16. List all new objectives, activities and projects in the agency’s FY 2026 Performance Plan and explain why they were added.

Response:

FY25 & FY26 New Measure	Reasoning
Number of Lobbyist Trained	The lobbyist program is an important administrative program in the District that helps promote transparency in government. Because lobbyists are statutorily required to register with BEGA and file quarterly reports we believe it is important to offer lobbyists information and training. We provide lobbyist training at the beginning of every reporting period but were not previously capturing the number of lobbyist trained, data which can help inform us on the effectiveness of our lobbyist outreach.
Percentage of timely financial disclosure filers.	Financial disclosure compliance data regarding timely filing, is important in helping to gauge the effectiveness of the program and is useful for auditing purposes.
Percentage of timely Lobbyist registration and reporting by quarter.	The lobbyist program is an important administrative program in the District that helps promote transparency in government. We were not previously capturing the lobbyist compliance data for performance oversight purposes, and after evaluating the information we collect, we think this data can help inform us on the effectiveness of the lobbying program.

17. Describe problems and challenges, including chronic maintenance issues and design flaws, in agency-owned or leased facilities.

Response: BEGA does not have any chronic facility maintenance issues to report.

- a. What capital or operating projects arose from these issues in FY 2025 and FY 2026 to date, including cost and actions taken?

18. Please list each new initiative implemented by the agency during FY 2025 and FY 2026 to date. For each new initiative, please provide:

Response: N/A

J&PS Performance Oversight Responses (FY25-26)

- c. A description of the initiative;
 - d. Actual start date;
 - e. Actual or anticipated end date;
 - f. The funding required to implement the initiative;
 - g. Whether the initiative was mandated by legislative action;
 - h. Problems or challenges faced in the program's implementation;
 - i. The metrics the agency is collecting to measure the initiative's success; and
 - j. An assessment of the initiative's success thus far.
19. Please list any legislation that impacts your agency from FY 2025 and FY 2026 and provide a status report on the agency's implementation related to each piece of legislation.

Response: Office of Government Ethics

- B26-0325 "Board of Ethics and Government Accountability Authority Clarification Amendment Act of 2025, repeals BEGA's ability to designate employees as financial disclosure statement filers. BEGA opposes this legislation because it harms the District by removing an ethical safeguard against financial conflicts of interest. BEGA's mission is to administer and enforce the ethics and transparency rules within the District government. Financial disclosure is necessary to ensure ethical compliance and transparency, thereby promoting the public's trust in the District government. In 2024, BEGA issued a rulemaking which designated members of 47 boards and commissions as public financial disclosure statement filers. Those boards and commissions that we identified participate substantially in areas of policy making, licensing, regulating, or have authority over government funds. The goal is to screen potential conflicts so that we can avoid them before they become actual conflicts or otherwise harm the public's trust. Regarding any privacy concerns or harm to filers' financial assets, BEGA's regulations give filers the opportunity to request that all or a portion of their form be withheld from publication. As subject matter experts, BEGA is in the best position to identify whether an employee or public official should file a financial disclosure statement. However, Bill 26-0325 impedes BEGA's ability to properly administer the ethics rules and the District's financial disclosure program.
- Amendment to D.C. Official Code § 1-1162.36 - Penalties; prohibition from serving as lobbyist; citizen suits, which increased the civil penalties assessed against DC lobbyists from \$10 per day to \$100 per day.
 - OGE has implemented new methods of notification and conducted several trainings on the new penalty schedule. OGE sends a letter to each lobbyist at the

beginning of each quarter with information on the penalty for failure to timely file lobbying reports.

Response: Office of Open Government

- D.C. Act 26-110 - Open Meetings Clarification Congressional Review Emergency Amendment Act of 2025.
 - “To amend, on an emergency basis, due to congressional review, the Open Meetings Act to clarify the definition of meeting, to provide for a public body’s ability to be briefed about potential terrorist or public health threats so long as no official action is taken, to exempt from the act meetings between the Council and the Mayor provided that no official action is taken at such meetings, and to provide that a meeting shall be deemed open to the public if the public body takes 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.”
 - This act also exempts the Criminal Justice Coordinating Council (CJCC) from the OMA.
- The “Fiscal Year 2026 Budget Support Emergency Act of 2025,” B26-0340, which included the “Freedom of Information Clarification Emergency Amendment Act of 2025,” expired on December 2, 2025. On May 27, 2025, Chairman Mendelson introduced B26-0265, the Fiscal Year 2026 Budget Support Act of 2025, passing unanimously on first reading, and by a vote of 10-2 on final reading on July 28, 2025. It was signed by the Mayor on September 4, 2025, receiving Act Number A26-0148, and transmitted to Congress on September 10, 2025. The Bill became law on December 17, 2025.
 - Both bills provide authority for implementing the District’s FY26 budget and include “Freedom of Information Clarification Emergency Amendment Act of 2025.” This emergency amendment of D.C. FOIA was introduced to clarify the scope of exemptions and created a new exemption for particular data or records that the Criminal Justice Coordinating Council (“CJCC”) and District of Columbia Sentencing Commission receive from a “court, federal agency, or federally established agency.”

20. Customer feedback

- a. How does the agency solicit feedback from customers (i.e., District residents served)? Please describe.

Response: BEGA requests that a survey be completed following the conclusion of all trainings provided to our stakeholders, including lobbyists and District employees. In addition, the BEGA Financial Disclosure (FDS) Program was evaluated by an independent CPM team, which conducted surveys with both internal and external stakeholders.

b. What has the agency learned from this feedback?

Response: Through the evaluation, BEGA learned all FDS information was not dispersed from the Ethics Counselors to the c-suite and human resource staff.

c. How has the agency changed its practices because of such feedback?

Response: BEGA has since partnered with the OCA and DCHR to educate all stakeholders on the details, deadlines, and importance of full compliance of the FDS program. Additionally, BEGA worked with OCTO to create 2 new PeopleSoft Queries to the support the Ethics Counselors and their HR team.

LAWS, AUDITS, AND REPORTS

21. Please identify any legislative modifications that would enable the agency to better meet its mission.

Response:

Office of Government Ethics

- Comprehensive Code of Conduct - BEGA has consistently recommended the adoption of a Comprehensive Code of Conduct (“CCC”) that would establish a single ethical standard for all District employees, whether employed by the executive branch and independent agencies or the Council, setting the same limits for gifts and the same rules for conflicts of interest, outside activity, post-employment restrictions and financial disclosures.
- Legislation that required all District government employees and public officials (except board and commission members) to get agency approval before engaging in outside employment
- An amendment to the Lobbyist section of the Ethics Act that removes the exclusion of 501(c)(4) organizations from the lobbying registration and reporting requirement would enable the agency to better regulate lobbying activity within the District government. Pursuant to D.C. Official Code § 1–1162.27(a) and § 1–1162.30(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, and shall file quarterly activity reports. 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. BEGA has not identified a practical

or public policy purpose for completely exempting either 501(c)(3) or 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.

Office of Open Government

22. Please identify any regulatory impediments to your agency's operations.

Response: BEGA is constrained regarding the authority of the Office of Open Government regarding DC FOIA. OOG's role is expressly advisory and non-binding. DC FOIA enforcement rests solely with FOIA Officers (initial decisions), the Mayor's Office of Legal Counsel (some appeals), and D.C. Superior Court (judicial review). OOG's role is equivalent to an ombudsman without authority and this limitation is based in the law. It also remains unclear which entity in DC government has the explicit authority to issue regulations concerning DC FOIA that would bind the whole of the Executive Branch. The Mayor and Attorney General seem to have authority to do so, but DC FOIA law did not change to provide for the authority of an independent, elected Attorney General. Notwithstanding either or both could theoretically make OOG's FOIA advisory opinions binding by way of DC FOIA regulation. While authority to issue regulations exists, the DC FOIA regulations are rarely updated. The only means to address emerging issues in DC FOIA is through OOG's DC FOIA Advisory Opinions, which would be more impactful if those opinions were binding or had the force of a regulation.

23. 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 2025 and FY 2026 to date.

Response: BEGA has no ongoing investigations, audits, or reports.

24. Please identify and provide an update on what actions have been taken to address all recommendations made during the previous three years by:

- a. Office of the Inspector General;
- b. D.C. Auditor;
- c. Internal audit; and

Response: BEGA conducted an internal audit of its websites for D.C. FOIA compliance and accuracy of information.

- d. Any other federal or local oversight entities.

J&PS Performance Oversight Responses (FY25-26)

25. Please list all pending lawsuits in which the agency, or its officers or employees acting in their official capacities, are named as defendants, and for each case provide the following:

- a. The case name;
- b. Court where the suit was filed;
- c. Case docket number;
- d. Case status; and
- e. A brief description of the case.

Response:

Case name	Jurisdiction	Case #	Status	Description
The District of Columbia v. Michael Redmond	DC Superior Court	2023-CAB-003474	Closed	Collection action brought by OAG on behalf of BEGA to collect fine imposed pursuant to negotiated disposition
Barry Weise v. BEGA	DC Superior Court	2024-CAB-002160	Closed	Complainant’s appeal of agency’s decision to dismiss ethics case (now at DC Court of Appeals - 25-CV-0332)
The District of Columbia v. David DeBoer	DC Superior Court	2025-CAB-007876	Open	Collection action brought by OAG on behalf of BEGA to collect fine imposed pursuant to full and adversarial ethics hearing
Nebeyeluel Abrha v. BEGA	DC Superior Court	2025-CAB-006910	Open	Employee appeal of BEGA Board’s order denying financial disclosure fine waiver request
Edwin Monono v. BEGA	DC Superior Court	2025-CAB-007246	Open	Employee appeal of BEGA Board’s order denying financial disclosure fine waiver request

26. Please list the total amount of money the agency or the District, on behalf of the agency, expended to settle claims against it, or its officers or employees acting in their official capacities, in FY 2025 and FY 2026 to date.

Response: BEGA has not settled claims in FY25 and FY26.

J&PS Performance Oversight Responses (FY25-26)

27. Please list each settlement the agency or the District, on behalf of the agency, entered into in FY 2025 and FY 2026 to date that involved claims against the agency, or its officers or employees in their official capacity, including any settlements covered by D.C. Code § 2-402(a)(3). For each settlement, provide:

Response: BEGA has NO settlements.

- a. The amount of the settlement;
- b. If related to litigation, the case name and brief description; and
- c. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

28. Please list all administrative complaints or grievances that the agency received in FY 2025 and FY 2026 to date. For each complaint, list:

Response: BEGA has no administrative complaints or grievances.

- a. The source of complaint;
- b. The process utilized to respond to the complaint or grievance;
- c. Any changes to agency policies or procedures that resulted from the complaint or grievance; and
- d. If resolved describe the resolution.

29. Is the agency currently party to any active non-disclosure agreements? If so, please provide all allowable information on all such agreements, including:

Response: BEGA has no active non-disclosure agreements.

- a. The number of agreements;
- b. The department(s) within the agency associated with each agreement; and
- c. Whether any agreements are required for specific positions (please list each position by division and program and indicate whether the position is contracted).

DATA

30. In filterable and sortable spreadsheet, please list all electronic databases maintained by your agency, including the following:

See EXHIBIT 5 – Database Maintenance Log

- a. A detailed description of the information tracked within each system;

J&PS Performance Oversight Responses (FY25-26)

- b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and
 - c. Whether the public can be granted access to all or part of each system.
31. Please provide a list of all studies, research papers, and analyses (“studies”) the agency or an agency’s employee requested, prepared, presented or contracted for during FY 2025. For each study please list:

Response: BEGA has no studies, research papers, or analyses to present.

- a. The status;
- b. The purpose; and
- c. A link (if published) to the study, research paper or analysis.

AGENCY-SPECIFIC QUESTIONS

General

32. Please provide the Committee with a brief summary of advisory opinions issued during FY 2025 and FY 2026 to date, including the issue, conclusion, whether the opinion was requested or issued sua sponte, and the link to the opinion

Response:

Office of Government Ethics

Opinion: [Lobbyist Registration and Reporting Advisory Opinion](#)

Date: October 9, 2025

Initiation: *Sua sponte*

Description: The Director of Government Ethics, pursuant to the authority set forth in section 219(a-1)(2) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective February 22, 2014 (D.C. Law 20-75; D.C. Official Code § 1-1162.19(a-1)(2)) (2015 Supp.), issues this updated advisory opinion, on her own initiative, to provide guidance for lobbyists and to inform District Government employees of their obligations regarding lobbyists.

33. How many inquiries and cases did BEGA receive in FY 2025 and FY 2026, to date, disaggregated by fiscal year and subject matter?

See EXHIBIT 6

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

Response: All complaints received by our office via our general mailbox, online submission database, regular email, postal mail, or in-person are entered into our Case Management System (CMTS). At that point each complaint is assigned a case number ending with a C for

J&PS Performance Oversight Responses (FY25-26)

complaint (25-0000-C). Then during our weekly investigations meeting, the allegations contained in the submitted complaints are reviewed by the Supervisory Investigator, Supervisory Attorney, General Counsel, and the Director to determine if the allegations contain an ethics violation. If it is determined that the allegations do not contain an ethics violation or fall within the enforcement jurisdiction of our office those complaints are dismissed, and a correspondence is sent to the complainant. If it is determined that the allegations contain a possible ethics violation that falls within the enforcement jurisdiction of our office, those complaints are converted into preliminary investigations in CMTS and assigned a case number ending with a P for preliminary investigation (25-0000-P). Once the complaints have been converted to a preliminary investigation it is then assigned to an investigative team to follow up on the allegations. OGE also receives sworn complaints that are converted to formal investigations and assigned to an investigative team.

34. How many ethics complaints did the agency receive in FY 2025 and FY 2026, to date?

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

Response: See Exhibit 7. It generally takes BEGA up to 180 days to resolve a complaint.

35. How many complaints are currently pending?

Response: Currently BEGA has 7 complaints that are pending.

36. What is the analysis behind the dismissal of a complaint for lack of evidence?

Response: The Office of Government Ethics dismisses complaints for a lack of jurisdiction when the allegations within the complaint are outside of the Code of Conduct. An investigation is dismissed for a lack of evidence after there is a determination that there is insufficient evidence that the Respondent violated the ethics rules

37. What does “no disposition at this time” mean in the context of a complaint?

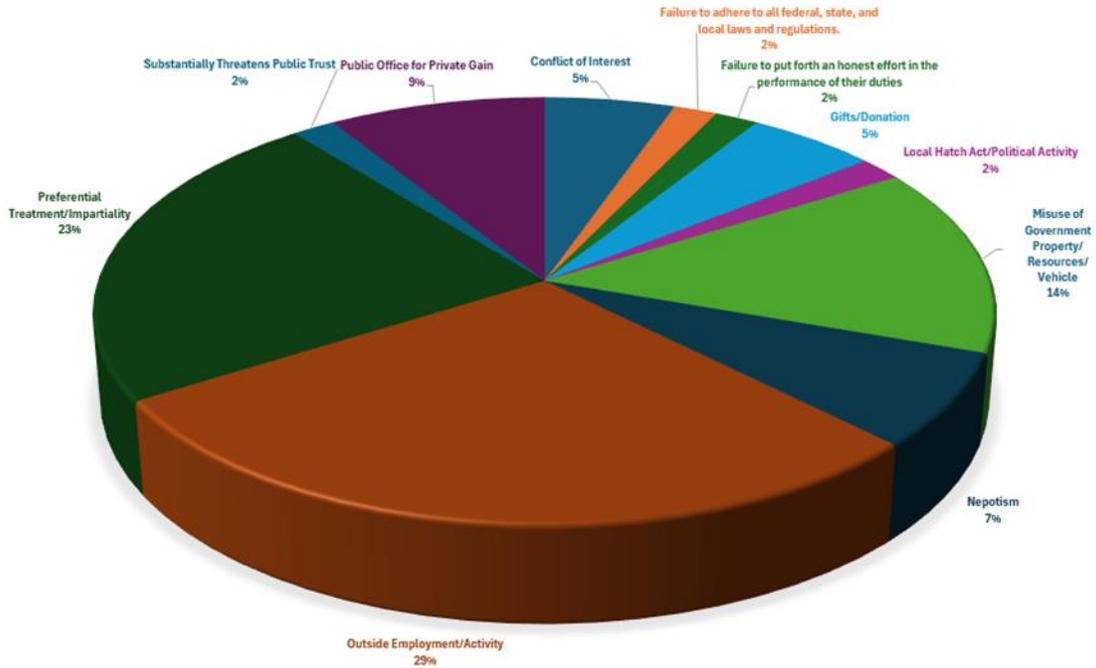
Response: The case is active and open, has not been concluded and at the time the status is provided has no final disposition.

38. Please provide metrics and heat maps showing the types and frequency of ethics complaints received by BEGA in FY 2025 and FY 2026 to date, including any trend analysis conducted by the agency.

Response: BEGA has produced the following heat maps and summaries for FY 2025. The heat maps and summaries include only matters within BEGA’s jurisdiction.

FY 2025 Q1 Heat Map and Summary

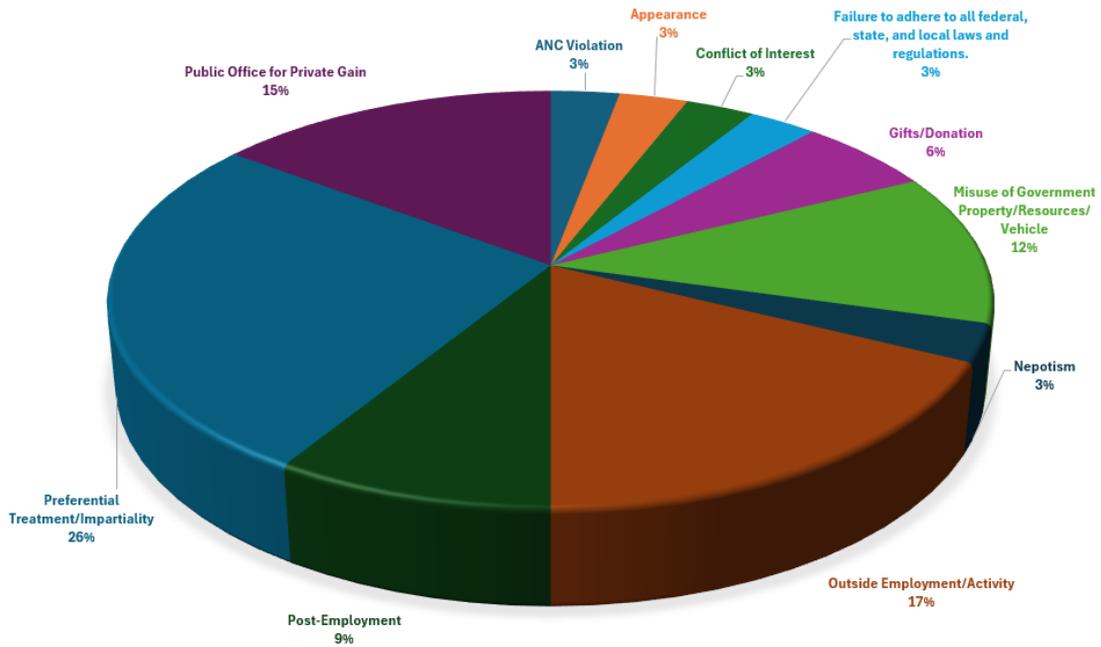
FY2025 Q1 CLOSED MATTERS BY CATEGORY



Code of Conduct Category	Number	Percent
Outside Employment/Activity	16	28.57%
Preferential Treatment/Impartiality	13	23.21%
Misuse of Government Property/Resources/Vehicle	8	14.29%
Public Office for Private Gain	5	8.93%
Nepotism	4	7.14%
Conflict of Interest	3	5.36%
Gifts/Donation	3	5.36%
Failure to adhere to all federal, state, and local laws and regulations.	1	1.79%
Failure to put forth an honest effort in the performance of their duties	1	1.79%
Local Hatch Act/Political Activity	1	1.79%
Substantially Threatens Public Trust	1	1.79%

FY 2025 Q2 Heat Map and Summary

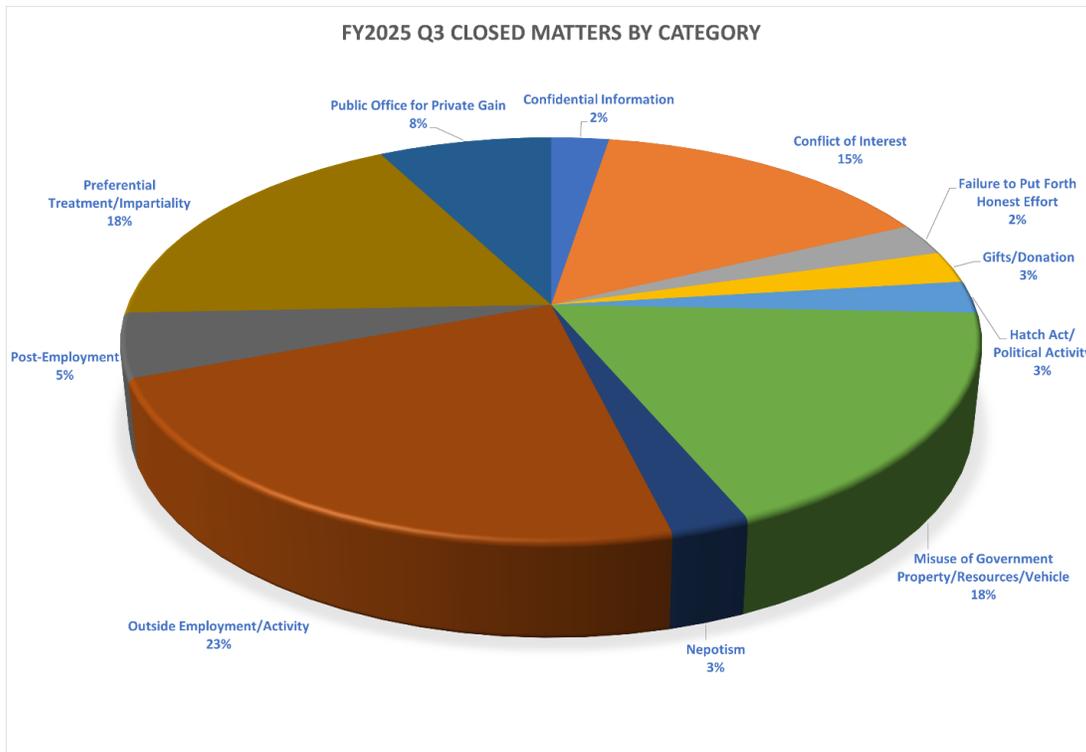
FY2025 Q2 CLOSED MATTERS BY CATEGORY



Code of Conduct Category	Number	Percent
Preferential Treatment/Impartiality	9	26.47%
Outside Employment/Activity	6	17.65%
Public Office for Private Gain	5	14.71%
Misuse of Government Property/Resources/Vehicle	4	11.76%
Post-Employment	3	8.82%
Gifts/Donation	2	5.88%
ANC Violation	1	2.94%
Appearance	1	2.94%
Conflict of Interest	1	2.94%
Failure to adhere to all federal, state, and local laws and regulations.	1	2.94%
Nepotism	1	2.94%

FY 2025 Q3 Heat Map and Summary

J&PS Performance Oversight Responses (FY25-26)

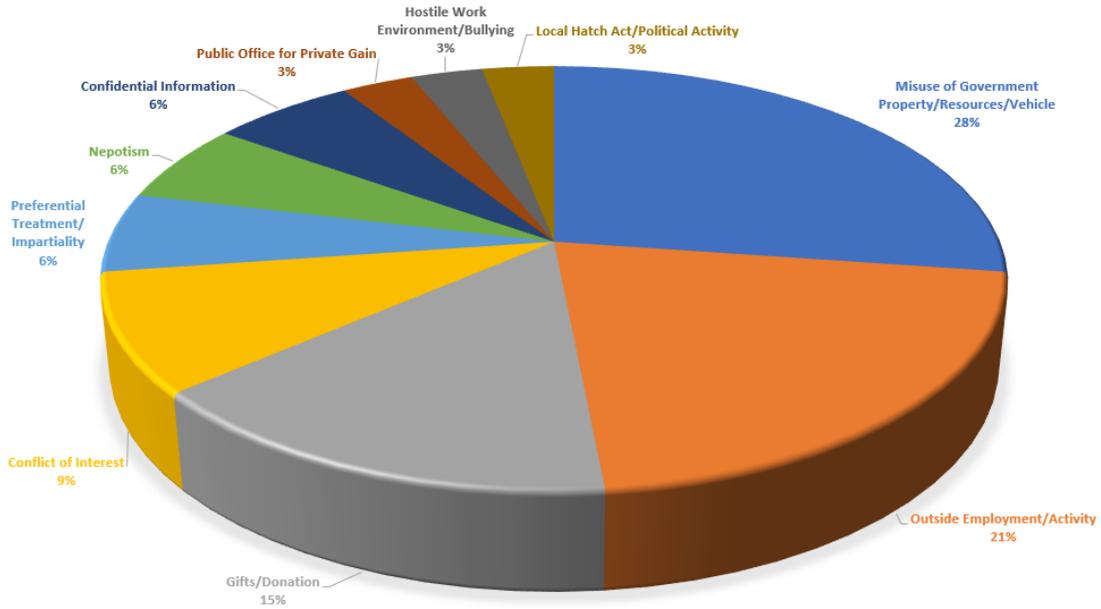


Code of Conduct Category	Number	Percent
Outside Employment/Activity	9	23.08%
Misuse of Government Property/Resources/Vehicle	7	17.95%
Preferential Treatment/Impartiality	7	17.95%
Conflict of Interest	6	15.38%
Public Office for Private Gain	3	7.69%
Post-Employment	2	5.13%
Confidential Information	1	2.56%
Failure to put forth an honest effort	1	2.56%
Gifts/Donation	1	2.56%
Local Hatch Act/Political Activity	1	2.56%
Nepotism	1	2.56%

FY 2025 Q4 Heat Map and Summary

J&PS Performance Oversight Responses (FY25-26)

FY2025 Q4 CLOSED MATTERS BY CATEGORY



Code of Conduct Category	Number	Percent
Misuse of Government Property/Resources/Vehicle	9	27.27%
Outside Employment/Activity	7	21.21%
Gifts/Donation	5	15.15%
Conflict of Interest	3	9.09%
Preferential Treatment/Impartiality	2	6.06%
Nepotism	2	6.06%
Confidential Information	2	6.06%
Public Office for Private Gain	1	3.03%
Hostile Work Environment/Bullying	1	3.03%
Local Hatch Act/Political Activity	1	3.03%

39. How many complaints did the Office of Government Ethics (OGE) close out in FY 2025 and FY 2026, to date? [See Exhibit 7](#)

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

Response: See Exhibit 7. 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.

40. Please provide a brief summary of the scope of the agency's jurisdiction as it pertains to complaints.

Response:

Office of Government Ethics

As an initial matter, any information received by the Office of Government Ethics of possible ethical wrongdoing is considered a complaint. A complaint is reviewed to determine whether it alleges violations of the District's Code of Conduct. If a complaint does contain potential violations of the Code of Conduct, the matter is converted, in our case database, to either a preliminary investigation or a formal investigation (if sworn or containing a finding from the Office of the Inspector General's Office). OGE can also, request that the BEGA Board make a preliminary investigation formal and grant OGE subpoena power.

Pursuant to D.C. Official Code 1-1162.12 The Director of Government Ethics shall conduct a preliminary investigation of a possible violation of the Code of Conduct or of this subchapter brought to the attention of the Director of Government Ethics or the Board through the following sources: **(1)** The media; **(2)** A tip received through the hotline; or **(3)** Documents filed with the Board.

If during or after the preliminary investigation, the Director of Government Ethics has reason to believe that a violation of the Code of Conduct may have occurred, the Director of Government Ethics shall present evidence of the violation to the Board. Upon presentation of evidence, the Board may authorize a formal investigation and the issuance of subpoenas if it finds reason to believe a violation has occurred.

J&PS Performance Oversight Responses (FY25-26)

A preliminary investigation may be dismissed by the Director of Government Ethics or the Board if insufficient evidence exists to support a reasonable belief that a violation has occurred.

The identity of an individual who is the subject of the preliminary investigation shall not be disclosed without the individual's consent unless or until the Board has found reason to believe that the individual has committed a violation, and the Board finds that disclosure would not harm the investigation.

A formal investigation shall be initiated upon: **(1)** Receipt of a written complaint transmitted to the Board; **(2)** A finding by the Office of the Inspector General or District of Columbia Auditor of waste, fraud, abuse of government resources, or a violation of the Code of Conduct; or **(3)** A finding by a court of competent jurisdiction of liability in a civil proceeding, indictment, or information in a criminal proceeding with respect to acts or offenses that may constitute violations of the Code of Conduct or of this subchapter.

A written complaint shall include: **(1)** The full name and address of the complainant and the respondent; **(2)** A clear and concise statement of facts that are alleged to constitute a violation of the Code of Conduct or of this subchapter; **(3)** The complainant's signature; **(4)** A verification of the complaint under oath; and **(5)** Supporting documentation, if any.

No complaint may be made later than 5 years after the discovery of the alleged violation.

An individual making a complaint shall be afforded all available protections from adverse employment action or retaliation in accordance with D.C. Official Code § 1-601.01, et seq and subchapter XII of Chapter 2 of Title 2 [§ 2-223.01 et seq.].

Within 30 business days of the initiation of a formal investigation, the Director of Government Ethics shall cause evidence concerning the complaint to be presented to the Board, with the potential for a 15-business-day extension to be granted by the Board. If the Board decides that there is reasonable belief that a violation has occurred, the Board may authorize the issuance of subpoenas.

Office of Open Government:

The Office of Open Government (OOG) enforces the DC Open Meetings Act (OMA) by investigating complaints, providing guidance, and taking corrective action, including suing for OMA violations. For DC FOIA, OOG provides advice, resources, and training, and helps the public navigate requests. While OOG does not act as a central FOIA processing agency (each agency handles its own FOIA requests), OOG promotes DC government's fair and efficient processing by serving as an impartial independent resource.

OOG has a complaint resolution process respecting the OMA, which is outlined in the OMA's implementing regulations at 3 DCMR § 10400, *et seq.* Complainants may send complaints regarding the OMA to the Director of Open Government through OOG's website or via electronic mail to opengovoffice@dc.gov. Respecting D.C. FOIA, OOG receives requests for DC

FOIA advice through its website, electronic mail, and all other communication to BEGA. While OOG does not have the authority to resolve DC FOIA complaints, the office may provide non-binding advice to all parties upon request.

Open Meetings Act (OMA) Jurisdiction

- **Enforcement:** The OOG ensures public bodies comply with the OMA, which mandates public access, proper notice, and records for meetings where public business is conducted.
- **Complaints:** The public can file OMA complaints with the OOG for alleged violations, and the OOG investigates, provides advice, and can take legal action (like suing for injunctions) against non-compliant bodies.
- **Scope:** The OMA is applicable to most DC government councils, boards, commissions, and instrumentalities, but *not* the Mayor's Cabinet, courts, or Advisory Neighborhood Commissioners (ANCs).

DC Freedom of Information Act (FOIA) Jurisdiction

- **Guidance & Advocacy:** OOG advances transparency by advising on FOIA, providing training, and advocating for efficient processing. It serves as a neutral, independent resource for government agencies and the public to ensure agencies execute the DC FOIA process in accord with DC FOIA laws and regulations. but doesn't process requests directly. **No Central FOIA Office:** Each DC agency responds to its own FOIA requests, using a central portal for some, but OOG offers help and resources for the public to file requests.

41. OOG directly enforces OMA compliance and handles complaints, while for FOIA, it serves as a guide, resource, and advocate, promoting access. In last year's performance oversight responses, the agency indicated that BEGA requested a budget enhancement of \$24,000 in FY 2024 to make critical upgrades to open-dc.gov, noting that Drupal 10/11 is a critical change that is required to ensure the safety and functionality of the agency website. BEGA also noted that there was an ongoing search for Drupal vendors to see if this project is feasible for implementation. Please provide:

42. An update on the feasibility search;

Response: BEGA has communicated with the Office of the Chief Technology Officer (OCTO) and OCTO recommended that BEGA transfer most of the content from open-dc.gov to bega.dc.gov. This would exclude the Central Meeting Calendar, which is the source of the majority of the service issues. The data transfer would help with the space required to maintain and operate the Central Meeting Calendar on open-dc.gov. The data transfer through OCTO would cost approximately \$3000.00 for OCTO to complete the process. BEGA suspended its search for a vendor to complete the Drupal migration in FY 2025, due to the District's budget issues.

43. What support is needed from the Council or Executive to address technical barriers and potentially reduce the staff resources required for website assistance?

Response: The support needed from the Council or the Executive is to bring in an outside vendor or OCTO to complete the overhaul of open-dc.gov is funding. Upgrading Drupal 7 to Drupal 11 is not a simple patch; it is a major migration that requires a full rebuilding of the website. Drupal 11 uses a fundamentally different architecture than what is currently used on open-dc.gov. BEGA requires at least \$30,000 for this migration. An experienced vendor is required to overhaul open-dc.gov and upgrade it to Drupal 11 because Drupal 7 has reached its end-of-life and no longer receives security updates, creating cybersecurity and operational risks for a public-facing government website. A specialized, experienced vendor would bring certified security practices and support ensuring the continuity of public service and compliance with D.C. laws concerning accessibility of the website for the visually and hearing impaired. OCTO could also complete this project, but the agency would require BEGA to pay them the same amount for the work.

44. Please provide a list of all gift violation enforcement actions taken in FY 2024 and FY 2025 to date, including the nature of the violation, the amount of the gift(s), and the resulting penalty imposed.

Response: 23-0074-P D. Neal – Respondent serves as the principal at Alice Deal Middle School. Respondent admitted to accepting airfare and spa services from parents of children who attended her school. Chapter 18, Title 6B of the District Personnel Regulations, section 1803.2 prohibits employees from accepting gifts from a prohibited source or that are given because of the employee’s official duties. The Board approved a negotiated disposition in which the Respondent agreed to pay a \$800 fine and attend ethics training.

24-0124-P N. Smith – Respondent served as the Principal for DCPS. Respondent accepted a donation of \$20,000 on behalf of a nonprofit that she started to support the school. Respondent failed to seek permission from the Office of Partnerships and Grants and the DCPS Central Office. Respondent violated DPM § 1803.2(b) which prohibits directly or indirectly soliciting or accepting a gift or donation because of the employee’s official duty or position. Respondent was publicly reprimanded

45. Please detail the enforcement measures that are taken if former District employees fail to pay their outstanding ethics violation fines.

Response: If former District employees fail to pay an outstanding fine, there are several steps BEGA may take, depending on the area. If the fine is related to financial disclosure, and the former employee is still within Washington DC, the Central Collections Unit (CCU) and their affiliates may be used to help encourage fine repayment. Liens may be placed against any assets and/or real property housed in DC until payment is received in full.

J&PS Performance Oversight Responses (FY25-26)

For Ethics matters, whereby a Negotiated Disposition (ND) was used to come to settlement on the matter, the Ethics Board may nullify the ND, sending any unpaid fine amount to the CCU, where a lien may also be placed against any assets or real properties in the District. In addition, the Ethics Board may also choose to nullify the ND and hold an open and adversarial hearing on the matter, where sanctions up to the full statutory amount per violation may be imposed in lieu of the negotiated amount.

Open Meetings Act Questions

46. Please provide detailed information about any complaints received from the public alleging Open Meetings Act (OMA) violations in FY 2025 and FY 2026 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 ANCs, over which we have no jurisdiction, and those complaints are typically 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.

47. How many OMA complaint adjudications in total did BEGA complete in FY 2025 and FY 2026 to date?

Response: BEGA's Board received one appeal from the Director of Open Government's issuance of Advisory Opinions in FY 2025 or FY2026, to date, and that appeal request was withdrawn by the agency. See 3 DCMR § 10407.6.

48. 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 2025 and FY 2026 to date?

Response: OOG did not receive any OMA complaints in FY2025 and FY2026 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. OOG provided corrective measures 30 times in FY 2025 and FY 2026 to date. Of these 30 corrective measures, 27 were related to 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? N/A

J&PS Performance Oversight Responses (FY25-26)

- 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.

49. Please describe any legal actions BEGA initiated in Superior Court regarding the OMA in FY 2025 and FY 2026 to date, including the basis for the suits, current status, and outcomes.

Response: BEGA has not initiated any such lawsuits to enforce the OMA through the Office of Open Government, in FY 2025 and FY 2026, to date, pursuant to D.C. Official Code § 1-1162.05c(b).

50. Please provide a summary of any advisory opinions issued regarding the OMA in FY 2025 and FY 2026 to date, including the key issues addressed and conclusions reached.

Response: 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 OMA, as a result of its independent investigation, OOG determined that the Calvin Coolidge Senior High School’s Local School Advisory Team (“Coolidge LSAT”), 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>

Dismissal of OMA Complaint: On February 7, 2025, the Director dismissed complaint #OOG-2024-0002 against the Zoning Commission because the allegations in the complaint did not violate the OMA. The complaint alleged that the Zoning Commission failed to provide OMA compliant notice of its November 9, 2023, meeting. However, OOG’s investigation revealed that the meeting was properly published in the D.C. Register. https://www.open-dc.gov/sites/default/files/OOG-2024-0002_OMADismissal_ZC_Redacted.pdf

Dismissal of OMA Complaint and Advisory Opinion: On February 12, 2025, the Director issued advisory opinion, #OOG-2024-0007, dismissing an OMA complaint regarding the Council of the District of Columbia’s (“Council”) gathering related to the Monumental deal with the District of Columbia. Pursuant to DC Official Code § 2-579, the Director of Open Government is not empowered to bring a lawsuit in DC Superior Court for violations of the OMA respecting the Council. The statute requires the Council “shall adopt its own rules for enforcement related to Council meetings.” The Council, in its rules for Council Period 25 (Period 25), created a category of “gatherings” that are not subject to the OMA. Also, while the Council is subject to the OMA, pursuant to the Period 25 rules, enforcement regarding its own meetings and other “gatherings” resides with that public body. Pursuant to the Period 25 rules, the Director referred the complaint to the Council, by way of its Office of the General Counsel. The Director

ultimately dismissed the complaint submitted to OOG for lack of jurisdiction.

https://www.open-dc.gov/sites/default/files/OOG-2024-0007_2.12.2025_Final_Redacted.pdf

Dismissal of OMA Complaint: On February 27, 2025, the Director dismissed complaint #OOG-2025-0051 because the Director does not have jurisdiction over the Boards and Commissions in the State of Michigan. The dismissal letter provides the statutory basis for the dismissal and includes information for contacting the Michigan state authorities that regulate meetings and the conduct of government officials. https://www.open-dc.gov/sites/default/files/Corrected_DC%20Open%20Meetings%20Act%20Complaint%20Number%20OOG-2025-0051_Redacted.pdf

OMA Advisory Opinion: On February 6, 2025, the Director issued a provisional Advisory Opinion # OOG-2024- 0010, opining that the District of Columbia’s Criminal Justice Coordinating Council (“CJCC”) is a public body subject to the Open Meetings Act (“OMA”). Pursuant to DCMR § 10405.2, the Director provided CJCC with the opportunity to respond formally to the Complaint. CJCC provided a formal response on April 2, 2025, that did not substantively address the legal arguments raised in the Advisory Opinion. The response requested that the Director address the issues with quorum that the public body experienced. As such, the opinion became final as of May 2, 2025, and the Director provided a response clarifying current issues related to CJCC’s April 2, 2025, letter. https://www.open-dc.gov/sites/default/files/Redacted_CJCC_Advisory_Opinion_May_2_2025-Corrected.pdf

OMA Advisory Opinion: On May 8, 2025, the Director issued Advisory Opinion #OOG-2024-003, opining that the District of Columbia Zoning Commission’s (Commission) practice of holding standalone closed sessions violated the Open Meetings Act (“OMA”) because its practice provided inadequate notice of the Commission’s closed meetings and was inconsistent with the protocol that public bodies must follow to lawfully enter closed/executive sessions as set forth in D.C. Official Code § 2-575(c). The Advisory Opinion stated OOG’s position that “the Commission cannot hold one open session at the beginning of a year-long meeting period, then conduct repeated closed session meetings thereafter, and be [compliant] with the OMA.” The Director found that the Commission displayed a pattern and practice of willfully participating in one or more closed session meetings in violation of the OMA. The opinion also addressed the Commission’s reliance on an outdated 2019 advice letter from the Office of the Attorney General, Legal Counsel Division, that advised the Commission that adhering to OOG’s advisory opinions is not mandatory for OMA compliance. The Director clarified for the Commission that compliance with OOG’s advisory opinions is necessary to avoid a civil enforcement action. The Director also made known OOG’s readiness to exercise its enforcement authority under the OMA if the Zoning Commission continued the pattern and practice as described, as the action complained of in this matter carried the possibility of a civil fine. https://www.open-dc.gov/sites/default/files/OOG-2024-003_AO_ZC_05082025_Redacted.pdf; see also: https://www.open-dc.gov/sites/default/files/Zoning%20Commission%20Compliance%20Letter_Redacted.pdf

OMA Advisory Opinion: On June 27, 2025, the Director issued Advisory Opinion #OOG-2025-0002, in response to a complaint dated February 6, 2025, which alleged that the Mary McLeod Bethune Public Charter School Board (the “Board”) posted meeting minutes for only one of it

meetings since February 2024 and had not posted schedules for meetings since the school year (“SY”) 2023-2024 schedule was published on the school’s website. Also, the complainant expressed concern about the absence of links to access the Board’s meetings. The Director found that the Board violated the OMA as follows: (1) failure to post draft and final meeting minutes for specific Board meetings on its website and/or OOG’s Central Meeting Calendar; and (2) failure to provide complete meeting notices for specific meetings - the location (valid dial in number and access code or valid weblink and login information). Further, the Director determined from the OOG’s investigation that certain dates on the Board’s schedules do not accord with the dates of the meetings on the Board’s meeting agendas. Concerning the meeting schedule, OOG’s investigation revealed that the Board’s SY 2024-2025 meeting schedule is posted on the Public Charter School’s website. Since the Board was in violation of multiple OMA requirements, the Board was required to take OMA training within sixty (60) days of receipt of the Advisory Opinion to avoid further corrective action. <https://www.open-dc.gov/sites/default/files/OMA%20Advisory%20Opinion%20-%20Mary%20McLeod%20Bethune%20PCSB.pdf>

OMA Advisory Opinion: On July 21, 2025, the Director issued Advisory Opinion #OOG-2024-0011, in response to a complaint which alleged that Sela Public Charter School Board (“SPCSB”) violated the OMA by only permitting certain content in the public comment section of its open session meetings. The complainant expressed concern that the public comment guidelines provided by the chairperson of SPCSB was “viewpoint discrimination” because it restricted negative comments. The OMA does not require a public body to allow public comment at meetings covered by the statute. SPCSB’s Bylaws also do not address public comment. Content of speech permitted by a public body in public session is also not addressed by the OMA. The complaint was dismissed because there was no basis to determine SPCSB violated the OMA. While the OMA ensures that the exceptions to the public’s right to view a public body’s meetings are narrowly construed, this does not extend to an examination of a public body’s policy regarding public comments. As such, the Director found no OMA violation and dismissed the complaint pursuant to 3 DCMR §10403.1(b). https://www.open-dc.gov/sites/default/files/Sela%20PCSB_OOG-2024-0011_AO_Final_7.21.2025.pdf

OMA Advisory Opinion: On July 25, 2025, the Director issued Advisory Opinion #OOG-2025-0003, in response to a complaint which alleged that forty-seven Boards of Trustees for District of Columbia Public Charter Schools (“Boards of Trustees”) are not in compliance with the OMA, citing one or more acts of non-compliance by each of the forty-seven Boards of Trustees identified by the Complainant. The complaint alleged that the information pertaining to the forty-seven Boards of Trustees meetings was not accessible to the public and the District of Columbia Public Charter School Board (DCPCSB) should articulate standards for all public charter schools to follow when posting information on their websites required to comply with the OMA. This Advisory Opinion addressed the concern that DCPCSB should participate in ensuring OMA compliance. OOG is continuing to investigate the allegations against the 47 schools. The Director dismissed the OMA Complaint against DCPCSB and found that the public body did not violate the OMA. DCPCSB does not have an affirmative obligation to ensure OMA compliance; that responsibility rests with OOG. Further, the Complainant’s allegation that DCPCSB should ensure universal, easy access to Public Charter School Boards of Trustees’

meeting information and provide a board meeting template to be used by DCPCS on their websites does not implicate the OMA and open meetings regulations. The opinion acknowledges District of Columbia Public Charter School Board's effort to assist public bodies with OMA compliance but acknowledges that it is not obligated to do so and failure to take a particular course of action, as alleged in the complaint, is not an OMA violation.

https://www.open-dc.gov/sites/default/files/OMA%20Complaint%20DCPCSB%20%23OOG-2025-0003_0.pdf

Dismissal of OMA Complaint: The Director recused herself from this matter due to the appearance of a conflict of interest, pursuant to D.C. Official Code § 1-1162.23(a), and assigned it to the Chief Counsel to review and issue a determination on her behalf. On August 7, 2025, OOG Chief Counsel Louis Neal dismissed Complaint #OOG-2025-0054 against the Council of the District of Columbia (the "Council"), which alleged that the Council violated the OMA because Chairman Phil Mendelson and certain members of the Council discussed public business with the leadership of the Washington Commanders Football Team ("Commanders") at a dinner meeting and failed to properly notice the meeting in accordance with the OMA. Chief Counsel Neal found that the Director of Open Government is precluded from bringing a lawsuit to enforce the OMA regarding Council meetings pursuant to D.C. Official Code § 2-579(a), and that the Council's gathering on that day in issue falls outside the scope of the OMA's definition of a meeting as it pertains to the Council. The Chief Counsel explained that the Council prescribes its own rules regarding how it enforces the OMA. However, he noted that this does not preclude a private right of action in D.C. Superior Court, pursuant to D.C. Official Code § 1-207.42. Chief Counsel Neal cited Advisory Opinion OOG-2024-0007 of February 12, 2025, in which the Director addressed these issues in greater detail. Furthermore, he explained that the Open Meetings Clarification Temporary Amendment Act of 2025, amended the OMA and clarifies the definition of a "meeting." In relevant part, the amended statute states that "for the purposes of the Council of the District of Columbia, the term "meeting" means a regular or additional legislative meeting, and committee meetings where votes are taken." The Chief Counsel took notice in his dismissal of the complaint that the legislation was in effect at the time of the June 30, 2025, dinner that was the subject of the complaint. https://www.open-dc.gov/sites/default/files/OMA%20Dismissal%20of%20OOG-2025-0054_Redacted.pdf

OMA Advisory Opinion: On August 18, 2025, the Director issued Advisory Opinion #OOG-2024-0024, in response to a complaint which alleged that Hope Community Public Charter School Board ("HC PCSB") had not published "dates for future meetings." The Board relinquished its Charter at the end of School Year 2024-2025 and is not in operation, so the allegation in the complaint is moot. The Director decided to address the matter and issue the Advisory Opinion for the benefit of the stakeholders of active Boards of Trustees for Public Charter Schools, and should HC PCSB resume operation under a new Charter Agreement. HC PCSB violated the OMA by failing to publish a schedule of its meetings for School Year 2024-2025 on Hope Community Public Charter School's website. A Google document provided by HC PCSB in response to the complaint that was accessible via a link and contained a schedule did not fulfill the requirements of the OMA to publish an annual schedule of its meetings because the link was not published on the school's website. <https://www.open->

[dc.gov/sites/default/files/OMA%20Complaint%20Hope%20Community%20PCSB%20-%20%23OOG-2025-0024.pdf](https://www.open-dc.gov/sites/default/files/OMA%20Complaint%20Hope%20Community%20PCSB%20-%20%23OOG-2025-0024.pdf)

OMA Advisory Opinion: On October 1, 2025, the Director issued Advisory Opinion #OOG-2025-0052, in response to a complaint which alleged that SEED Public Charter School Board (“SEED PCSB,” or the “Board”) failed to provide the public with access to an emergency meeting held by the Board on May 31, 2025. The Director found that SEED PCSB violated the OMA by failing to provide a complete meeting notice for its emergency meeting held on May 31, 2025. The Board failed to provide a valid dial in number and access code or valid weblink and login information as required by D.C. Official Code § 2–576(5) and 3 DCMR § 10409.7. The Board also did not provide a meeting location. D.C. Official Code § 2–576(4) extends this notice requirement to a public body’s emergency meetings. Furthermore, considering SEED PCSB did not respond to the Complaint and the draft agenda of the meeting in issue has “Emergency Closed Meeting” as a part of the subject heading, the Director informed the Board of the procedure for entering closed or executive session of public body meetings. Pursuant to D.C. Official Code § 2- 575(c), a public body must start its meeting in an open session where a meeting or a portion of a meeting will be held in closure. Since SEED PCSB was in violation of the OMA Notice of meetings and Open meetings requirements, the Board was required to take OMA training within sixty (60) days of receipt of the Advisory Opinion to avoid further corrective action. https://www.open-dc.gov/sites/default/files/Signed%20SEED%20PCS%20AO_OOG_2025_0052%20-%20R_0.pdf

OMA Advisory Opinion: On October 8, 2025, the Director issued Advisory Opinion #OOG-2024-0012, in response to a complaint which alleged that Smothers Elementary School Local School Advisory Team (“Smothers LSAT”) nominated a chairperson to Smothers LSAT outside of a regular LSAT meeting and cancelled one of its publicly noticed meetings without notice to the public of the cancellation. The Director found that the Smothers LSAT’s alleged nomination or selection of a chairperson on a disputed date does not violate the Open Meetings Act (“OMA”) because the alleged nomination or selection process does not raise facts or circumstances covered in the OMA. The Advisory Opinion explains that the unique situation of Smothers’ LSAT being reduced to one or two members is one that warrants further examination, but insufficient and conflicting information prevents such within the context of the OMA. The Director found that the meeting notice issue falls within the OMA, but the evidence was inconclusive to decide whether Smothers LSAT violated the OMA by not providing notice to the public of the cancellation of one of its meetings. Notwithstanding the LSAT reduced membership and the insufficiency of information, The Director advised that LSATs must provide notice of meetings in accordance with the OMA. The LSAT must create a record, as best as possible, of the selection of members, create a process in such a situation, and make it available to the public. Based on the Office of Open Government’s own investigation, the Director found that Smothers LSAT violated the Open Meetings Act, by not doing the following: publishing meeting minutes or (information on access to) record of meetings for the year 2024, as required by D.C. Official Code § 2–578(b); publishing a schedule of its meetings for school year 2024 to 2025; and providing meeting notices for school year 2024 to 2025, in accordance with D.C. Official Code § 2–576(1). Smothers LSAT was required to take OMA training within sixty (60) days of receipt of the Advisory Opinion to avoid further corrective action.

https://www.open-dc.gov/sites/default/files/Complaint%20%23OOG-2024-0012_Smothers_Redacted.pdf

OMA Advisory Opinion: On October 29, 2025, the Director issued Advisory Opinion #OOG-2025-0026, in response to a complaint which alleged that I Dream Public Charter School Board (“I Dream PCSB,” or the “Board”) had not provided meeting location or links to its meetings and the last meeting minutes were published in December 2024. The Board relinquished its Charter at the end of School Year 2024-2025 and is not in operation. The Director recognized that the allegation in the Complaint was moot but decided to address the matter and issue the Advisory Opinion for the benefit of the stakeholders of active Boards of Trustees for Public Charter Schools, and should I Dream PCSB resume operation under a new Charter Agreement. The Director found that I Dream PCSB violated the OMA by not (1) providing location or login information and links to its meetings and (2) posting its January 8, 2025, meeting minutes within the statutorily required thirty (30) business days on I Dream PCS’ website and/or Central Meeting Calendar (“CMC”). The Advisory Opinion took notice that prior to relinquishing its Charter, the Board corrected the issues in part, by posting its 2025 meetings minutes on the school’s website and the Chairperson, in response to the Complaint, stated her resolve to ensure that all links to the Board’s meetings will be published in a timely manner.

https://www.open-dc.gov/sites/default/files/I%20Dream%20Public%20Charter%20School%20Board%20-%20%23OOG-2025-0026_Redacted_0.pdf

OMA Advisory Opinion: On November 4, 2025, the Director issued Advisory Opinion # OOG-2025-0060, in response to a complaint about the alleged misconduct of a DC FEMS employee. The Director dismissed the complaint because it concerned a personnel matter that did not raise issues within the Director of Open Government’s authority under the OMA. The complainant was referred to the Office of the Fire and Emergency Medical Services Chief and the DC FEMS Office of Accountability. https://www.open-dc.gov/sites/default/files/OMA%20Complaint%20Dismissal%20No%20OOG-2025-0060.docx_Redacted.pdf

OMA Advisory Opinion: On December 4, 2025, the Director issued Advisory Opinion #OOG-2025-0057, in response to a complaint regarding a meeting held by Shining Stars Montessori Academy Public Charter School Board on September 20, 2025. The Complaint requested that OOG clarify “if public comment has to be allowed per” the OMA, and requested that the Shining Stars Montessori Academy Public Charter School Board “[s]hare the document with the ASPIRE framework with the parents with at least 30 days to review...[t]hen hold another meeting with public comment and public access to the full meeting...[and] [a]llow public participation in the meeting the entire time.” The Director concluded that: (1) the delay in being admitted to the virtual meeting was a technical issue and not an OMA violation; (2) revision of the draft agenda, posting the revised agenda within the “48 hours or 2 business days” prior to the meeting, and not treating the draft agenda as a final agenda, are not OMA violations; (3) there was no OMA requirement for a public comment period during this meeting, nor under the OMA generally, but public comment in OMA subject meetings should be both consistent and fair; (4) the DC PCSB provides for the public to submit both written and audio

public comment, as well as the ability to register to testify at its public hearings regarding matters before it; (5) the OMA does not require that documents provided to, or acquired by, public body members in advance of a meeting be provided to the public - however, documents shared or considered during an OMA meeting must be included in the meeting minutes as part of the “full record;” (6) OOG advises that Shining Stars Montessori Academy Public Charter School Board immediately implement a registration option that allows registration and joining of its meetings in, or close to, real-time; and that (7) it must add the required governance language to all future draft and final meeting agendas according to the DC Municipal Regulations. https://www.open-dc.gov/sites/default/files/Shining%20Stars%20Montessori%20Academy%20AO_OOG-2025-0057_FINAL_Redacted.pdf

51. How many requests for formal and informal advice regarding compliance with the OMA did BEGA receive in FY 2025 and FY 2026 to date?

Response: OOG received and processed 29 requests for informal OMA advice in FY 2026, to date. OOG received 125 requests for informal OMA advice in FY 2025. Public bodies may request formal advice regarding the OMA. This is distinguished from an OMA complaint. We provide advisory opinions in both instances. In FY 2025, OOG received 16 OMA complaints. In FY 2026 to date OOG received 4 OMA complaints.

Cases, Investigations, and Resolutions

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

Response: The Investigations Unit typically averages 180 days to close a case, though some cases take longer due to extended negotiations during the disposition phase.

53. What are the general categories for the fines collected by BEGA in FY 2025 and FY 2026?

Response: BEGA fines are collected in three different categories, Ethics Negotiated Dispositions, Financial Disclosure violations, or Lobbyist registration and reporting.

FOIA Questions

54. How many requests for formal and informal advice regarding compliance with FOIA did BEGA receive in FY 2025 and FY 2026 to date?

Response: In FY 2025, OOG received 79 informal and 3 formal requests for advice regarding compliance with FOIA. In FY 2026, to date, OOG received 47 informal requests and 1 formal request for advice regarding compliance with FOIA. For BEGA, the average response time on a request for information or advice is less than one day. Generally, each inquiry is handled by one

J&PS Performance Oversight Responses (FY25-26)

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 FY25, the total hours spent on informal requests was approximately 165 hours, while in FY26 the running total is approximately 98 hours. The cost of compliance in FY2025 was approximately \$8,580, and to date in FY26, the amount is approximately \$5,096.

D.C. FOIA: FORMAL | FY25 – 3; FY26 TD – 0 / INFORMAL | FY25 – 79; FY26 TD - 47

55. What agency's FOIA processing was the focus of the most public complaints, concerns and inquiries for assistance in FY 2025 and FY 2026 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).

56. What aspects of FOIA processing had the most public complaints in FY 2025 and FY 2026 to date?

Response: In FY 2025 and FY 2026 to date 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; and (2) Timelines - requesters complain that agencies fail to provide guidance / timelines for out-of-statutory-timeframe responses

57. In last year's responses BEGA recommended extending statutory FOIA response deadlines to mirror federal timelines. In light of the continued public complaints regarding delays:

Response: BEGA's Best Practices Report has recommended for several years that the D.C. Council should amend the DC FOIA law to provide more time for agencies to respond to DC FOIA requests. At the very least, DC agencies should be afforded the same time as federal agencies.

58. What internal process improvements or staffing changes has BEGA implemented to reduce FOIA delays without statutory extensions?

Response: As an agency BEGA strives for excellence in processing our own D.C. FOIA requests in a timely manner and in accord with the current laws and regulations. BEGA continues to prioritize D.C. FOIA processing and has not altered process or staffing to respond to D.C. FOIA requests.

With respect to BEGA's recommendations for the District government concerning process improvements, in numerous Best Practices Reports BEGA has recommended implementing a meaningful retention practice for the District's large body of electronic mail, dating back to 1998. Much of the complaints concern production of government emails. If the District would

clean up and archive its warehouse of these electronic records, the search process would be less burdensome and time-consuming because the amount of data returned that needs to be reviewed and redacted would be minimized. Also note that the recommendation to amend the statutory timeframe would most impact those agencies that have a high request-to-staff ratio and deal with both high-volume requests and requests that require extensive analysis relative to D.C. Official Code § 2-534 exemptions, common law privileges, and redaction. These agencies would be better served by hiring more staff to review those requests or implementing a software or artificial intelligence backed solution to streamline these reviews.

59. What metrics does BEGA track to distinguish between delays caused by agency workload, inter-agency consultation, or resource constraints?

Response: Internally, BEGA does not experience delays processing DC FOIA requests due to resource constraints. And while agency workload can be a minimally limiting factor, inter-agency consultation is rarely an issue; rather, agency referral is much more common. Overall, as to D.C. FOIA, per the Council website, “[a]nyone may submit a FOIA request. There is no central FOIA office in the District government. Each public body, including the Council of the District of Columbia, responds to requests for its own records.” Although OOG provides training and advice to the District’s FOIA Officers, the office only has anecdotal data regarding the experience of other agencies’ processing of requests.

Further, D.C. government agencies are required to annually report on FOIA disclosure activities for the previous fiscal year to the Secretary of the District of Columbia. This annual report contains information about response time but not provide specific metrics.

60. How would extending statutory deadlines improve public access?

Response: Currently, when an agency does not fulfill a records request within fifteen (15) business days, it is deemed a denial, regardless of whether the request is in a workflow queue, and is ultimately fulfilled. The necessity to respond to often repeated inquiries from requesters, and then provide a response to appeals, which may be filed immediately after even a constructive denial, and which must be made within five (5) business days after notification from the Mayor’s Office of Legal Counsel (MOLC), diverts staff time from the fulfillment of D.C. FOIA requests and results in further extending the time required to process the existing request workflow; extending the statutory period would create a greater window to fulfill requests and reduce the occurrence of this spiraling delay.

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 assembling a task force that would, among other things, consider possible District-wide standards for FOIA responses, including fees and waivers.

As we noted last year, 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.

Currently, when an agency does not fulfill a records request within fifteen (15) business days, it is deemed a denial, regardless of whether the request is in a workflow queue and is ultimately fulfilled. The necessity to respond to often repeated inquiries from requesters, and then provide a response to appeals, which may be filed immediately after even a constructive denial, and which must be made within five (5) business days after notification from the Mayor's Office of Legal Counsel (MOLC), diverts staff time from the fulfillment of D.C. FOIA requests and results in further extending the time required to process the existing request workflow. Extending the statutory period would create a greater window to fulfill requests and reduce the occurrence of this spiraling delay.

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.

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

Response: The size of OOG's Legal Team has not changed in FY 2025 or FY 2026. Including the Chief Counsel, OOG's Legal Team consists of four (4) attorneys and one (1) paralegal specialist. However, one attorney has been promoted from Attorney Advisor to Trial Attorney. This promotion is important because the Office of Open Government is charged with enforcing the Open Meetings Act (OMA) and the promoted attorney will be primarily responsible for seeking relief in Superior Court for OMA violations. The Trial Attorney will argue for temporary restraining orders and injunctive relief, as the OMA requires. The OOG currently does not have the ability to bring lawsuits without hiring outside counsel; and this position makes an immediate impact by enabling OOG to meet its statutory requirement. OOG's legal team now requires another Attorney Advisor. This full-time position is currently unfunded due to budget constraints.

There were no structural changes within OGE's legal team.

62. What are the current numbers for requests handled in FY 2025 (complete) and FY 2026 (to date), broken down by type of request?

J&PS Performance Oversight Responses (FY25-26)

Response:

CATEGORY	FY25	FY26TD
Number of FOIA Requests	47	02
Number granted IN WHOLE	00	00
Partially granted	00	00
Denied IN WHOLE	05	00
Pending	02	00
Withdrawn	00	00
Other disposition	17	01
Average response time	15	10
Est. number of FTEs required to process	02	02
Est. number of hours spent responding	82	06
Cost of compliance	\$4,891	\$529

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

Response: Currently there are no DC FOIA requests pending to BEGA.

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

Response: No, there have not been any changes respecting OOG’s processes regarding D.C. FOIA requests.

Lobbyists

64. How many lobbyists are currently registered with BEGA?

Response: For CY 2025, there were 347 Registrants representing 405 Clients.

65. Out of the total number of registered lobbyists, how many filed their activity reports in January 2025, July 2025, and January 2026?

Response:

Filing Dates	Total Lobbyists	Filed Untimely
January 2025	410	12
July 2025	479	26
January 2026	45 (as of 1/6/2026)	N/A

J&PS Performance Oversight Responses (FY25-26)

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

Response: Penalties are assessed at \$100/ a day, up to 60 days, unless a waiver is filed and approved by the Board, in which penalties could be decreased or eliminated completely.

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

Response: Lobbyist are not able to submit their Quarterly Activity Reports until fees and fines are cleared in the portal.

Assessed Period	Fines Collected
Late 2024 Q4 (late by 1/15/2025)	\$ 10,200.00
Late 2025 Q1 (late by 4/15/2025)	\$ 14,500.00
Late 2025 Q2 (late by 7/15/2025)	\$ 3,100.00
Late 2025 Q3 (late by 10/15/2025)	\$ 9,100.00

66. How much did BEGA receive in lobbyist registration fees in FY 2025 and FY 2026, to date?

Response:

	CY2025	CY2026
Registration Fees	\$183,100	\$16,350
Late Fines	\$62,000	\$ 0

67. BEGA reported that approximately \$59,700 in lobbyist fines remain outstanding. Please provide:

a. A breakdown of the outstanding fines from FY 2025 – FY 2026;

	# of Registrants	Fines
FY2025	11	\$44,000
FY2026	16	\$36,000

b. The number of lobbyist with unpaid fines across multiple reporting cycles;

Response: There is 1 lobbyist with outstanding fines across multiple reporting cycles. There is 1 Registrant with outstanding fines with multiple clients.

J&PS Performance Oversight Responses (FY25-26)

- c. Any steps BEGA has taken to collect outstanding fines beyond restricting access to the e-filing system; and

Response: BEGA staff has conducted routine communications via phone and email.

- d. Whether BEGA has evaluated additional enforcement mechanisms or statutory changes to improve fine recovery.

Response: Starting in CY2026, BEGA will utilize the services of the District's Central Collections Unit (CCU) to attempt fine collections.

68. Please describe any upgrades to the lobbyist filing system that occurred in FY 2025 or during Q1 FY 2026.

Response: The Lobbyist Filing System had NO upgrades in FY25 or FY26, to date.

69. In last year's responses BEGA reported that improved communications with filers contributing to a 94.5% on-time filing rate in FY 2024. Please provide an update on filing compliance through FY 2026.

Response: Lobbyist reporting timeliness improved to 95.6% in FY2025 and the beginning of FY2026. This improvement is particularly significant given that BEGA experienced a 46% increase in lobbyist filings during calendar year 2025.

70. In last year's responses BEGA stated that OGE would like to improve communication via the e-filing system. Noting that the current system does not allow direct communications with active lobbyists/clients. What steps have been taken to implement a system to track active lobbyists and send communications? If any barriers exist for implementation, what resources or support would be needed to implement this system.

Response: BEGA has transitioned to using GovDelivery which has allowed us to track the analytics of all communication sent through the site.

71. BEGA indicated that OGE aims to improve the functionality and reporting capabilities of the QuickBase application system. What steps or plans are in place to implement an automatic generation system for late filing fines and unfiled lobbyist applications?

Response: Staff have collaborated with the Office of the Chief Technology Officer to create a query identifying lobbyists who have current and active registrations but have not filed the required activity reports. The ultimate goal is to have the query added to the efile system and be readily accessible to all those with admin privileges.

Events, Symposiums and Trainings

72. Please describe any symposia held by the agency in FY 2025 and FY 2026, to date. What symposia, if any, does the agency plan to hold in the remainder of FY 2025 and in FY 2026?

Response:

Office of Government Ethics

In October 2025 BEGA held its annual ethics conference, Ethics Week. Ethics Week took place on October 14-17, 2025, and included two in-person days, one hybrid day and one fully virtual day. This year's theme was "Keeping Government Transparent and Ethical" and included sessions designed to encourage employees to comply with the ethics, open meeting, and FOIA laws. New courses such as "The Responsible Use of AI Tools in Government", "Outside Employment Case-by-Case", "This or That: Is it Ethics or a Personnel Matter" and Ethics Week classics such as, "Legal Ethics for Government Attorneys" and "Ethics Gameshow" were highly attended. OGE also recognized District government Ethics Counselors who had a high rate of compliance in the 2025 Financial Disclosure program during the introductory session. Ethics Week 2025 consisted of 17 ethics and open government courses over four days. Three hundred and seventy-three (373) District employees attended Ethics Week.

BEGA will hold Ethics Week 2026 in October 2026

Office of Open Government

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 FY 2025, the webinar series ran from July 16, 2025 - August 13, 2025, and included a symposia "Preparing for a FOIA Civil Case/Defensive Litigation" that featured attorneys from the Office of the Attorney General and provided information and a discussion on FOIA litigation. The webinar series will be held again in FY 2026.

73. In last year's responses BEGA indicated that the first session of the Outside Employment Training Series had 27 virtual attendees. BEGA further provided that the agency received 7 complaints alleging outside employment violations. Please provide information for the following:

Response: OGE has continued providing quarterly outside employment trainings since FY25. The agency received 11 complaints alleging outside employment violations in FY23; 50 complaints in FY25; 42 complaints in FY25, and 9 complaints in FY26. Based on the investigations that were initiated, 11 resulted in a fine or public disposition in FY25 and 1 resulted in a fine in FY26.

74. 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?

Response: Attendance for the quarterly outside employment training is growing steadily. We receive largely positive feedback on the training; employees appreciate having an ethics training that discusses this one important topic thoroughly.

75. Do you believe these trainings are effective in preventing future DC employee outside work violations?

Response: Yes, the trainings are effective in preventing future outside employment violations and increasing reporting of those violations.

76. There were several cases in FY 2026 of District employees violating ethics rules in the course of their work by engaging in outside employment. Please provide an answer to the following

Response:

- a. How does BEGA anticipate the continued implementation of this training series will help reduce these ethics violations?
- b. Based on BEGA investigations, has the agency determined whether these violations were primarily the result of employees being unaware or misunderstanding the ethics rules, or whether the employees were aware of the restrictions and knowingly violated them?
- c. To the extent BEGA has made the determination, how does it inform the agency's approach to enforcement, trainings, or other prevention tactics for similar violations moving forward?

Response: Based on BEGA investigations the agency determined that majority of employees were aware of the restrictions and knowingly violated them, with a small number of employees claiming they were unaware or had a misunderstanding of the ethics rules. BEGA has the authority to impose a \$5,000 fine for violations of the Code of Conduct. The agency applies that standard to investigations in which there is a finding of an outside employment violation. Given, the amount of outside employment violations, BEGA continues to provide quarterly trainings and training through its online, learning management system. BEGA also continues to meet with agency ethics counselors on a monthly basis to provide information on ethics best practices.

77. What plans, if any, are there to expand the scope of the training series to ensure that all District employees fully understand the requirements of the ethics code?

Response: OGE believes that the quarterly training, on-demand training, and monthly Ethics Counselor brown bag sessions are sufficient.

78. In last year's responses BEGA reported that since launching the in-person "Ask BEGA" program, the Office of Government Ethics had visited two agencies, responded to approximately ten in-person advice inquiries, and received generally positive feedback. BEGA also indicated that it planned to remind Ethics Counselors about the program throughout 2025.

Response: Yes, BEGA corresponds with Ethics Counselors frequently.

79. Since providing that response, has BEGA conducted any additional "Ask BEGA" sessions, and if so, how many agencies have participated to date?

J&PS Performance Oversight Responses (FY25-26)

Response: No. We have one pending Ask BEGA session. We are in discussions with the agency to schedule the session.

80. What steps has BEGA taken to institutionalize or formalize the “Ask BEGA” program beyond reminders to Ethics Counselors, such as creating a regular schedule, outreach plan, or participation targets?

Response: We plan to memorialize the Ask BEGA advice option on the BEGA website.

81. Based on BEGA’s experience to date, what changes—if any—would BEGA make to improve participation or expand the program in future years?

Response: BEGA would host additional Ask BEGA sessions at our office.

82. In last year’s responses, BEGA reported plans to add several new training modules to its Learning Management System (LMS), including “Widely Attended Gatherings as Gifts,” “Ethics for DC Government Managers,” “How to Recuse,” “Lobbying in the District,” and “Ethics Counselor Training.” In its response, BEGA indicated that it was still working with its vendor to implement these modules, had prioritized updating existing trainings—including the Financial Disclosure and Outside Employment modules—and determined these priorities based on advice requests and investigation data.

Response: In addition to the Financial Disclosure and Outside Employment modules, we implemented a Lobbying in the District module.

83. What is the current implementation status of each of the originally proposed LMS modules, and what is the anticipated timeline for completion of any modules that remain outstanding?

Response: BEGA implemented Lobbying in the District on our Learning Management System. The rest of the noted courses are pending as we prioritized updating some of our pre-existing courses and transitioning all of our courses to our vendors new learning platform during the past fiscal year.

84. How many District employees does BEGA train?

Response: OGE FY25 Employees Trained – 16,431, FY26 to date Employees Trained – 528

In FY25, the OOG provided training for 1,313 trainees, and in FY26, to date, 633 trainees.

85. How many ethics trainings did BEGA conduct in FY 2025 and FY 2026, to date? How many FOIA and OMA trainings?

Response: OGE FY25 Ethics Trainings – 101, FY26 Ethics Trainings – 33. OOG: In FY 2025, OOG conducted 18 Open Meetings Act (OMA) trainings, and in FY 2026 to date, 12 trainings. In FY 2025, OOG conducted 11 FOIA trainings, and in FY 2026 to date, OOG conducted 3 FOIA trainings.

Best Practices Report and Recommendations

86. Please provide BEGA's analysis and specific recommendations regarding making permanent the temporary provisions allowing remote access to public body meetings, including any identified challenges or necessary statutory changes.

Response: BEGA recommends permanent enactment of the temporary changes to the OMA to allow public bodies to stream live/contemporaneous meetings virtually. These temporary changes have operated as intended, balancing equity, transparency, and openness against the health and accessibility concerns of expecting the public to travel to a physical meeting location. The temporary changes have created greater openness and accessibility to District residents by allowing them to virtually attend and participate in meetings that they might otherwise have been unable to attend in person. Additionally, allowing remote access to public body meetings provides the public bodies with greater flexibility when scheduling meetings and helps to ensure a quorum in situations where the public body members are unable to all gather physically.

87. Following BEGA's adoption of the rulemaking designating additional board and commission members as public financial disclosure statement filers, 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:

a. How many additional individuals are now required to file public financial disclosure statements as a result of this rulemaking?

Response: 188 filers were added as a result of the rulemaking.

b. What steps has BEGA taken to notify, train, and onboard newly designated filers, and what compliance challenges, if any, have emerged since the rule became effective?

c. Has BEGA identified any boards or commissions where compliance remains low or where additional guidance may be required?

Response: Yes. We held two 30-day comment periods during the rulemaking notice process and sent notice to each agency, the Mayor and the Council. After the rulemaking, BEGA provided three trainings for newly designated filers. In addition, we sent notice to all newly designated filers in the same manner as notice was sent to all filers. BEGA has identified agencies, boards and commissions where compliance is less than expected. BEGA has communicated its concerns with those agencies and is working with those agencies to ensure better reporting.

d. Does BEGA anticipate recommending further expansions or clarifications to financial disclosure requirements based on its experience implementing this rule?

Response: BEGA anticipates that it will need to engage in additional rulemaking to address concerns from the Council regarding the specific boards and commissions that were designated as public financial disclosure filers. We expect any additional rulemaking would need to provide an opportunity for newly designated filers to assess whether they intend to continue in their appointed positions without incurring penalties for non-filing

88. In last year's responses BEGA recommended eliminating the "pattern or practice" requirement for Open Meetings Act enforcement and increasing penalties to \$1,000 per willful and knowing violation:

89. Based on OOG's enforcement experience, how frequently do OMA violations currently fail to meet the "pattern or practice" threshold, preventing enforcement action?

Response: BEGA believes that the "pattern or practice" language in the current statute suggests that OOG cannot pursue a fine until *after* allowing *multiple* (if not several) violative meetings to have taken place, in order to establish "a pattern or practice." Based on our experience, OMA violations very rarely meet the pattern or practice threshold. This is in part because OOG works diligently to quickly address OMA violations with public bodies. However, there have been instances in which clear, serious OMA violations by a public body have occurred on one or two occasions. In these cases, those one or two violations are not enough to establish a pattern or practice and thus prevent OOG from engaging in meaningful enforcement action. We believe that amending the OMA to adopt a standard of "willful and knowing" violation would give OOG greater ability to enforce the OMA and serve as a deterrent to future OMA violations.

90. If the Council were to adopt BEGA's recommended changes, how would OOG expect enforcement volume, deterrence, and compliance behavior to change?

Response: If the Council were to adopt BEGA's recommended changes, OOG expects that enforcement volume would increase initially before leveling off as public bodies would have greater incentive to comply with the OMA, to seek and complete OMA training, and to be diligent about taking corrective measures where potential OMA violations have been identified.

91. What safeguards would BEGA recommend to ensure that increased penalties are applied consistently and proportionally, particularly for smaller public bodies?

Response: In general, OOG seeks to ensure OMA compliance by providing training and assistance to public bodies. Our office's first course of action is always to work with public bodies to prevent OMA violations in the first place and to take quick corrective measures where violations are identified. Where there is evidence of a public body engaging in "willful and knowing" violation of the OMA, OOG would apply penalties consistently across the board. OOG has recommended that the Council increase the base-maximum fine amount to \$1000 per (willful and knowing) violation, without increasing the amount for any subsequent violations.

The willful and knowing standard would also ensure that public bodies acting in good faith are not penalized for misunderstandings of the law or honest mistakes of procedure

92. Does BEGA anticipate that additional enforcement authority would require increased staffing or litigation resources?

Response: Granting BEGA greater authority to bring civil action in court and seek civil fines materially increases the agency's workload. As you know, this agency has been historically underfunded and without sufficient resources for OOG to undertake activities beyond advisory and non-litigation compliance functions. Effective litigation requires expanded complaint intake, investigations, charging decisions, litigation, settlement negotiations, and post-order compliance monitoring. OOG has the responsibility for overseeing OMA compliance for over 490 public bodies, including 180 different boards, commissions, and task forces; 177 Local School Advisory Teams; and 133 Public Charter School Boards. With this oversight responsibility, BEGA's current litigation capacity of only one Trial Attorney and one paralegal is currently insufficient.

To implement this authority in a fair and effective manner, additional resources are indeed essential to BEGA's success. At a minimum BEGA requires additional OOG attorneys to handle investigations and court proceedings and dedicated OOG investigative staff to develop evidentiary records. Meaningful enforcement also requires stable funding for case management and funding for employees' training. Without these resources, expanded enforcement authority risks becoming largely symbolic and ineffective. Specifically, BEGA requires the following resources, at a minimum:

Personnel Funding:

- Attorneys (FTEs): 1-2 additional Litigation/Enforcement Attorneys - up to \$140,000 annual salary each; and
- Investigators (FTEs): 1 Investigator -up to \$120,000 annual salary).

Non-Personnel Funding:

- Case Management/Enforcement Tracking/Records Management System - \$75,000;
- Litigation costs (filings, transcripts, expert support) - \$65,000; and
- Employee Training- \$30,000.

93. In last year's responses BEGA recommended creating a mandatory administrative FOIA appeals process through the Office of Administrative Hearings (OAH) or extending MOLC appeal timelines.

Response: As suggested in BEGA's 2024 and 2025 Best Practices Reports, OOG recommends 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.

Alternatively, OOG suggests transferring final appeals authority from the MOLC to the Office of Administrative Hearings (OAH). Or giving the MOLC and OAH co-equal final appeal authority.

94. What volume of FOIA appeals does BEGA estimate would be eligible for administrative adjudication annually?

Response: Any properly and timely-filed appeal would be eligible for administrative adjudication. In the 2024 FOIA report, the MOLC reported the disposition of 211 FOIA Appeals matters

95. How would BEGA envision dividing responsibilities among OOG, OAH, and MOLC to avoid duplication or jurisdictional confusion?

Response:

The Office of Open Government's (OOG) responsibilities would remain consistent with its mandate and, therefore, outside of the appeals process itself: OOG's roles are: 1) provide the District of Columbia government's FOIA Officers with advice and guidance, upon request; 2) provide formal and informal advice to agencies seeking guidance on FOIA compliance; 3) issue advisory opinions on FOIA issues in response to inquiries; 4) assist members of the public in filing FOIA requests; and 5) facilitate training courses for DC government FOIA officers, bi-annually to ANCs, and to DC government agencies and the public upon request. Neither the MOLC nor OAH would have such responsibilities but may rely on the formal advisory opinions of the OOG in its independent appeals or adjudication processes.

The Mayor's Office of Legal Counsel (MOLC) is, pursuant to DC Official Code § 2-537, responsible for handling administrative appeals of agency denials under the [DC Freedom of Information Act](#) (FOIA), acting on behalf of the Mayor to review decisions, issue final written determinations, and ensure records are released if improperly withheld. This responsibility would not need to change, even with the possible addition of the DC Office of Administrative Hearings as a final arbiter of DC FOIA appeals. However, another option would be, as suggested above, to transfer altogether final appeal authority to the OAH.

The Office of Administrative Hearings (OAH) derives its jurisdiction over agency appeals primarily through the [OAH Establishment Act](#) (DC Code Title 2, Ch 18A), which grants it authority to be a neutral, independent administrative court for specific types of disputes, acting as an impartial judge for appeals from over 40 DC agencies. This jurisdiction is established by statute, allowing OAH to hear contested cases where parties challenge decisions from DC agencies, operating under the broader [D.C. Administrative Procedure Act](#) for fairness and

procedure. However, agencies not included in OAH's enabling statute may refer cases to OAH with the Chief Administrative Law Judge's approval, or elect to be covered under OAH rules, subject to approval. In such instance, an agency FOIA decision may be appealed directly to the OAH for adjudication before an administrative law judge, who has the final authority over the case at issue – unlike most other OAH decisions which may be appealed to the D.C. Court of Appeals.

* If the MOLC and the OAH have co-equal final appeals authority, meticulous reporting to each other (including reference/case numbers, copies of cases and case information), would be provided upon receipt of the appeal and the conclusion of the decision making/adjudication process to prevent duplication

96. What funding or staffing increases would be necessary at OAH to support FOIA appeal adjudication?

Response: With the current MOLC backlog and the continuing influx of appeals filings to the MOLC, we estimate that there would need to be three (3) dedicated administrative law judges at OAH to bring and remain current on DC FOIA appeals. The funding for these positions would be largely determined by OAH's BSA requests and/or amendments to its enabling statute putting DC FOIA appeals under its jurisdiction or co-jurisdiction

97. In last year's responses BEGA recommended establishing OOG as a "DC FOIA Ombudsman" and implementing a mediation program:

a. What categories of FOIA disputes would BEGA prioritize for mediation, and which would remain more appropriate for formal adjudication?

Response: As OOG provides advice and training on DC FOIA complaints and inquiries, the Director is uniquely positioned to use her discretion on what cases are more appropriate for mediation versus formal adjudication. This discretion would be based largely upon the complexity of the case and the complainant's and agency's willingness to engage in mediation. However, there should be a bright line between process problems, which are more mediation friendly, and legal merits disputes, which should be settled through adjudication.

If the Office of Open Government were to serve as the D.C. FOIA ombudsman for the District government and provide mediation for D.C. FOIA disputes between District government agencies and requesters, it would work to mediate and settle D.C. FOIA disputes where the law is settled. These areas include (1) delays and backlogs; (2) communication problems; (3) adequacy of a search; (4) fees and fee waivers; and (5) administrative breakdowns. Thus, if the dispute is about how D.C. FOIA was handled, then that matter is ideal for mediation.

Disputes that are less suitable for mediation include (1) the application of D.C. FOIA exemptions; (2) Glomar responses; (3) Segreability disputes – whether agencies improperly withheld portions of records; (4) agencies' systematic D.C. FOIA noncompliance or policies that violate D.C. FOIA; and (5) matters already in litigation. So, if the dispute is about whether the law requires withholding records, the matter is one that should be adjudicated.

b. How many full-time mediators does BEGA estimate would be required to operate an effective mediation program?

Response: Historically, the Mayor’s Office of Legal Counsel (MOLC) has tended to develop a backlog in processing D.C. FOIA appeals because of the volume of requests it receives and because of the current short timeframe to adjudicate those appeals. If instituted, OOG’s mediation program would help reduce the MOLC’s load. It would also help to avoid costly litigation for disputes concerning requesters and Mayoral agencies, independent agencies, the D.C. Council, and Advisory Neighborhood Commissions, should the latter come under the OMA as has been suggested by the OOG in previous Oversight Hearings. Therefore, at least three (3) fully dedicated in-house mediators should suffice to accomplish this goal. Unlike many states, D.C. FOIA disputes are frequent, complex, and repeat-player driven, which provides mediation demand. To be effective, OOG would need one senior FOIA attorney/policy expert and two FOIA mediators. For the cost of a small litigation unit, the District can resolve hundreds of FOIA disputes before they reach the court saving the District government time, costs, and judicial resources

- c. How would BEGA ensure mediation remains voluntary, impartial, and non-coercive, particularly for individual requesters?

Response: The key here is to design mediation as an opt-in service, not a procedural hurdle or substitute for the exercise of the right to appeal or bring a lawsuit. The legislation that would create this program should state “participation in mediation is voluntary and does not preclude, delay, or replace the right to an administrative appeal or judicial review.” Voluntary participation keeps mediation cooperative and fast. There should not be an exhaustion requirement – in other words mediation should not be a prerequisite to the current legal remedies available.

Further, if implemented, BEGA would use a standard [electronic] form that clearly explains mediator ethical standards -- including full disclosure, ensuring parties understand their right to self-determination, actively managing power imbalances, maintaining confidentiality, and clearly defining the mediation process as non-binding and advisory, allowing individuals to withdraw at any time.

98. In last year’s responses BEGA recommended adoption of a Comprehensive Code of Conduct consolidating ethics rules across branches:

- a. What implementation challenges does BEGA foresee in applying a single ethics code across the executive branch, Council, and Advisory Neighborhood Commissions?

Response: Implementation of a Comprehensive Code of Conduct that would apply across the executive and legislative branches will require an extensive outreach and training campaign to educate District public officials and employees on the changes in rules. BEGA will work with agencies, the Council, and the Office of Advisory Neighborhood Commissions to implement a comprehensive campaign through in person training, virtual training, and use of BEGA’s Learning Management System.

- b. How would BEGA recommend phasing implementation to minimize disruption while ensuring consistency?

Response: To minimize disruption in implementing a Comprehensive Code of Conduct, BEGA would recommend an effective date that would allow time for BEGA to undertake an outreach and education campaign

- c. Would BEGA recommend statutory exemptions or tailored provisions for particular roles, and if so, which ones?

Response: As outlined in BEGA's 2025 Best Practices Report, BEGA recommends that employees who are required to file a public or confidential financial disclosure statement receive approval from their employing agency prior to engaging in any outside employment, private business activity, or other outside activity and that this approval be reviewed at regular intervals. For employees who are not financial disclosure filers and are employed in positions that present less of a concern about potential conflicts of interest or appearance of a conflict of interest, BEGA would work closely with District agencies and public bodies to assess whether these additional employees should be included in the preapproval process.

BEGA continues to recommend legislation restricting the provision of professional services for compensation by elected officials and agency heads, including 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. BEGA believes that agency public officials and agency heads who owe a duty to act in the interests of the District and its residents, should not engage in activities that create a fiduciary obligation to act in the interests of a third party that is not the District to avoid creating a conflict of interest

99. In last year's responses BEGA recommended a bright-line salary threshold for public financial disclosure filing:

- a. Approximately how many additional District employees would be subject to disclosure under the proposed salary-based threshold?

Response: In the Comprehensive Code of Conduct, BEGA recommends a bright line salary threshold for the financial disclosure requirement. The recommended salary threshold Amount is the midpoint rate for Excepted Service 9. BEGA made this recommendation Because it would make the filing requirement consistent across the executive and the I Legislator and it would simplify the designation process.

If the threshold were implemented some current filers who are considered confidential Filers would no longer be required to file and some employees who are at or above the Salary threshold and were not previously required to file will now be required to file

- b. What administrative burden would this place on BEGA's filing review and enforcement capacity?

Response: None. The e-filing system is fully capable of accommodating this change.

100. In the 2025 Best Practices Report BEGA recommended that employees required to file a public or confidential financial disclosure statement receive approval from their employing agency prior to engaging in any outside employment, private business activity, or other outside activity. Please answer the following questions:

- a. How would BEGA recommend agencies coordinate with OGE to review outside employment notifications efficiently?

Response: BEGA recommends that agencies seek guidance from OGE, when necessary, for making determinations of whether to approve outside employment. While BEGA recommends pre-approval for outside employment for financial disclosure statement filers, each agency is in the best position to make an approval or denial decision.

- b. What enforcement mechanisms are used if an employee fails to disclose outside employment?

Response: If the pre-approval requirement is mandated by regulation, then a violation of that regulation could result in personnel action by the agency and a violation of the ethics rules as a failure to abide by laws and regulations.

- c. Does BEGA anticipate that mandatory notification would reduce the number of outside employment investigations, based on prior enforcement data?

Response: Yes, the requirement for pre-approval of outside employment would reduce the number of outside employment investigations because any conflicts would be addressed before the employee engages in outside employment

- d. How would BEGA recommend agencies coordinate with OGE to review outside employment notifications efficiently?

Response: Agencies and the Department of Human Resources are in the best position to determine whether an employee's outside employment would cause conflict with their District employment. It would benefit agencies to review and rely on BEGA's guidance when making those decisions.

- e. What enforcement mechanisms would apply if an employee fails to disclose outside employment?

Response: Financial disclosure statement filers are required to disclose any outside employment and the failure to comply with this rule is an ethics violation. If a pre-approval requirement is implemented the failure to abide by the rule would result in a violation of the Code of Conduct and personnel action by the agency.

101. In the 2025 Best Practices Report BEGA recommended that the Council pass legislation for the adoption of a Comprehensive Code of Conduct (CCC), establishing a single ethical standard for all District employees. What would the implementation of this change look like across District agencies? What similarities would this CCC have with the federal government ethics rules?

Response: As discussed in Question 98, implementation of a Comprehensive Code of Conduct would incorporate the provisions of the federal ethics laws that are applicable to District employees and consolidate these provisions into a single code. These provisions include the federal criminal conflicts of interest provisions and post-employment restrictions.

Passage of the CCC would streamline ethics in the District. Currently, the District's Code of Conduct is a collection of multiple laws and regulations and the Council has a separate Code of Conduct. Passage of the CCC would fully bring the Council under BEGA's authority and aggregate the multiple laws and regulations that make up the Code of Conduct into one statute.

102. In the 2025 Best Practices Report BEGA recommended that the Council adopt legislation to streamline 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. What might that the bright line threshold look like?

Response: In the Comprehensive Code of Conduct, BEGA recommends a bright line salary threshold for the financial disclosure requirement. The recommended salary threshold amount is the midpoint rate for Excepted Service 9. BEGA made this recommendation because it would make the filing requirement consistent across the executive and the legislative and it would simplify the designation process.

103. Does BEGA anticipate that mandatory notification would reduce the number of outside employment investigations, based on prior enforcement data?

Response: Yes, the requirement for pre-approval of outside employment would reduce the number of outside employment investigations because any conflicts would be addressed before the employee engages in outside employment

104. In the 2025 Best Practices Report BEGA highlighted that Montgomery County maintains a public portal listing all approved outside employment for county employees, including the name of the outside employer, any conditions on the employment, and the date the approval will expire. Does BEGA currently maintain a list of pre-approved outside employers for District employees? If not, does BEGA have the capacity to implement a similar mechanism?

Response: BEGA does not currently maintain a list of pre-approved outside employers for District employees. As outlined in BEGA's 2025 Best Practices Report and Management Alert Report issued by the Office of the District of Columbia Auditor, there is no District-wide requirement that an employee seek approval or inform their agency's management about any outside employment.

BEGA maintains the Financial Disclosure Filing System that includes information about outside employment for Public Financial Disclosure Filers. BEGA would need additional funding to establish and maintain a similar database to house information about outside employment

105. In instances of a potential outside employment violation what coordination is there between BEGA and DCHR to determine whether an investigation is warranted? Does BEGA engage in active investigations or oversight in other agencies when a potential outside employment violation arises?

Response: BEGA does not coordinate with agencies on ethics investigations. Our office may Request that an agency produce documents and evidence. If a representative of the Agency is the complainant in an ethics investigation, BEGA will communicate with that Representative during appropriate parts of the investigation, as we would for all other complainants

106. Please provide detailed data on outside employment violations identified in FY24 and FY25 to date, including:
- a. The total number of violations identified;
 - b. The number of cases involving concurrent full-time employment;
 - c. The penalties imposed; and

Response: Ten out of the 13 negotiated dispositions approved by BEGA's Board in FY25 and FY26, to date, involved outside employment or other activities. These matters accounted for \$37,850 in civil penalties. The Director of Government Ethics issued four ministerial fines in FY25 stemming from outside activities by employees, resulting in three public reprimands and one \$500 civil penalty.

- d. The effectiveness metrics for the new outside employment training initiative.
107. In FY 2025 and FY 2026, BEGA handled a series of outside employment violation cases involving DCPS employees DCPS employees, including matters connected to a DC government contractor, garnering significant public attention and complaint. Please provide:
- a. Operationally how BEGA responds to complaints received alleging outside employment violations;

Response: The Office of Government Ethics respond to complaints which contain allegations of outside employment violations in the same manner as it responds to other complaints

- b. The analysis for determining the scope of an investigation stemming from a complaint such as these;

Response: Outside employment investigations usually involve interviewing the complainant, gathering documents, utilizing online search databases such as LinkedIn, gathering information from the agency to determine the employee's work schedule and whether the outside

employer has any matters before the agency, interviewing and gathering documents from the outside employer, and interviewing the Respondent

- c. What training courses are specifically provided to DCPS employees with regards to outside employment opportunities; and

Response: DCPS employees are afforded the same training opportunities as other District employees, which includes the quarterly trainings, on-demand training, and training materials on the BEGA website. BEGA recommended to DCPS that outside employment rules are included in their onboarding package and annual training

- d. What steps or plans are in place going forward to ensure that District employees adhere to the rules pertaining to outside employment.

Response: BEGA continues to provide outside employment trainings on a quarterly basis and on-demand through the online, learning management system

108. Last year, BEGA reported that its jurisdiction over public charter schools is largely limited to OOG's ability to ensure Boards of Trustees adhere to the Open Meetings Act (OMA), and that its strongest recommendation is to provide OOG "meaningful enforcement authority" and the ability to seek "impactful fines," particularly because current law requires a "pattern or practice" of entering closed meetings before OOG may pursue a lawsuit:

- a. How often has the "pattern or practice" threshold prevented OOG from pursuing enforcement in cases involving willful and knowing OMA violations by charter school boards?

Response: The "pattern or practice" threshold has prevented OOG from pursuing enforcement cases involving willful and knowing OMA violations by Boards of Trustees for public charter schools ("Boards of Trustees") on many occasions. Eagle Academy Public Charter School Board's (the "Board" or "Eagle") evasion of OOG's inquiries during its investigation of the Board's alleged noncompliance with the OMA is illustrative of this. While OOG has not experienced such heightened level of difficulty in its investigations concerning allegations against most Boards of Trustees and consistent noncompliance by the said boards since Eagle's violations, the increased number of complaints against them and OOG's findings thus far, evidence the need for statutory changes to provide OOG with increased enforcement authority and the ability to seek substantial fines that will act as a deterrent from nonadherence to the District's open meetings laws. Furthermore, even though OOG received responses from forty (40) of the fifty-two (52) Boards of Trustees for public charter schools against which complaints were made in FY2025 to FY2026, there were twelve (12) Boards of Trustees that had not responded to complaints against them up to January 9, 2026. That is a very high number of evasion and non-compliance that shows the need for amendments to the OMA to provide OOG with enforcement authority where there is "willful and knowing" violation of the statute, with the ability to levy impactful finds.

J&PS Performance Oversight Responses (FY25-26)

As a background to the preceding, in FY2025 to FY2026, OOG received fifty-two (52) formal complaints (Advisory Opinions have not been issued for most) against Boards of Trustees for public charter schools. Based on OOG's investigations of the Boards of Trustees (some final and others incomplete up to January 9th because of outstanding responses), approximately three quarters of the Boards of Trustees have violated the OMA. Based on their responses or lack thereof to the complaints (twelve had not responded up to January 9, 2026), "willful and knowing" violations exceed mere ignorance of the OMA's requirements.

At the close of business on January 14, 2026, all save one Board of Trustee had responded to the complaints. The Chair of the Board, with the outstanding response, communicated with a member of OOG's staff on January 13th and stated that the response is forthcoming

1. Please identify what statutory changes BEGA would recommend to ensure OOG can pursue enforcement after a single willful and knowing violation, and what penalty structure BEGA recommends applying.

Response: OOG recommends that the Council amends the OMA to include provisions enabling OOG to bring an action before BEGA's Board or the Court against Boards of Trustees for public charter schools ("Boards of Trustees") for "willful and knowing" violation of the OMA, and where a Board of Trustees is found to be in violation of the OMA, BEGA's Board or the Court be given the authority to impose a fine of not more than One Thousand Dollars (\$1,000.00) per violation. We propose that this sum does not increase for any subsequent violation/(s) by a Board of Trustees. The decision of when to bring enforcement proceedings before BEGA's Board and not the Court for "willful and knowing" violation of the statute would turn on whether a determination has been made by BEGA's Board that it is inundated with matters from OOG and/or the Office of Government Ethics ("OGE") and will therefore not be able to dispense with matters expeditiously.

This recommendation would not remove the current "pattern or practice" language of the OMA for violating the statute by closing meetings contrary to the law. We are confident that these statutory changes would increase compliance with the District's open meetings laws because it would provide OOG with the authority to act with greater impact on the Boards of Trustees. OOG notes that our neighbors, Maryland, Virginia, and West Virginia have adopted the standard of "willful and knowing" violations of their open meetings laws.

- b. Would BEGA recommend applying these enforcement changes to all public bodies or specifically to public charter school Boards of Trustees?

Response: OOG recommends applying the proposed enforcement changes to all public bodies, and not only Boards of Trustees for public charter schools. This is in keeping with the District of Columbia's long-standing public policy that "all persons are entitled to full and complete information regarding the affairs of [the] government and the actions of those who represent them" (D.C. Official Code § 2-572). To confine the proposed amendments to Boards of Trustees, would amount to a limitation on transparency and openness of certain public bodies.

Furthermore, BEGA recommended that these amendments be applied to all public bodies with explanation (p. 23) in its 2024 Best Practices Report.

109. BEGA recommended requiring members of DC PCSB and charter school Boards of Trustees to attend at least one OMA training per school year, and stated that OOG is offering monthly OMA trainings in FY25 and is scheduling quarterly trainings for DCPS LSATs and public charter boards:

a. How many charter school trustees and DC PCSB members completed OMA training in FY25 and FY26 to date?

Response: OOG conducted monthly OMA trainings in FY25 and FY26 (except for August and December), four (4) OMA trainings tailored for Boards of Trustees of public charter schools in FY25 and FY26, and general OMA trainings during BEGA's Ethics Week in October 2024 and 2025. Also, a member of OOG's staff presented on the OMA's meeting minutes requirements at a training facilitated by DC Public Charter School Board for Boards of Trustees chairs and members, on September 17, 2025. We have facilitated individual OMA trainings for various public bodies in FY25 and FY26 to date and provides the opportunity for public bodies to complete training at Robert's Rules of Order training portal on the District's website, where each attendee will receive a training certificate on completion. All the trainings were published. In FY25 and FY26 to date, ten (10) Boards of Trustees for public charter school members from ten Boards and two (2) DC Public Charter School Board representatives have completed OMA training specifically tailored for them. No DC Public Charter School Board member attended any of the four trainings offered in FY25 to FY26. Approximately thirty-six (36) members of Boards of Trustees and their staff attended the training facilitated by DC Public Charter School Board for Boards of Trustees chairs and members, on September 17, 2025, at which a member of OOG's staff presented on the OMA's meeting minutes requirements. OOG has requested training verification from the Boards of Trustees for public charter schools to determine how many Board members and chairs have not attended training in FY25 and FY26, and only one Board of Trustees has responded to date. Based on the response, the Board members of the latter have not completed OMA training in FY25 and FY26 to date.

b. What percentage of charter school Boards of Trustees have achieved 100% training compliance, and what follow-up steps does OOG take when a board does not participate?

Response: There is no Board of Trustees for public charter schools that has achieved one hundred percent (100%) OMA training compliance. Except for one of the ten Boards of Trustees that attended trainings in FY25 and FY26, the other Boards had one attendee each; two members from the exception Board attended one of the trainings. Thus far, in FY26 OOG has followed up via email with Boards of Trustees of public charter schools to remind them to complete at least one OMA training every school year, with instructions on the option to complete training at Robert's Rules of Order training portal. In addition, OOG keeps a list of the Boards that are found in violation of the OMA through the issuance of Advisory Opinions and are given sixty (60) days within which to complete training and does follow-up to ensure the Boards of Trustees complete OMA training in a timely

manner. Such efforts have not borne fruit and further evidences the need for amendment to the OMA to give OOG increased enforcement authority and the ability to levy meaningful fines.

- c. BEGA reported that Eagle Academy was “consistently out of compliance” with the OMA and that OOG was limited in its ability to force compliance, including making meeting records available to the public.

Response: This is correct; OOG reported on Eagle Academy’s noncompliance with the OMA and briefly highlighted the issues we encountered in our investigation of Eagle in OOG’s FY24 Performance Oversight Hearing responses. For further information, the Advisory Opinion (#OOG-2022-0007-M) issued is available [here](#).

- d. What escalation tools does OOG currently use when a charter board is repeatedly noncompliant but does not meet the “pattern or practice” threshold for closed-meeting litigation?

Response: When a Board of Trustees for public charter school is repeatedly non-compliant and does not meet the “pattern or practice” threshold for closed meeting litigation, OOG sends emails to the Board chair and vice-chair informing them of the act/(s) of non-compliance and what they must do to comply with the OMA. We also inform them of our ability to answer questions or concerns that the Board may have concerning OMA requirements. OOG has also emailed members and founders/presidents when chairs and vice-chairs are nonresponsive.

- e. How does OOG track repeat violators across public charter school boards, and does it maintain a list of boards with recurring OMA issues?

Response: OOG tracks repeat violators across Boards of Trustees for public charter schools by maintaining a list of the Boards with recurring issues. Whenever allegation/(s) against a Board has been investigated and proven, we add the name of the Board, along with the violation, and the date of the occurrence to the list. Also, OOG includes violations that are discovered on its own investigations.

- f. What additional enforcement tools, short of litigation, would BEGA recommend (e.g., mandatory corrective action orders, referral authority, penalty authority)?

Response: First, OOG reiterates its recommendation in the preceding (sub-paragraph (a)) and from BEGA’s 2024 Best Practices Report (concerning all public bodies), that the Council should amend the OMA and adopt the standard from Maryland, Virginia, and West Virginia; that is, “willful and knowing” violation of the OMA, while maintaining the current “pattern or practice” language of violating the OMA by closing meetings contrary to the statute. We propose giving not only the Court the authority (as stated in BEGA’s 2024 Best Practices Report) to levy fines of up to One Thousand Dollars (\$1, 000.00) per “willful and knowing” violation by a public body (with no increase of the amount for subsequent violation), but to also give OOG the authority to bring Boards of Trustees for public charter schools before BEGA’s Board for “willful and knowing” violation of the OMA. We further propose that enforcement actions only be brought before the Court for “willful and knowing” violation when BEGA’s Board is inundated with matters from OOG and/or OGE.

Second, we propose that OOG be accorded the authority to report Boards of Trustees that have repeatedly violated the OMA to the DC Board for Public Charter Schools and recommend that such violations be considered at the renewal of the respective Local Education Agencies' ("LEA") charter agreements.

Third, we envisage that if the DC Board of Public Charter School has a liaison from the Boards of Trustees to OOG who addresses matters such as the updating of contact information on the schools' websites (housing Boards of Trustees' information), it would be helpful for OOG to always have all the Boards of Trustees' current contact information. There are frequent changes of Board chairs and vice-chairs and their contact information, and even though OOG has informed the Boards of Trustees of the need to have current contact information on their respective schools' websites or provide us with the information, such has not been fruitful. OOG is tasked with making telephone calls to the schools of the Boards of Trustees and conducting online searches beyond the schools' and DC Public Charter School Board's websites to find current contact information for some of the Boards of Trustees' points of contact. Local School Advisory Teams ("LSAT") have a liaison who compiles the email addresses of the LSAT members, chairs, and vice-chairs. OOG's staff is provided with updated contact information from the liaison on request. The District's open meetings laws do not address the availability of current contact information for points of contact (chairs or vice-chairs) of public bodies, and where some Boards of Trustees points of contact information are not publicly available, a liaison would be helpful in ensuring OOG is able to communicate with the Boards of Trustees, thereby improving their transparency.

- g. BEGA has stated that stronger OMA enforcement authority would improve transparency for charter school boards.

Response: OOG maintains that stronger enforcement authority would improve transparency for Boards of Trustees of public charter schools. It's ability as explained at subparagraph (a) and (f) to bring action before the Court or BEGA's Board for "willful and knowing" violation of the OMA and levy fines of up to One Thousand Dollars (\$1, 000.00) per violation would act as impetuses for the Boards of Trustees to comply with the OMA. This would impress on the Boards of Trustees to be attentive to all the elements of the statute which go beyond closed/executive session requirements. This includes all the Notice of meetings, Meeting procedures, and Record of meetings requirements of the OMA.

- 110. If the Council expands OOG enforcement authority as BEGA recommends, what additional resources (staffing, litigation support, investigative capacity) would be required to implement those powers effectively?

Response: Our response to Question 92 contemplates the education-related public bodies and the additional resources needed for litigation are incorporated here by reference. In addition, as noted in prior Best Practices Reports as well as previous Performance Oversight testimony, the Open Meetings Act exempts Advisory Neighborhood Commission meetings from compliance with the OMA, even though their members are elected by the public to consider and take positions of "great weight" as to District business. Consequently, OOG is in the position of fielding constituent complaints at ANC meetings without any ability to enforce the

open meeting requirements. Accordingly, BEGA recommends that the Council make corresponding amendments to expand OOG's enforcement authority 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.

As there are forty-six (46) ANCs in the District of Columbia, this would necessitate additional resources to field complaints, investigate the merits of those complaints and publish findings, if necessary, and to advance litigation in cases that merit that process.

OOG estimates that to accommodate this expanded role, OOG would require two (2) additional attorney advisors, one (1) additional paralegal specialist and, as the Director of OOG holds conciliation authority under the OMA, one (1) trained mediator (in addition to the 3 needed for the FOIA mediation program previously addressed in this questionnaire).

111. Would BEGA anticipate needing authority to issue administrative penalties directly, or only expanded authority to seek penalties in court?

Response: Yes. BEGA's Board could be empowered to hold hearings and issue penalties, which would require an amendment to its enabling legislation. The Connecticut Freedom of Information Commission (FOIC) provides an example for how BEGA's Board could operate. If the Connecticut Open Meetings Law is violated, individuals have 30 days to file an appeal with the Freedom of Information Commission from the date it became known that the public agency had violated the law. The Commission must hold a hearing within 30 days of receiving the appeal and must decide within 60 days. The FOIC is empowered to impose civil penalties up to \$1000. The FOIC may also declare actions at the meeting void if rights were denied.

112. Inter-agency coordination for early detection of ethics concerns, and any other relevant areas within BEGA's expertise that could prevent a similar situation?

Response: When BEGA notices a pattern of unethical behavior in an agency or spots an ethics weak spot at an agency, our office drafts a letter to the Ethics Counselor or General Counsel that outlines the issue(s) and suggests agency-wide training and closer inter-agency coordination regarding training.

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

Response:

Office of Government Ethics

OGE: BEGA has consistently recommended the adoption of a Comprehensive Code of Conduct ("CCC") that would establish a single ethical standard for all District employees, whether employed by the executive branch and independent agencies or the Council, setting the same limits for gifts and the same rules for conflicts of interest, outside activity, post-employment restrictions and financial disclosures.¹

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 either 501(c)(3) or 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.

Office of Open Government

Response: With respect to open government, along with making ANCs subject to the OMA, as mentioned above, BEGA has two additional recommendations. During BEGA's FY 2023 and FY 2024 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.

Although D.C. FOIA is modeled on the federal FOIA, current District law does not have a statutory equivalent to the federal Privacy Act. D.C. government maintains a massive amount of data about individuals without the guardrail of Privacy Law that Congress imposed on the federal government. D.C. agencies collect and maintain deeply sensitive personal information without comprehensive laws about how to handle that information. At the federal level, the Privacy Act of 1974 establishes clear enforceable rules for limiting the data it can collect, requires the specification of the purpose for data collection, establishes controls for use of the data, and sets forth individual rights. The District should promulgate a privacy statute to give D.C agencies clear authority to withhold data on the basis of privacy and standardize the government's privacy rules. The District would benefit from privacy legislation in line with the federal Privacy Act.



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



January 21, 2026

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 December 19, 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 January 28, 2026, 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

GOVERNANCE AND PERSONNEL

1. Please provide a complete and current organizational chart for the agency and each division and subdivision within the agency, including:

See EXHIBIT 1 – BEGA Organization Chart

- a. The names and titles of all senior personnel;

Names	Titles of Senior Staff
Ashley Cooks	Director of Government Ethics
Niquelle Allen	Director of Open Government
Asia Stewart-Mitchell	General Counsel
Louis Neal	Chief Counsel
Christina Mitchell	Chief of Staff
Lynn Tran	Senior Attorney to the Board

- b. A description of the roles and responsibilities for each division and subdivision;

Response: The Board of Ethics and Government Accountability (BEGA) is an independent agency of D.C. government. BEGA is led by a five-member Board that is responsible for appointing a Director of Government Ethics to manage the Office of Government Ethics (OGE) and a Director of Open Government to manage the Office of Open Government (OOG), respectively, and to carry out BEGA’s statutory mission. The Directors report to the Board. The Board is a quasi-judicial public body that is responsible for enforcing the District of Columbia’s government ethics and open meetings laws and advocating for increased government transparency.

BEGA’s two offices – OGE and OOG - operate independently from a subject matter standpoint, but share administrative resources. Descriptions of the offices are as follows.

OGE: The Office of Government Ethics administers and enforces the District of Columbia’s Code of Conduct. More specifically, OGE investigates and adjudicates alleged violations of the Code of Conduct; provides ethics advice and guidance to District employees and public officials; regularly provides mandatory ethics training; issues rules and regulations governing the ethical conduct of employees and public officials; oversees lobbyist registration and activity reporting; manages and oversees the financial disclosure filing requirements for District employees and officials; drafts an annual ethics Best Practices Report; and provides for the anonymous and confidential receipt of information related to violations of the Code of Conduct or other information with regard to the administration or enforcement of the Code. There are no subdivisions under OGE.

OOG: The Office of Open Government (OOG) is a separate office within the Board of Ethics and Government Accountability established to promote open governance in the District. OOG's statutory charge is two-fold: to enforce the DC Open Meetings Act (OMA) and to advise agencies on the implementation of the D. Freedom of Information Act (DC FOIA). OOG provides education and advisory services to DC agencies and the public in an effort to ensure compliance with the requirements of FOIA. It also issues advisory opinions concerning formal and informal advice to agencies on compliance with DC FOIA. OOG's role regarding the OMA is to enforce the provisions of the OMA; issue rules to implement the provisions of the OMA; and to advise and educate public bodies regarding the OMA to ensure compliance with the OMA. Specifically, OOG issues advisory opinions and provides other formal and informal advice on compliance with the OMA. It investigates OMA complaints, and when necessary, issues binding opinions on compliance to public bodies. OOG may bring civil lawsuits against public bodies for violations of the OMA. There are no subdivisions under OOG.

- c. A narrative explanation of any changes to the organizational chart made in the last calendar year; and

Response: BEGA has not experienced any changes to the organizational chart in the last calendar year, our structure remains the same.

- d. An indication of whether any positions in the chart are vacant.

Response: BEGA currently has 2 positions vacant. The Investigator posting closed in December 2026, and Supervisory Attorney Advisor posting closed in January 2026.

2. Please provide a complete, up-to-date list of contract workers working directly for your agency, ordered by program and activity, and including the following information for each position:

Response: N/A. BEGA does not have any contract workers.

- a. Title of position;
- b. Indication that the position is filled or vacant;
- c. Date employee began in the position;
- d. Whether the position must be filled to comply with federal or local law;
- e. If applicable, the federal or local law that requires the position be filled;
- f. The entity from which they are contracted; and
- g. The contracted annual cost.

J&PS Performance Oversight Responses (FY25-26)

3. Please provide, for each month of FY 2025 through FY 2026 to date, the net number of personnel separated from and hired to the agency.

Name	Action	Effective Date
London Greene	Resignation (Transfer)	10/20/2024
Franshun Vann	Resignation	10/25/2024
Tyrell Dow	Resignation (Transfer)	12/15/2024
Megan Stoutamire	Hired	04/06/2025
Shannon Monk	Hired	04/21/2025
Tahja Reid	Resignation	09/10/2025
Rashee Raj	Resignation (Transfer)	10/05/2025
Courtnae Brown	Hired	11/02/2025
Tionna Smith	Hired	11/17/2025

4. Does the agency conduct annual performance evaluations of all its employees? If so, who conducts such evaluations? What steps are taken to ensure that all office employees are meeting individual job requirements?

Response: Each division manager is responsible for conducting annual performance evaluations for their respective staff. Evaluations for non-legal personnel must be submitted through PeopleSoft in accordance with DCHR guidelines, while evaluations for legal staff is submitted in compliance with the OAG’s policy.

5. Please provide the following for each collective bargaining agreement that is currently in effect for agency employees:

Response: N/A. BEGA does not have any collective bargaining agreements.

- a. The bargaining unit (name and local number);
- b. The start and end date of each agreement;
- c. The number of employees covered;
- d. Whether the agency is currently bargaining;

J&PS Performance Oversight Responses (FY25-26)

- e. If currently bargaining, anticipated completion date;
 - f. For each agreement, the union leader’s name title and contact information; and
 - g. A copy of the ratified collective bargaining agreement.
6. Please list all employees currently detailed to or from your agency. For each detailed employee, include:

Response: N/A. BEGA has no employees currently detailed.

- a. The reason for the detail;
 - b. The job duties if detailed to your agency;
 - c. The start date of detail;
 - d. The agency the employee is detailed to/from; and
 - e. The projected date of return.
7. Please provide a copy of your agency’s Schedule A, as of the date of receipt of this questionnaire.

See EXHIBIT 2 – Schedule A

8. Please provide a list and description of all memorandums of understanding and memorandums of agreement in effect during FY 2025 and FY 2026, to date.

Seller Agency	FY 2027 Budgeted Amount	Budget Included in Agency Request (Y/N)?	DIFS Project #	MOU Description
ATO	4571.82	YES	401442	MERCHANT SERVICES WITH OFT
KTO	3031.55	YES	400024	FLEET WITH DPW
TOO	6,967.00	YES	400019	IT ASSESSMENT
TOO	1,350.00	YES	400020	IT ASSESSMENT
TOO	25,376.60	YES	400021	IT ASSESSMENT
TOO	1,807.00	YES	400022	IT ASSESSMENT
TOO	6,696.00	YES	400023	IT ASSESSMENT
TOO	11,500.00	YES	400025	IT ASSESSMENT
TOO	1,070.44	YES	402726	IT ASSESSMENT
TOO	894.88	YES	402727	IT ASSESSMENT
TOO	125.54	YES	402728	IT ASSESSMENT

Response: In addition to the chart above BEGA entered into and MOU with OCFO. FY26- \$4,156.20 and FY25 - \$3,503.74., and with DCHR FY25- \$4,415.

FINANCE AND BUDGET

9. Please provide a status report, including timeframe of completion, for all projects for which your agency currently has capital funds available.

Response: N/A. BEGA has no capital funding.

10. Please provide copies of all budget enhancement requests (The Form B or similar form) submitted in the formulation of the FY 2025 and FY 2026 proposed budgets.

See EXHIBIT 3 – FY2025 and FY2026 Enhancement Request

11. Please list all budget enhancements in FY 2026 and provide a status report on the implementation of each enhancement.

Response: BEGA was not granted any budget enhancements in FY2026.

12. Please fill out the attached spreadsheet titled “Question 12 Grants Received,” and list all federal and/or private grants received by your agency in FY 2025 and FY 2026 to date, current balances, and indicate any that lapsed during or at the end of FY 2025.

Response: N/A. BEGA was not awarded any grants.

- a. Please submit the completed document in both Excel and PDF formats.
- b. Please include your Agency Code in the filename (e.g., question_12_ABO_2026.xls).

13. List all grants issued by your agency in FY 2025 and FY 2026, to date in the attachment labeled “Question 13 Grants Issued”.

Response: N/A. BEGA did not award any grants.

- a. Please submit the completed document in both Excel and PDF formats.
- b. Please include your Agency Code in the filename (e.g., Question_13_ABO_2026.xls).

OPERATIONS

14. Please provide the Committee with a list of all vehicles owned or leased by the agency; the purpose of the vehicle; the division the vehicle is assigned to, if applicable; and whether the vehicle is assigned to an individual employee.

Response: BEGA does not own any vehicles.

15. For each objective and activity in the agency’s FY 2025 Performance Plan, please list:

See EXHIBIT 4 – Performance Outcomes

J&PS Performance Oversight Responses (FY25-26)

- a. The measure of greatest improvement for the agency, and the actions the agency took to improve that measure’s outcome, efficiency or quantity; and
- b. For all measures with missed targets (if any), explain the actions the agency is taking to improve that measure’s outcome, efficiency, or quantity.

16. List all new objectives, activities and projects in the agency’s FY 2026 Performance Plan and explain why they were added.

Response:

FY25 & FY26 New Measure	Reasoning
Number of Lobbyist Trained	The lobbyist program is an important administrative program in the District that helps promote transparency in government. Because lobbyists are statutorily required to register with BEGA and file quarterly reports we believe it is important to offer lobbyists information and training. We provide lobbyist training at the beginning of every reporting period but were not previously capturing the number of lobbyist trained, data which can help inform us on the effectiveness of our lobbyist outreach.
Percentage of timely financial disclosure filers.	Financial disclosure compliance data regarding timely filing, is important in helping to gauge the effectiveness of the program and is useful for auditing purposes.
Percentage of timely Lobbyist registration and reporting by quarter.	The lobbyist program is an important administrative program in the District that helps promote transparency in government. We were not previously capturing the lobbyist compliance data for performance oversight purposes, and after evaluating the information we collect, we think this data can help inform us on the effectiveness of the lobbying program.

17. Describe problems and challenges, including chronic maintenance issues and design flaws, in agency-owned or leased facilities.

Response: BEGA does not have any chronic facility maintenance issues to report.

- a. What capital or operating projects arose from these issues in FY 2025 and FY 2026 to date, including cost and actions taken?

18. Please list each new initiative implemented by the agency during FY 2025 and FY 2026 to date. For each new initiative, please provide:

Response: N/A

J&PS Performance Oversight Responses (FY25-26)

- c. A description of the initiative;
 - d. Actual start date;
 - e. Actual or anticipated end date;
 - f. The funding required to implement the initiative;
 - g. Whether the initiative was mandated by legislative action;
 - h. Problems or challenges faced in the program's implementation;
 - i. The metrics the agency is collecting to measure the initiative's success; and
 - j. An assessment of the initiative's success thus far.
19. Please list any legislation that impacts your agency from FY 2025 and FY 2026 and provide a status report on the agency's implementation related to each piece of legislation.

Response: Office of Government Ethics

- B26-0325 "Board of Ethics and Government Accountability Authority Clarification Amendment Act of 2025, repeals BEGA's ability to designate employees as financial disclosure statement filers. BEGA opposes this legislation because it harms the District by removing an ethical safeguard against financial conflicts of interest. BEGA's mission is to administer and enforce the ethics and transparency rules within the District government. Financial disclosure is necessary to ensure ethical compliance and transparency, thereby promoting the public's trust in the District government. In 2024, BEGA issued a rulemaking which designated members of 47 boards and commissions as public financial disclosure statement filers. Those boards and commissions that we identified participate substantially in areas of policy making, licensing, regulating, or have authority over government funds. The goal is to screen potential conflicts so that we can avoid them before they become actual conflicts or otherwise harm the public's trust. Regarding any privacy concerns or harm to filers' financial assets, BEGA's regulations give filers the opportunity to request that all or a portion of their form be withheld from publication. As subject matter experts, BEGA is in the best position to identify whether an employee or public official should file a financial disclosure statement. However, Bill 26-0325 impedes BEGA's ability to properly administer the ethics rules and the District's financial disclosure program.
- Amendment to D.C. Official Code § 1-1162.36 - Penalties; prohibition from serving as lobbyist; citizen suits, which increased the civil penalties assessed against DC lobbyists from \$10 per day to \$100 per day.
 - OGE has implemented new methods of notification and conducted several trainings on the new penalty schedule. OGE sends a letter to each lobbyist at the

beginning of each quarter with information on the penalty for failure to timely file lobbying reports.

Response: Office of Open Government

- D.C. Act 26-110 - Open Meetings Clarification Congressional Review Emergency Amendment Act of 2025.
 - “To amend, on an emergency basis, due to congressional review, the Open Meetings Act to clarify the definition of meeting, to provide for a public body’s ability to be briefed about potential terrorist or public health threats so long as no official action is taken, to exempt from the act meetings between the Council and the Mayor provided that no official action is taken at such meetings, and to provide that a meeting shall be deemed open to the public if the public body takes 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.”
 - This act also exempts the Criminal Justice Coordinating Council (CJCC) from the OMA.
- The “Fiscal Year 2026 Budget Support Emergency Act of 2025,” B26-0340, which included the “Freedom of Information Clarification Emergency Amendment Act of 2025,” expired on December 2, 2025. On May 27, 2025, Chairman Mendelson introduced B26-0265, the Fiscal Year 2026 Budget Support Act of 2025, passing unanimously on first reading, and by a vote of 10-2 on final reading on July 28, 2025. It was signed by the Mayor on September 4, 2025, receiving Act Number A26-0148, and transmitted to Congress on September 10, 2025. The Bill became law on December 17, 2025.
 - Both bills provide authority for implementing the District’s FY26 budget and include “Freedom of Information Clarification Emergency Amendment Act of 2025.” This emergency amendment of D.C. FOIA was introduced to clarify the scope of exemptions and created a new exemption for particular data or records that the Criminal Justice Coordinating Council (“CJCC”) and District of Columbia Sentencing Commission receive from a “court, federal agency, or federally established agency.”

20. Customer feedback

- a. How does the agency solicit feedback from customers (i.e., District residents served)? Please describe.

Response: BEGA requests that a survey be completed following the conclusion of all trainings provided to our stakeholders, including lobbyists and District employees. In addition, the BEGA Financial Disclosure (FDS) Program was evaluated by an independent CPM team, which conducted surveys with both internal and external stakeholders.

b. What has the agency learned from this feedback?

Response: Through the evaluation, BEGA learned all FDS information was not dispersed from the Ethics Counselors to the c-suite and human resource staff.

c. How has the agency changed its practices because of such feedback?

Response: BEGA has since partnered with the OCA and DCHR to educate all stakeholders on the details, deadlines, and importance of full compliance of the FDS program. Additionally, BEGA worked with OCTO to create 2 new PeopleSoft Queries to the support the Ethics Counselors and their HR team.

LAWS, AUDITS, AND REPORTS

21. Please identify any legislative modifications that would enable the agency to better meet its mission.

Response:

Office of Government Ethics

- Comprehensive Code of Conduct - BEGA has consistently recommended the adoption of a Comprehensive Code of Conduct (“CCC”) that would establish a single ethical standard for all District employees, whether employed by the executive branch and independent agencies or the Council, setting the same limits for gifts and the same rules for conflicts of interest, outside activity, post-employment restrictions and financial disclosures.
- Legislation that required all District government employees and public officials (except board and commission members) to get agency approval before engaging in outside employment
- An amendment to the Lobbyist section of the Ethics Act that removes the exclusion of 501(c)(4) organizations from the lobbying registration and reporting requirement would enable the agency to better regulate lobbying activity within the District government. Pursuant to D.C. Official Code § 1–1162.27(a) and § 1–1162.30(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, and shall file quarterly activity reports. 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. BEGA has not identified a practical

or public policy purpose for completely exempting either 501(c)(3) or 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.

While OGE has not had many interactions with 501(c)(4) entities, there is evidence that those entities are interacting with Advisory Neighborhood Commissioners. In 2023 and 2024, BEGA advised on a question whether a 501(c)(4) organization could provide Commissioners with training. In addition, according to the Office of the Advisory Neighborhood Commission, 501(c)(4) organizations communicate with Commissioners on various issues.

Office of Open Government

22. Please identify any regulatory impediments to your agency's operations.

Response: BEGA is constrained regarding the authority of the Office of Open Government regarding DC FOIA. OOG's role is expressly advisory and non-binding. DC FOIA enforcement rests solely with FOIA Officers (initial decisions), the Mayor's Office of Legal Counsel (some appeals), and D.C. Superior Court (judicial review). OOG's role is equivalent to an ombudsman without authority and this limitation is based in the law. It also remains unclear which entity in DC government has the explicit authority to issue regulations concerning DC FOIA that would bind the whole of the Executive Branch. The Mayor and Attorney General seem to have authority to do so, but DC FOIA law did not change to provide for the authority of an independent, elected Attorney General. Notwithstanding either or both could theoretically make OOG's FOIA advisory opinions binding by way of DC FOIA regulation. While authority to issue regulations exists, the DC FOIA regulations are rarely updated. The only means to address emerging issues in DC FOIA is through OOG's DC FOIA Advisory Opinions, which would be more impactful if those opinions were binding or had the force of a regulation.

23. 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 2025 and FY 2026 to date.

Response: BEGA has no ongoing investigations, audits, or reports.

24. Please identify and provide an update on what actions have been taken to address all recommendations made during the previous three years by:

- a. Office of the Inspector General;
- b. D.C. Auditor;

J&PS Performance Oversight Responses (FY25-26)

- c. Internal audit; and

Response: BEGA conducted an internal audit of its websites for D.C. FOIA compliance and accuracy of information.

- d. Any other federal or local oversight entities.

25. Please list all pending lawsuits in which the agency, or its officers or employees acting in their official capacities, are named as defendants, and for each case provide the following:

- a. The case name;
- b. Court where the suit was filed;
- c. Case docket number;
- d. Case status; and
- e. A brief description of the case.

Response:

Case name	Jurisdiction	Case #	Status	Description
The District of Columbia v. Michael Redmond	DC Superior Court	2023-CAB-003474	Closed	Collection action brought by OAG on behalf of BEGA to collect fine imposed pursuant to negotiated disposition
Barry Weise v. BEGA	DC Superior Court	2024-CAB-002160	Closed	Complainant’s appeal of agency’s decision to dismiss ethics case (now at DC Court of Appeals - 25-CV-0332)
The District of Columbia v. David DeBoer	DC Superior Court	2025-CAB-007876	Open	Collection action brought by OAG on behalf of BEGA to collect fine imposed pursuant to full and adversarial ethics hearing
Nebeyeluel Abrha v. BEGA	DC Superior Court	2025-CAB-006910	Open	Employee appeal of BEGA Board’s order denying financial disclosure fine waiver request
Edwin Monono v. BEGA	DC Superior Court	2025-CAB-007246	Open	Employee appeal of BEGA Board’s order denying financial disclosure fine waiver request

J&PS Performance Oversight Responses (FY25-26)

26. Please list the total amount of money the agency or the District, on behalf of the agency, expended to settle claims against it, or its officers or employees acting in their official capacities, in FY 2025 and FY 2026 to date.

Response: BEGA has not settled claims in FY25 and FY26.

27. Please list each settlement the agency or the District, on behalf of the agency, entered into in FY 2025 and FY 2026 to date that involved claims against the agency, or its officers or employees in their official capacity, including any settlements covered by D.C. Code § 2-402(a)(3). For each settlement, provide:

Response: BEGA has NO settlements.

- a. The amount of the settlement;
- b. If related to litigation, the case name and brief description; and
- c. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

28. Please list all administrative complaints or grievances that the agency received in FY 2025 and FY 2026 to date. For each complaint, list:

Response: BEGA has no administrative complaints or grievances.

- a. The source of complaint;
- b. The process utilized to respond to the complaint or grievance;
- c. Any changes to agency policies or procedures that resulted from the complaint or grievance; and
- d. If resolved describe the resolution.

29. Is the agency currently party to any active non-disclosure agreements? If so, please provide all allowable information on all such agreements, including:

Response: BEGA has no active non-disclosure agreements.

- a. The number of agreements;
- b. The department(s) within the agency associated with each agreement; and
- c. Whether any agreements are required for specific positions (please list each position by division and program and indicate whether the position is contracted).

DATA

J&PS Performance Oversight Responses (FY25-26)

30. In filterable and sortable spreadsheet, please list all electronic databases maintained by your agency, including the following:

See EXHIBIT 5 – Database Maintenance Log

- a. A detailed description of the information tracked within each system;
 - b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and
 - c. Whether the public can be granted access to all or part of each system.
31. Please provide a list of all studies, research papers, and analyses (“studies”) the agency or an agency’s employee requested, prepared, presented or contracted for during FY 2025. For each study please list:

Response: BEGA has no studies, research papers, or analyses to present.

- a. The status;
- b. The purpose; and
- c. A link (if published) to the study, research paper or analysis.

AGENCY-SPECIFIC QUESTIONS

General

32. Please provide the Committee with a brief summary of advisory opinions issued during FY 2025 and FY 2026 to date, including the issue, conclusion, whether the opinion was requested or issued sua sponte, and the link to the opinion

Response:

Office of Government Ethics

Opinion: [Lobbyist Registration and Reporting Advisory Opinion](#)

Date: October 9, 2025

Initiation: *Sua sponte*

Description: The Director of Government Ethics, pursuant to the authority set forth in section 219(a-1)(2) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective February 22, 2014 (D.C. Law 20-75; D.C. Official Code § 1-1162.19(a-1)(2)) (2015 Supp.), issues this updated advisory opinion, on her own initiative, to provide guidance for lobbyists and to inform District Government employees of their obligations regarding lobbyists.

33. How many inquiries and cases did BEGA receive in FY 2025 and FY 2026, to date, disaggregated by fiscal year and subject matter?

See EXHIBIT 6

J&PS Performance Oversight Responses (FY25-26)

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

Response: All complaints received by our office via our general mailbox, online submission database, regular email, postal mail, or in-person are entered into our Case Management System (CMTS). At that point each complaint is assigned a case number ending with a C for complaint (25-0000-C). Then during our weekly investigations meeting, the allegations contained in the submitted complaints are reviewed by the Supervisory Investigator, Supervisory Attorney, General Counsel, and the Director to determine if the allegations contain an ethics violation. If it is determined that the allegations do not contain an ethics violation or fall within the enforcement jurisdiction of our office those complaints are dismissed, and a correspondence is sent to the complainant. If it is determined that the allegations contain a possible ethics violation that falls within the enforcement jurisdiction of our office, those complaints are converted into preliminary investigations in CMTS and assigned a case number ending with a P for preliminary investigation (25-0000-P). Once the complaints have been converted to a preliminary investigation it is then assigned to an investigative team to follow up on the allegations. OGE also receives sworn complaints that are converted to formal investigations and assigned to an investigative team.

34. How many ethics complaints did the agency receive in FY 2025 and FY 2026, to date?

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

Response: See Exhibit 7. It generally takes BEGA up to 180 days to resolve a complaint.

35. How many complaints are currently pending?

Response: Currently BEGA has 7 complaints that are pending.

36. What is the analysis behind the dismissal of a complaint for lack of evidence?

Response: The Office of Government Ethics dismisses complaints for a lack of jurisdiction when the allegations within the complaint are outside of the Code of Conduct. An investigation is dismissed for a lack of evidence after there is a determination that there is insufficient evidence that the Respondent violated the ethics rules

37. What does "no disposition at this time" mean in the context of a complaint?

Response: The case is active and open, has not been concluded and at the time the status is provided has no final disposition.

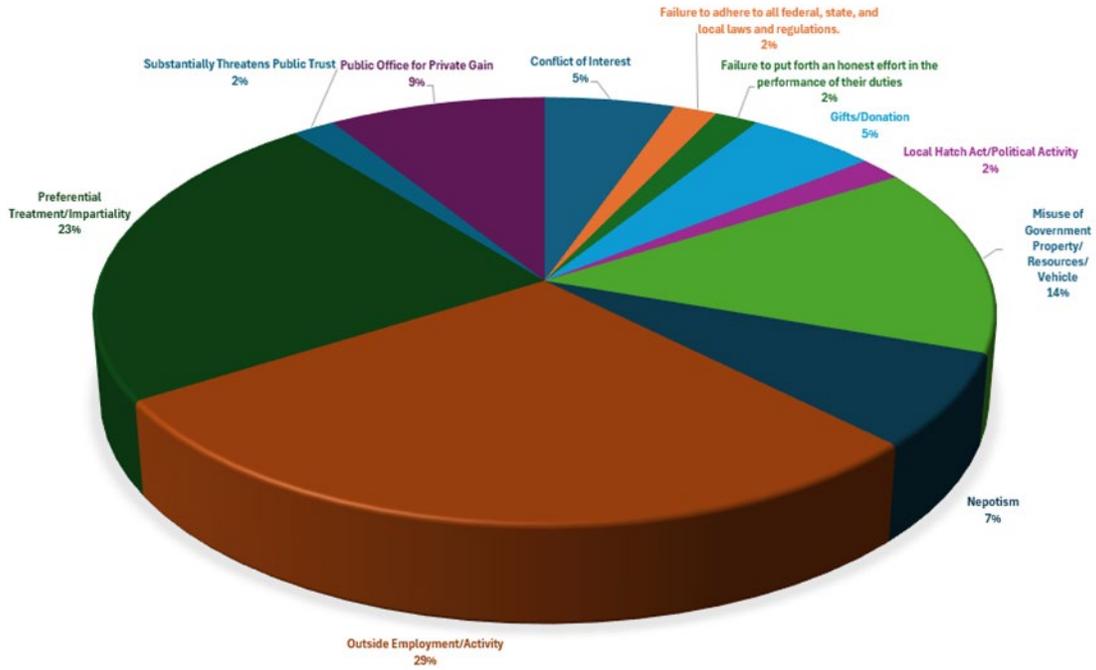
38. Please provide metrics and heat maps showing the types and frequency of ethics complaints received by BEGA in FY 2025 and FY 2026 to date, including any trend analysis conducted by the agency.

J&PS Performance Oversight Responses (FY25-26)

Response: BEGA has produced the following heat maps and summaries for FY 2025. The heat maps and summaries include only matters within BEGA's jurisdiction.

FY 2025 Q1 Heat Map and Summary

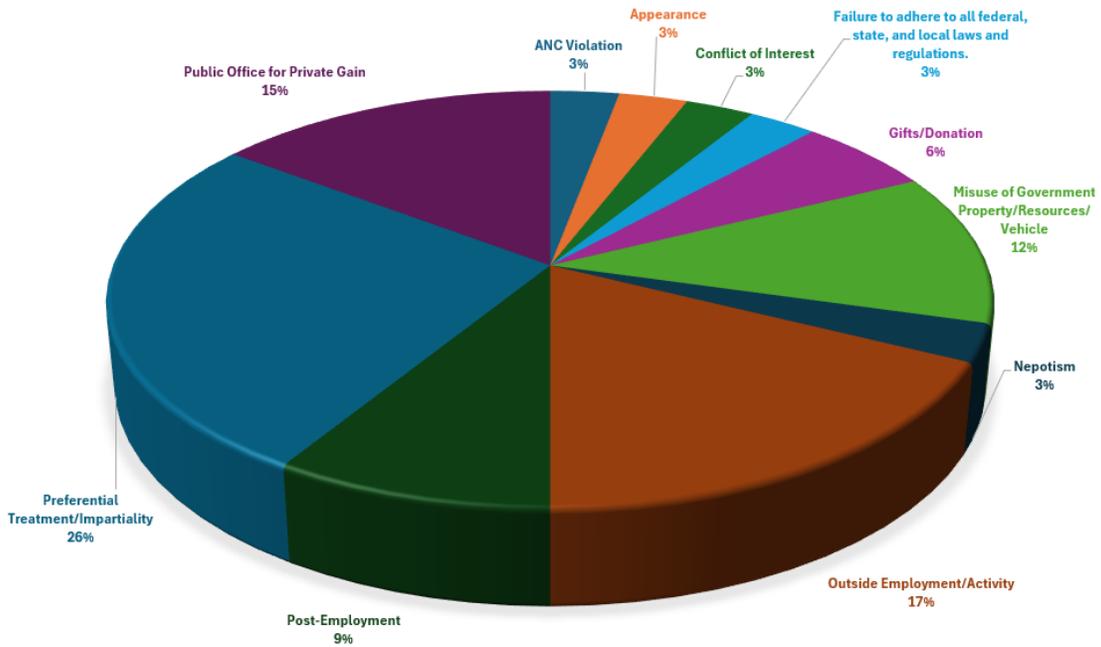
FY2025 Q1 CLOSED MATTERS BY CATEGORY



Code of Conduct Category	Number	Percent
Outside Employment/Activity	16	28.57%
Preferential Treatment/Impartiality	13	23.21%
Misuse of Government Property/Resources/Vehicle	8	14.29%
Public Office for Private Gain	5	8.93%
Nepotism	4	7.14%
Conflict of Interest	3	5.36%
Gifts/Donation	3	5.36%
Failure to adhere to all federal, state, and local laws and regulations.	1	1.79%
Failure to put forth an honest effort in the performance of their duties	1	1.79%
Local Hatch Act/Political Activity	1	1.79%
Substantially Threatens Public Trust	1	1.79%

FY 2025 Q2 Heat Map and Summary

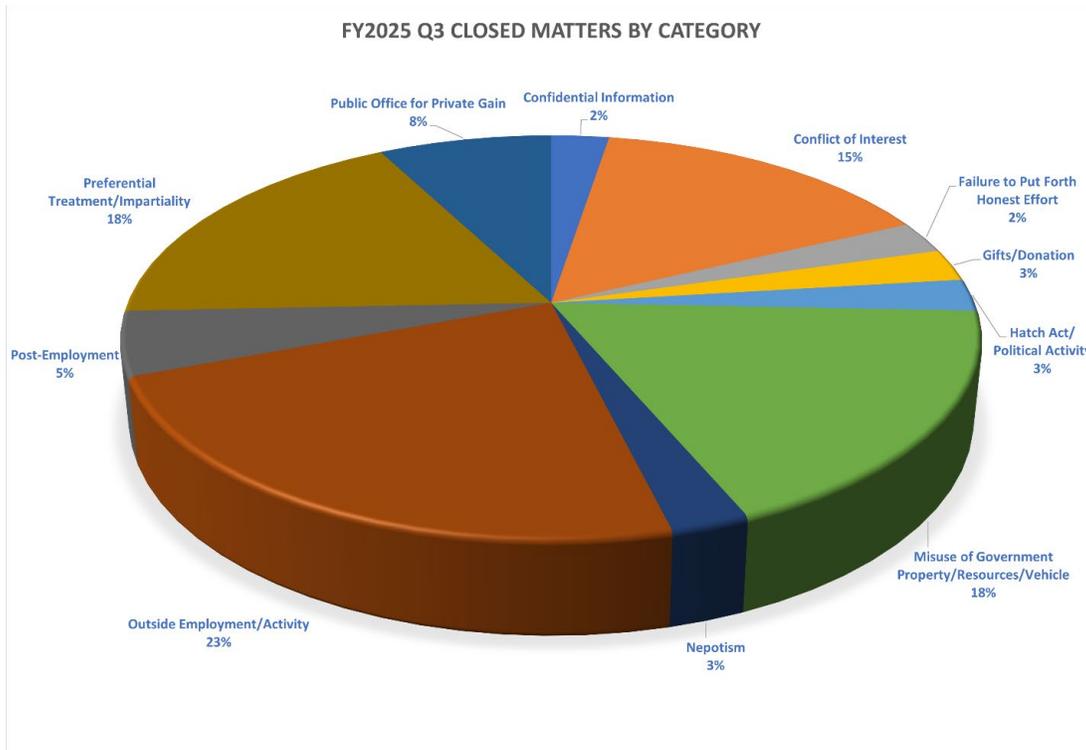
FY2025 Q2 CLOSED MATTERS BY CATEGORY



Code of Conduct Category	Number	Percent
Preferential Treatment/Impartiality	9	26.47%
Outside Employment/Activity	6	17.65%
Public Office for Private Gain	5	14.71%
Misuse of Government Property/Resources/Vehicle	4	11.76%
Post-Employment	3	8.82%
Gifts/Donation	2	5.88%
ANC Violation	1	2.94%
Appearance	1	2.94%
Conflict of Interest	1	2.94%
Failure to adhere to all federal, state, and local laws and regulations.	1	2.94%
Nepotism	1	2.94%

FY 2025 Q3 Heat Map and Summary

J&PS Performance Oversight Responses (FY25-26)

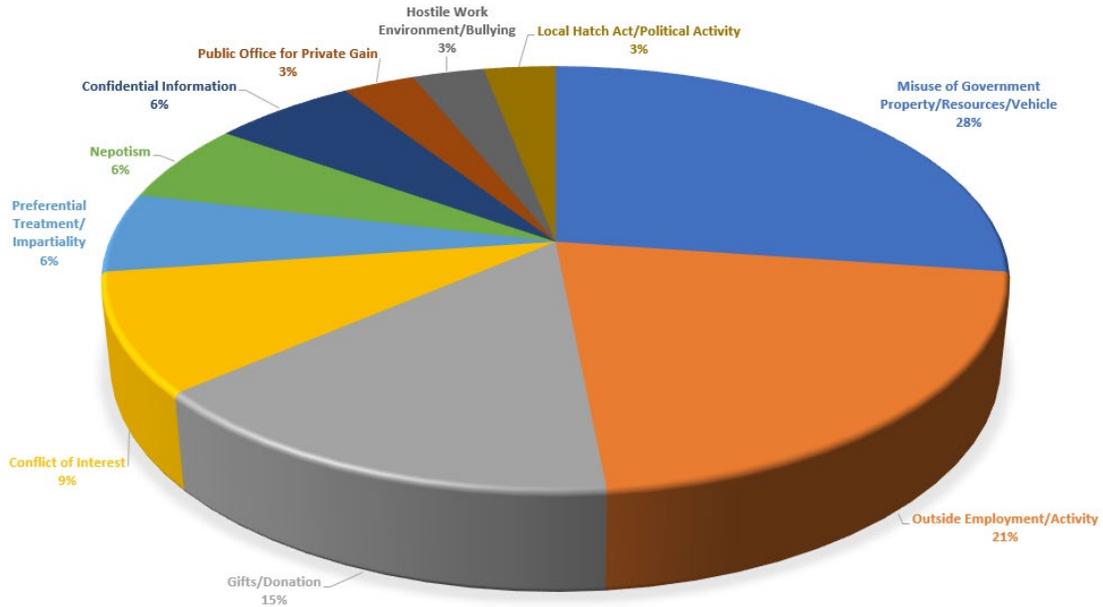


Code of Conduct Category	Number	Percent
Outside Employment/Activity	9	23.08%
Misuse of Government Property/Resources/Vehicle	7	17.95%
Preferential Treatment/Impartiality	7	17.95%
Conflict of Interest	6	15.38%
Public Office for Private Gain	3	7.69%
Post-Employment	2	5.13%
Confidential Information	1	2.56%
Failure to put forth an honest effort	1	2.56%
Gifts/Donation	1	2.56%
Local Hatch Act/Political Activity	1	2.56%
Nepotism	1	2.56%

FY 2025 Q4 Heat Map and Summary

J&PS Performance Oversight Responses (FY25-26)

FY2025 Q4 CLOSED MATTERS BY CATEGORY



Code of Conduct Category	Number	Percent
Misuse of Government Property/Resources/Vehicle	9	27.27%
Outside Employment/Activity	7	21.21%
Gifts/Donation	5	15.15%
Conflict of Interest	3	9.09%
Preferential Treatment/Impartiality	2	6.06%
Nepotism	2	6.06%
Confidential Information	2	6.06%
Public Office for Private Gain	1	3.03%
Hostile Work Environment/Bullying	1	3.03%
Local Hatch Act/Political Activity	1	3.03%

39. How many complaints did the Office of Government Ethics (OGE) close out in FY 2025 and FY 2026, to date? [See Exhibit 7](#)

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

Response: See Exhibit 7. 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.

40. Please provide a brief summary of the scope of the agency's jurisdiction as it pertains to complaints.

Response:

Office of Government Ethics

As an initial matter, any information received by the Office of Government Ethics of possible ethical wrongdoing is considered a complaint. A complaint is reviewed to determine whether it alleges violations of the District's Code of Conduct. If a complaint does contain potential violations of the Code of Conduct, the matter is converted, in our case database, to either a preliminary investigation or a formal investigation (if sworn or containing a finding from the Office of the Inspector General's Office). OGE can also, request that the BEGA Board make a preliminary investigation formal and grant OGE subpoena power.

Pursuant to D.C. Official Code 1-1162.12 The Director of Government Ethics shall conduct a preliminary investigation of a possible violation of the Code of Conduct or of this subchapter brought to the attention of the Director of Government Ethics or the Board through the following sources: **(1)** The media; **(2)** A tip received through the hotline; or **(3)** Documents filed with the Board.

If during or after the preliminary investigation, the Director of Government Ethics has reason to believe that a violation of the Code of Conduct may have occurred, the Director of Government Ethics shall present evidence of the violation to the Board. Upon presentation of evidence, the Board may authorize a formal investigation and the issuance of subpoenas if it finds reason to believe a violation has occurred.

J&PS Performance Oversight Responses (FY25-26)

A preliminary investigation may be dismissed by the Director of Government Ethics or the Board if insufficient evidence exists to support a reasonable belief that a violation has occurred.

The identity of an individual who is the subject of the preliminary investigation shall not be disclosed without the individual's consent unless or until the Board has found reason to believe that the individual has committed a violation, and the Board finds that disclosure would not harm the investigation.

A formal investigation shall be initiated upon: **(1)** Receipt of a written complaint transmitted to the Board; **(2)** A finding by the Office of the Inspector General or District of Columbia Auditor of waste, fraud, abuse of government resources, or a violation of the Code of Conduct; or **(3)** A finding by a court of competent jurisdiction of liability in a civil proceeding, indictment, or information in a criminal proceeding with respect to acts or offenses that may constitute violations of the Code of Conduct or of this subchapter.

A written complaint shall include: **(1)** The full name and address of the complainant and the respondent; **(2)** A clear and concise statement of facts that are alleged to constitute a violation of the Code of Conduct or of this subchapter; **(3)** The complainant's signature; **(4)** A verification of the complaint under oath; and **(5)** Supporting documentation, if any.

No complaint may be made later than 5 years after the discovery of the alleged violation.

An individual making a complaint shall be afforded all available protections from adverse employment action or retaliation in accordance with D.C. Official Code § 1-601.01, et seq and subchapter XII of Chapter 2 of Title 2 [§ 2-223.01 et seq.].

Within 30 business days of the initiation of a formal investigation, the Director of Government Ethics shall cause evidence concerning the complaint to be presented to the Board, with the potential for a 15-business-day extension to be granted by the Board. If the Board decides that there is reasonable belief that a violation has occurred, the Board may authorize the issuance of subpoenas.

Office of Open Government:

The Office of Open Government (OOG) enforces the DC Open Meetings Act (OMA) by investigating complaints, providing guidance, and taking corrective action, including suing for OMA violations. For DC FOIA, OOG provides advice, resources, and training, and helps the public navigate requests. While OOG does not act as a central FOIA processing agency (each agency handles its own FOIA requests), OOG promotes DC government's fair and efficient processing by serving as an impartial independent resource.

OOG has a complaint resolution process respecting the OMA, which is outlined in the OMA's implementing regulations at 3 DCMR § 10400, *et seq.* Complainants may send complaints regarding the OMA to the Director of Open Government through OOG's website or via electronic mail to opengovoffice@dc.gov. Respecting D.C. FOIA, OOG receives requests for DC

FOIA advice through its website, electronic mail, and all other communication to BEGA. While OOG does not have the authority to resolve DC FOIA complaints, the office may provide non-binding advice to all parties upon request.

Open Meetings Act (OMA) Jurisdiction

- **Enforcement:** The OOG ensures public bodies comply with the OMA, which mandates public access, proper notice, and records for meetings where public business is conducted.
- **Complaints:** The public can file OMA complaints with the OOG for alleged violations, and the OOG investigates, provides advice, and can take legal action (like suing for injunctions) against non-compliant bodies.
- **Scope:** The OMA is applicable to most DC government councils, boards, commissions, and instrumentalities, but *not* the Mayor's Cabinet, courts, or Advisory Neighborhood Commissioners (ANCs).

DC Freedom of Information Act (FOIA) Jurisdiction

- **Guidance & Advocacy:** OOG advances transparency by advising on FOIA, providing training, and advocating for efficient processing. It serves as a neutral, independent resource for government agencies and the public to ensure agencies execute the DC FOIA process in accord with DC FOIA laws and regulations. but doesn't process requests directly.**No Central FOIA Office:** Each DC agency responds to its own FOIA requests, using a central portal for some, but OOG offers help and resources for the public to file requests.

41. OOG directly enforces OMA compliance and handles complaints, while for FOIA, it serves as a guide, resource, and advocate, promoting access. In last year's performance oversight responses, the agency indicated that BEGA requested a budget enhancement of \$24,000 in FY 2024 to make critical upgrades to open-dc.gov, noting that Drupal 10/11 is a critical change that is required to ensure the safety and functionality of the agency website. BEGA also noted that there was an ongoing search for Drupal vendors to see if this project is feasible for implementation. Please provide:

42. An update on the feasibility search;

Response: BEGA has communicated with the Office of the Chief Technology Officer (OCTO) and OCTO recommended that BEGA transfer most of the content from open-dc.gov to bega.dc.gov. This would exclude the Central Meeting Calendar, which is the source of the majority of the service issues. The data transfer would help with the space required to maintain and operate the Central Meeting Calendar on open-dc.gov. The data transfer through OCTO would cost approximately \$3000.00 for OCTO to complete the process. BEGA suspended its search for a vendor to complete the Drupal migration in FY 2025, due to the District's budget issues.

43. What support is needed from the Council or Executive to address technical barriers and potentially reduce the staff resources required for website assistance?

Response: The support needed from the Council or the Executive is to bring in an outside vendor or OCTO to complete the overhaul of open-dc.gov is funding. Upgrading Drupal 7 to Drupal 11 is not a simple patch; it is a major migration that requires a full rebuilding of the website. Drupal 11 uses a fundamentally different architecture than what is currently used on open-dc.gov. BEGA requires at least \$30,000 for this migration. An experienced vendor is required to overhaul open-dc.gov and upgrade it to Drupal 11 because Drupal 7 has reached its end-of-life and no longer receives security updates, creating cybersecurity and operational risks for a public-facing government website. A specialized, experienced vendor would bring certified security practices and support ensuring the continuity of public service and compliance with D.C. laws concerning accessibility of the website for the visually and hearing impaired. OCTO could also complete this project, but the agency would require BEGA to pay them the same amount for the work.

44. Please provide a list of all gift violation enforcement actions taken in FY 2024 and FY 2025 to date, including the nature of the violation, the amount of the gift(s), and the resulting penalty imposed.

Response: 23-0074-P D. Neal – Respondent serves as the principal at Alice Deal Middle School. Respondent admitted to accepting airfare and spa services from parents of children who attended her school. Chapter 18, Title 6B of the District Personnel Regulations, section 1803.2 prohibits employees from accepting gifts from a prohibited source or that are given because of the employee’s official duties. The Board approved a negotiated disposition in which the Respondent agreed to pay a \$800 fine and attend ethics training.

24-0124-P N. Smith – Respondent served as the Principal for DCPS. Respondent accepted a donation of \$20,000 on behalf of a nonprofit that she started to support the school. Respondent failed to seek permission from the Office of Partnerships and Grants and the DCPS Central Office. Respondent violated DPM § 1803.2(b) which prohibits directly or indirectly soliciting or accepting a gift or donation because of the employee’s official duty or position. Respondent was publicly reprimanded

45. Please detail the enforcement measures that are taken if former District employees fail to pay their outstanding ethics violation fines.

Response: If former District employees fail to pay an outstanding fine, there are several steps BEGA may take, depending on the area. If the fine is related to financial disclosure, and the former employee is still within Washington DC, the Central Collections Unit (CCU) and their affiliates may be used to help encourage fine repayment. Liens may be placed against any assets and/or real property housed in DC until payment is received in full.

J&PS Performance Oversight Responses (FY25-26)

For Ethics matters, whereby a Negotiated Disposition (ND) was used to come to settlement on the matter, the Ethics Board may nullify the ND, sending any unpaid fine amount to the CCU, where a lien may also be placed against any assets or real properties in the District. In addition, the Ethics Board may also choose to nullify the ND and hold an open and adversarial hearing on the matter, where sanctions up to the full statutory amount per violation may be imposed in lieu of the negotiated amount.

Open Meetings Act Questions

46. Please provide detailed information about any complaints received from the public alleging Open Meetings Act (OMA) violations in FY 2025 and FY 2026 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 ANCs, over which we have no jurisdiction, and those complaints are typically 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.

47. How many OMA complaint adjudications in total did BEGA complete in FY 2025 and FY 2026 to date?

Response: BEGA's Board received one appeal from the Director of Open Government's issuance of Advisory Opinions in FY 2025 or FY2026, to date, and that appeal request was withdrawn by the agency. See 3 DCMR § 10407.6.

48. 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 2025 and FY 2026 to date?

Response: OOG did not receive any OMA complaints in FY2025 and FY2026 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. OOG provided corrective measures 30 times in FY 2025 and FY 2026 to date. Of these 30 corrective measures, 27 were related to 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? N/A

J&PS Performance Oversight Responses (FY25-26)

- 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.

49. Please describe any legal actions BEGA initiated in Superior Court regarding the OMA in FY 2025 and FY 2026 to date, including the basis for the suits, current status, and outcomes.

Response: BEGA has not initiated any such lawsuits to enforce the OMA through the Office of Open Government, in FY 2025 and FY 2026, to date, pursuant to D.C. Official Code § 1-1162.05c(b).

50. Please provide a summary of any advisory opinions issued regarding the OMA in FY 2025 and FY 2026 to date, including the key issues addressed and conclusions reached.

Response: 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 OMA, as a result of its independent investigation, OOG determined that the Calvin Coolidge Senior High School’s Local School Advisory Team (“Coolidge LSAT”), 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>

Dismissal of OMA Complaint: On February 7, 2025, the Director dismissed complaint #OOG-2024-0002 against the Zoning Commission because the allegations in the complaint did not violate the OMA. The complaint alleged that the Zoning Commission failed to provide OMA compliant notice of its November 9, 2023, meeting. However, OOG’s investigation revealed that the meeting was properly published in the D.C. Register. https://www.open-dc.gov/sites/default/files/OOG-2024-0002_OMADismissal_ZC_Redacted.pdf

Dismissal of OMA Complaint and Advisory Opinion: On February 12, 2025, the Director issued advisory opinion, #OOG-2024-0007, dismissing an OMA complaint regarding the Council of the District of Columbia’s (“Council”) gathering related to the Monumental deal with the District of Columbia. Pursuant to DC Official Code § 2-579, the Director of Open Government is not empowered to bring a lawsuit in DC Superior Court for violations of the OMA respecting the Council. The statute requires the Council “shall adopt its own rules for enforcement related to Council meetings.” The Council, in its rules for Council Period 25 (Period 25), created a category of “gatherings” that are not subject to the OMA. Also, while the Council is subject to the OMA, pursuant to the Period 25 rules, enforcement regarding its own meetings and other “gatherings” resides with that public body. Pursuant to the Period 25 rules, the Director referred the complaint to the Council, by way of its Office of the General Counsel. The Director

ultimately dismissed the complaint submitted to OOG for lack of jurisdiction.

https://www.open-dc.gov/sites/default/files/OOG-2024-0007_2.12.2025_Final_Redacted.pdf

Dismissal of OMA Complaint: On February 27, 2025, the Director dismissed complaint #OOG-2025-0051 because the Director does not have jurisdiction over the Boards and Commissions in the State of Michigan. The dismissal letter provides the statutory basis for the dismissal and includes information for contacting the Michigan state authorities that regulate meetings and the conduct of government officials. https://www.open-dc.gov/sites/default/files/Corrected_DC%20Open%20Meetings%20Act%20Complaint%20Number%20OOG-2025-0051_Redacted.pdf

OMA Advisory Opinion: On February 6, 2025, the Director issued a provisional Advisory Opinion # OOG-2024- 0010, opining that the District of Columbia’s Criminal Justice Coordinating Council (“CJCC”) is a public body subject to the Open Meetings Act (“OMA”). Pursuant to DCMR § 10405.2, the Director provided CJCC with the opportunity to respond formally to the Complaint. CJCC provided a formal response on April 2, 2025, that did not substantively address the legal arguments raised in the Advisory Opinion. The response requested that the Director address the issues with quorum that the public body experienced. As such, the opinion became final as of May 2, 2025, and the Director provided a response clarifying current issues related to CJCC’s April 2, 2025, letter. https://www.open-dc.gov/sites/default/files/Redacted_CJCC_Advisory_Opinion_May_2_2025-Corrected.pdf

OMA Advisory Opinion: On May 8, 2025, the Director issued Advisory Opinion #OOG-2024-003, opining that the District of Columbia Zoning Commission’s (Commission) practice of holding standalone closed sessions violated the Open Meetings Act (“OMA”) because its practice provided inadequate notice of the Commission’s closed meetings and was inconsistent with the protocol that public bodies must follow to lawfully enter closed/executive sessions as set forth in D.C. Official Code § 2-575(c). The Advisory Opinion stated OOG’s position that “the Commission cannot hold one open session at the beginning of a year-long meeting period, then conduct repeated closed session meetings thereafter, and be [compliant] with the OMA.” The Director found that the Commission displayed a pattern and practice of willfully participating in one or more closed session meetings in violation of the OMA. The opinion also addressed the Commission’s reliance on an outdated 2019 advice letter from the Office of the Attorney General, Legal Counsel Division, that advised the Commission that adhering to OOG’s advisory opinions is not mandatory for OMA compliance. The Director clarified for the Commission that compliance with OOG’s advisory opinions is necessary to avoid a civil enforcement action. The Director also made known OOG’s readiness to exercise its enforcement authority under the OMA if the Zoning Commission continued the pattern and practice as described, as the action complained of in this matter carried the possibility of a civil fine. https://www.open-dc.gov/sites/default/files/OOG-2024-003_AO_ZC_05082025_Redacted.pdf; see also: https://www.open-dc.gov/sites/default/files/Zoning%20Commission%20Compliance%20Letter_Redacted.pdf

OMA Advisory Opinion: On June 27, 2025, the Director issued Advisory Opinion #OOG-2025-0002, in response to a complaint dated February 6, 2025, which alleged that the Mary McLeod Bethune Public Charter School Board (the “Board”) posted meeting minutes for only one of it

meetings since February 2024 and had not posted schedules for meetings since the school year (“SY”) 2023-2024 schedule was published on the school’s website. Also, the complainant expressed concern about the absence of links to access the Board’s meetings. The Director found that the Board violated the OMA as follows: (1) failure to post draft and final meeting minutes for specific Board meetings on its website and/or OOG’s Central Meeting Calendar; and (2) failure to provide complete meeting notices for specific meetings - the location (valid dial in number and access code or valid weblink and login information). Further, the Director determined from the OOG’s investigation that certain dates on the Board’s schedules do not accord with the dates of the meetings on the Board’s meeting agendas. Concerning the meeting schedule, OOG’s investigation revealed that the Board’s SY 2024-2025 meeting schedule is posted on the Public Charter School’s website. Since the Board was in violation of multiple OMA requirements, the Board was required to take OMA training within sixty (60) days of receipt of the Advisory Opinion to avoid further corrective action. <https://www.open-dc.gov/sites/default/files/OMA%20Advisory%20Opinion%20-%20Mary%20McLeod%20Bethune%20PCSB.pdf>

OMA Advisory Opinion: On July 21, 2025, the Director issued Advisory Opinion #OOG-2024-0011, in response to a complaint which alleged that Sela Public Charter School Board (“SPCSB”) violated the OMA by only permitting certain content in the public comment section of its open session meetings. The complainant expressed concern that the public comment guidelines provided by the chairperson of SPCSB was “viewpoint discrimination” because it restricted negative comments. The OMA does not require a public body to allow public comment at meetings covered by the statute. SPCSB’s Bylaws also do not address public comment. Content of speech permitted by a public body in public session is also not addressed by the OMA. The complaint was dismissed because there was no basis to determine SPCSB violated the OMA. While the OMA ensures that the exceptions to the public’s right to view a public body’s meetings are narrowly construed, this does not extend to an examination of a public body’s policy regarding public comments. As such, the Director found no OMA violation and dismissed the complaint pursuant to 3 DCMR §10403.1(b). https://www.open-dc.gov/sites/default/files/Sela%20PCSB_OOG-2024-0011_AO_Final_7.21.2025.pdf

OMA Advisory Opinion: On July 25, 2025, the Director issued Advisory Opinion #OOG-2025-0003, in response to a complaint which alleged that forty-seven Boards of Trustees for District of Columbia Public Charter Schools (“Boards of Trustees”) are not in compliance with the OMA, citing one or more acts of non-compliance by each of the forty-seven Boards of Trustees identified by the Complainant. The complaint alleged that the information pertaining to the forty-seven Boards of Trustees meetings was not accessible to the public and the District of Columbia Public Charter School Board (DCPCSB) should articulate standards for all public charter schools to follow when posting information on their websites required to comply with the OMA. This Advisory Opinion addressed the concern that DCPCSB should participate in ensuring OMA compliance. OOG is continuing to investigate the allegations against the 47 schools. The Director dismissed the OMA Complaint against DCPCSB and found that the public body did not violate the OMA. DCPCSB does not have an affirmative obligation to ensure OMA compliance; that responsibility rests with OOG. Further, the Complainant’s allegation that DCPCSB should ensure universal, easy access to Public Charter School Boards of Trustees’

meeting information and provide a board meeting template to be used by DCPCS on their websites does not implicate the OMA and open meetings regulations. The opinion acknowledges District of Columbia Public Charter School Board's effort to assist public bodies with OMA compliance but acknowledges that it is not obligated to do so and failure to take a particular course of action, as alleged in the complaint, is not an OMA violation.

https://www.open-dc.gov/sites/default/files/OMA%20Complaint%20DCPCSB%20%23OOG-2025-0003_0.pdf

Dismissal of OMA Complaint: The Director recused herself from this matter due to the appearance of a conflict of interest, pursuant to D.C. Official Code § 1-1162.23(a), and assigned it to the Chief Counsel to review and issue a determination on her behalf. On August 7, 2025, OOG Chief Counsel Louis Neal dismissed Complaint #OOG-2025-0054 against the Council of the District of Columbia (the "Council"), which alleged that the Council violated the OMA because Chairman Phil Mendelson and certain members of the Council discussed public business with the leadership of the Washington Commanders Football Team ("Commanders") at a dinner meeting and failed to properly notice the meeting in accordance with the OMA. Chief Counsel Neal found that the Director of Open Government is precluded from bringing a lawsuit to enforce the OMA regarding Council meetings pursuant to D.C. Official Code § 2-579(a), and that the Council's gathering on that day in issue falls outside the scope of the OMA's definition of a meeting as it pertains to the Council. The Chief Counsel explained that the Council prescribes its own rules regarding how it enforces the OMA. However, he noted that this does not preclude a private right of action in D.C. Superior Court, pursuant to D.C. Official Code § 1-207.42. Chief Counsel Neal cited Advisory Opinion OOG-2024-0007 of February 12, 2025, in which the Director addressed these issues in greater detail. Furthermore, he explained that the Open Meetings Clarification Temporary Amendment Act of 2025, amended the OMA and clarifies the definition of a "meeting." In relevant part, the amended statute states that "for the purposes of the Council of the District of Columbia, the term "meeting" means a regular or additional legislative meeting, and committee meetings where votes are taken." The Chief Counsel took notice in his dismissal of the complaint that the legislation was in effect at the time of the June 30, 2025, dinner that was the subject of the complaint. https://www.open-dc.gov/sites/default/files/OMA%20Dismissal%20of%20OOG-2025-0054_Redacted.pdf

OMA Advisory Opinion: On August 18, 2025, the Director issued Advisory Opinion #OOG-2024-0024, in response to a complaint which alleged that Hope Community Public Charter School Board ("HC PCSB") had not published "dates for future meetings." The Board relinquished its Charter at the end of School Year 2024-2025 and is not in operation, so the allegation in the complaint is moot. The Director decided to address the matter and issue the Advisory Opinion for the benefit of the stakeholders of active Boards of Trustees for Public Charter Schools, and should HC PCSB resume operation under a new Charter Agreement. HC PCSB violated the OMA by failing to publish a schedule of its meetings for School Year 2024-2025 on Hope Community Public Charter School's website. A Google document provided by HC PCSB in response to the complaint that was accessible via a link and contained a schedule did not fulfill the requirements of the OMA to publish an annual schedule of its meetings because the link was not published on the school's website. <https://www.open->

[dc.gov/sites/default/files/OMA%20Complaint%20Hope%20Community%20PCSB%20-%20%23OOG-2025-0024.pdf](https://www.open-dc.gov/sites/default/files/OMA%20Complaint%20Hope%20Community%20PCSB%20-%20%23OOG-2025-0024.pdf)

OMA Advisory Opinion: On October 1, 2025, the Director issued Advisory Opinion #OOG-2025-0052, in response to a complaint which alleged that SEED Public Charter School Board (“SEED PCSB,” or the “Board”) failed to provide the public with access to an emergency meeting held by the Board on May 31, 2025. The Director found that SEED PCSB violated the OMA by failing to provide a complete meeting notice for its emergency meeting held on May 31, 2025. The Board failed to provide a valid dial in number and access code or valid weblink and login information as required by D.C. Official Code § 2–576(5) and 3 DCMR § 10409.7. The Board also did not provide a meeting location. D.C. Official Code § 2–576(4) extends this notice requirement to a public body’s emergency meetings. Furthermore, considering SEED PCSB did not respond to the Complaint and the draft agenda of the meeting in issue has “Emergency Closed Meeting” as a part of the subject heading, the Director informed the Board of the procedure for entering closed or executive session of public body meetings. Pursuant to D.C. Official Code § 2- 575(c), a public body must start its meeting in an open session where a meeting or a portion of a meeting will be held in closure. Since SEED PCSB was in violation of the OMA Notice of meetings and Open meetings requirements, the Board was required to take OMA training within sixty (60) days of receipt of the Advisory Opinion to avoid further corrective action. https://www.open-dc.gov/sites/default/files/Signed%20SEED%20PCS%20AO_OOG_2025_0052%20-%20R_0.pdf

OMA Advisory Opinion: On October 8, 2025, the Director issued Advisory Opinion #OOG-2024-0012, in response to a complaint which alleged that Smothers Elementary School Local School Advisory Team (“Smothers LSAT”) nominated a chairperson to Smothers LSAT outside of a regular LSAT meeting and cancelled one of its publicly noticed meetings without notice to the public of the cancellation. The Director found that the Smothers LSAT’s alleged nomination or selection of a chairperson on a disputed date does not violate the Open Meetings Act (“OMA”) because the alleged nomination or selection process does not raise facts or circumstances covered in the OMA. The Advisory Opinion explains that the unique situation of Smothers’ LSAT being reduced to one or two members is one that warrants further examination, but insufficient and conflicting information prevents such within the context of the OMA. The Director found that the meeting notice issue falls within the OMA, but the evidence was inconclusive to decide whether Smothers LSAT violated the OMA by not providing notice to the public of the cancellation of one of its meetings. Notwithstanding the LSAT reduced membership and the insufficiency of information, The Director advised that LSATs must provide notice of meetings in accordance with the OMA. The LSAT must create a record, as best as possible, of the selection of members, create a process in such a situation, and make it available to the public. Based on the Office of Open Government’s own investigation, the Director found that Smothers LSAT violated the Open Meetings Act, by not doing the following: publishing meeting minutes or (information on access to) record of meetings for the year 2024, as required by D.C. Official Code § 2–578(b); publishing a schedule of its meetings for school year 2024 to 2025; and providing meeting notices for school year 2024 to 2025, in accordance with D.C. Official Code § 2–576(1). Smothers LSAT was required to take OMA training within sixty (60) days of receipt of the Advisory Opinion to avoid further corrective action.

https://www.open-dc.gov/sites/default/files/Complaint%20%23OOG-2024-0012_Smothers_Redacted.pdf

OMA Advisory Opinion: On October 29, 2025, the Director issued Advisory Opinion #OOG-2025-0026, in response to a complaint which alleged that I Dream Public Charter School Board (“I Dream PCSB,” or the “Board”) had not provided meeting location or links to its meetings and the last meeting minutes were published in December 2024. The Board relinquished its Charter at the end of School Year 2024-2025 and is not in operation. The Director recognized that the allegation in the Complaint was moot but decided to address the matter and issue the Advisory Opinion for the benefit of the stakeholders of active Boards of Trustees for Public Charter Schools, and should I Dream PCSB resume operation under a new Charter Agreement. The Director found that I Dream PCSB violated the OMA by not (1) providing location or login information and links to its meetings and (2) posting its January 8, 2025, meeting minutes within the statutorily required thirty (30) business days on I Dream PCS’ website and/or Central Meeting Calendar (“CMC”). The Advisory Opinion took notice that prior to relinquishing its Charter, the Board corrected the issues in part, by posting its 2025 meetings minutes on the school’s website and the Chairperson, in response to the Complaint, stated her resolve to ensure that all links to the Board’s meetings will be published in a timely manner.

https://www.open-dc.gov/sites/default/files/I%20Dream%20Public%20Charter%20School%20Board%20-%20%23OOG-2025-0026_Redacted_0.pdf

OMA Advisory Opinion: On November 4, 2025, the Director issued Advisory Opinion # OOG-2025-0060, in response to a complaint about the alleged misconduct of a DC FEMS employee. The Director dismissed the complaint because it concerned a personnel matter that did not raise issues within the Director of Open Government’s authority under the OMA. The complainant was referred to the Office of the Fire and Emergency Medical Services Chief and the DC FEMS Office of Accountability. https://www.open-dc.gov/sites/default/files/OMA%20Complaint%20Dismissal%20No%20OOG-2025-0060.docx_Redacted.pdf

OMA Advisory Opinion: On December 4, 2025, the Director issued Advisory Opinion #OOG-2025-0057, in response to a complaint regarding a meeting held by Shining Stars Montessori Academy Public Charter School Board on September 20, 2025. The Complaint requested that OOG clarify “if public comment has to be allowed per” the OMA, and requested that the Shining Stars Montessori Academy Public Charter School Board “[s]hare the document with the ASPIRE framework with the parents with at least 30 days to review...[t]hen hold another meeting with public comment and public access to the full meeting...[and] [a]llow public participation in the meeting the entire time.” The Director concluded that: (1) the delay in being admitted to the virtual meeting was a technical issue and not an OMA violation; (2) revision of the draft agenda, posting the revised agenda within the “48 hours or 2 business days” prior to the meeting, and not treating the draft agenda as a final agenda, are not OMA violations; (3) there was no OMA requirement for a public comment period during this meeting, nor under the OMA generally, but public comment in OMA subject meetings should be both consistent and fair; (4) the DC PCSB provides for the public to submit both written and audio

public comment, as well as the ability to register to testify at its public hearings regarding matters before it; (5) the OMA does not require that documents provided to, or acquired by, public body members in advance of a meeting be provided to the public - however, documents shared or considered during an OMA meeting must be included in the meeting minutes as part of the “full record;” (6) OOG advises that Shining Stars Montessori Academy Public Charter School Board immediately implement a registration option that allows registration and joining of its meetings in, or close to, real-time; and that (7) it must add the required governance language to all future draft and final meeting agendas according to the DC Municipal Regulations. https://www.open-dc.gov/sites/default/files/Shining%20Stars%20Montessori%20Academy%20AO_OOG-2025-0057_FINAL_Redacted.pdf

51. How many requests for formal and informal advice regarding compliance with the OMA did BEGA receive in FY 2025 and FY 2026 to date?

Response: OOG received and processed 29 requests for informal OMA advice in FY 2026, to date. OOG received 125 requests for informal OMA advice in FY 2025. Public bodies may request formal advice regarding the OMA. This is distinguished from an OMA complaint. We provide advisory opinions in both instances. In FY 2025, OOG received 16 OMA complaints. In FY 2026 to date OOG received 4 OMA complaints.

Cases, Investigations, and Resolutions

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

Response: The Investigations Unit typically averages 180 days to close a case, though some cases take longer due to extended negotiations during the disposition phase.

53. What are the general categories for the fines collected by BEGA in FY 2025 and FY 2026?

Response: BEGA fines are collected in three different categories, Ethics Negotiated Dispositions, Financial Disclosure violations, or Lobbyist registration and reporting.

FOIA Questions

54. How many requests for formal and informal advice regarding compliance with FOIA did BEGA receive in FY 2025 and FY 2026 to date?

Response: In FY 2025, OOG received 79 informal and 3 formal requests for advice regarding compliance with FOIA. In FY 2026, to date, OOG received 47 informal requests and 1 formal request for advice regarding compliance with FOIA. For BEGA, the average response time on a request for information or advice is less than one day. Generally, each inquiry is handled by one

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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 FY25, the total hours spent on informal requests was approximately 165 hours, while in FY26 the running total is approximately 98 hours. The cost of compliance in FY2025 was approximately \$8,580, and to date in FY26, the amount is approximately \$5,096.

D.C. FOIA: FORMAL | FY25 – 3; FY26 TD – 0 / INFORMAL | FY25 – 79; FY26 TD - 47

55. What agency's FOIA processing was the focus of the most public complaints, concerns and inquiries for assistance in FY 2025 and FY 2026 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).

56. What aspects of FOIA processing had the most public complaints in FY 2025 and FY 2026 to date?

Response: In FY 2025 and FY 2026 to date 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; and (2) Timelines - requesters complain that agencies fail to provide guidance / timelines for out-of-statutory-timeframe responses

57. In last year's responses BEGA recommended extending statutory FOIA response deadlines to mirror federal timelines. In light of the continued public complaints regarding delays:

Response: BEGA's Best Practices Report has recommended for several years that the D.C. Council should amend the DC FOIA law to provide more time for agencies to respond to DC FOIA requests. At the very least, DC agencies should be afforded the same time as federal agencies.

58. What internal process improvements or staffing changes has BEGA implemented to reduce FOIA delays without statutory extensions?

Response: As an agency BEGA strives for excellence in processing our own D.C. FOIA requests in a timely manner and in accord with the current laws and regulations. BEGA continues to prioritize D.C. FOIA processing and has not altered process or staffing to respond to D.C. FOIA requests.

With respect to BEGA's recommendations for the District government concerning process improvements, in numerous Best Practices Reports BEGA has recommended implementing a meaningful retention practice for the District's large body of electronic mail, dating back to 1998. Much of the complaints concern production of government emails. If the District would

clean up and archive its warehouse of these electronic records, the search process would be less burdensome and time-consuming because the amount of data returned that needs to be reviewed and redacted would be minimized. Also note that the recommendation to amend the statutory timeframe would most impact those agencies that have a high request-to-staff ratio and deal with both high-volume requests and requests that require extensive analysis relative to D.C. Official Code § 2-534 exemptions, common law privileges, and redaction. These agencies would be better served by hiring more staff to review those requests or implementing a software or artificial intelligence backed solution to streamline these reviews.

59. What metrics does BEGA track to distinguish between delays caused by agency workload, inter-agency consultation, or resource constraints?

Response: Internally, BEGA does not experience delays processing DC FOIA requests due to resource constraints. And while agency workload can be a minimally limiting factor, inter-agency consultation is rarely an issue; rather, agency referral is much more common. Overall, as to D.C. FOIA, per the Council website, “[a]nyone may submit a FOIA request. There is no central FOIA office in the District government. Each public body, including the Council of the District of Columbia, responds to requests for its own records.” Although OOG provides training and advice to the District’s FOIA Officers, the office only has anecdotal data regarding the experience of other agencies’ processing of requests.

Further, D.C. government agencies are required to annually report on FOIA disclosure activities for the previous fiscal year to the Secretary of the District of Columbia. This annual report contains information about response time but not provide specific metrics.

60. How would extending statutory deadlines improve public access?

Response: Currently, when an agency does not fulfill a records request within fifteen (15) business days, it is deemed a denial, regardless of whether the request is in a workflow queue, and is ultimately fulfilled. The necessity to respond to often repeated inquiries from requesters, and then provide a response to appeals, which may be filed immediately after even a constructive denial, and which must be made within five (5) business days after notification from the Mayor’s Office of Legal Counsel (MOLC), diverts staff time from the fulfillment of D.C. FOIA requests and results in further extending the time required to process the existing request workflow; extending the statutory period would create a greater window to fulfill requests and reduce the occurrence of this spiraling delay.

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 assembling a task force that would, among other things, consider possible District-wide standards for FOIA responses, including fees and waivers.

As we noted last year, 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.

Currently, when an agency does not fulfill a records request within fifteen (15) business days, it is deemed a denial, regardless of whether the request is in a workflow queue and is ultimately fulfilled. The necessity to respond to often repeated inquiries from requesters, and then provide a response to appeals, which may be filed immediately after even a constructive denial, and which must be made within five (5) business days after notification from the Mayor's Office of Legal Counsel (MOLC), diverts staff time from the fulfillment of D.C. FOIA requests and results in further extending the time required to process the existing request workflow. Extending the statutory period would create a greater window to fulfill requests and reduce the occurrence of this spiraling delay.

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.

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

Response:

OGE

The size of OGE's legal team has not changed. The legal team includes the General Counsel, Senior Counsel to the BEGA Board, and three Attorney Advisors.

OOG

The size of OOG's Legal Team has not changed in FY 2025 or FY 2026. Including the Chief Counsel, OOG's Legal Team consists of four (4) attorneys and one (1) paralegal specialist. However, one attorney has been promoted from Attorney Advisor to Trial Attorney. This promotion is important because the Office of Open Government is charged with enforcing the Open Meetings Act (OMA) and the promoted attorney will be primarily responsible for seeking relief in Superior Court for OMA violations. The Trial Attorney will argue for temporary restraining orders and injunctive relief, as the OMA requires. The OOG currently does not have the ability to bring lawsuits without hiring outside counsel; and this position makes an immediate impact by enabling OOG to meet its statutory requirement. OOG's legal team now

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requires another Attorney Advisor. This full-time position is currently unfunded due to budget constraints.

There were no structural changes within OGE’s legal team.

62. What are the current numbers for requests handled in FY 2025 (complete) and FY 2026 (to date), broken down by type of request?

Response:

CATEGORY	FY25	FY26TD
Number of FOIA Requests	47	02
Number granted IN WHOLE	00	00
Partially granted	00	00
Denied IN WHOLE	05	00
Pending	02	00
Withdrawn	00	00
Other disposition	17	01
Average response time	15	10
Est. number of FTEs required to process	02	02
Est. number of hours spent responding	82	06
Cost of compliance	\$4,891	\$529

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

Response: Currently there are no DC FOIA requests pending to BEGA.

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

Response: No, there have not been any changes respecting OOG’s processes regarding D.C. FOIA requests.

Lobbyists

64. How many lobbyists are currently registered with BEGA?

Response: For CY 2025, there were 347 Registrants representing 405 Clients.

65. Out of the total number of registered lobbyists, how many filed their activity reports in January 2025, July 2025, and January 2026?

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Response:

Filing Dates	Total Lobbyists	Filed Untimely
January 2025	410	12
July 2025	479	26
January 2026	45 (as of 1/6/2026)	N/A

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

Response: Penalties are assessed at \$100/ a day, up to 60 days, unless a waiver is filed and approved by the Board, in which penalties could be decreased or eliminated completely.

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

Response: Lobbyist are not able to submit their Quarterly Activity Reports until fees and fines are cleared in the portal.

Assessed Period	Fines Collected
Late 2024 Q4 (late by 1/15/2025)	\$ 10,200.00
Late 2025 Q1 (late by 4/15/2025)	\$ 14,500.00
Late 2025 Q2 (late by 7/15/2025)	\$ 3,100.00
Late 2025 Q3 (late by 10/15/2025)	\$ 9,100.00

66. How much did BEGA receive in lobbyist registration fees in FY 2025 and FY 2026, to date?

Response:

	CY2025	CY2026
Registration Fees	\$183,100	\$16,350
Late Fines	\$62,000	\$ 0

67. BEGA reported that approximately \$59,700 in lobbyist fines remain outstanding. Please provide:

a. A breakdown of the outstanding fines from FY 2025 – FY 2026;

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	# of Registrants	Fines
FY2025	11	\$44,000
FY2026	16	\$36,000

b. The number of lobbyist with unpaid fines across multiple reporting cycles;

Response: There is 1 lobbyist with outstanding fines across multiple reporting cycles. There is 1 Registrant with outstanding fines with multiple clients.

c. Any steps BEGA has taken to collect outstanding fines beyond restricting access to the e-filing system; and

Response: BEGA staff has conducted routine communications via phone and email.

d. Whether BEGA has evaluated additional enforcement mechanisms or statutory changes to improve fine recovery.

Response: Starting in CY2026, BEGA will utilize the services of the District’s Central Collections Unit (CCU) to attempt fine collections.

68. Please describe any upgrades to the lobbyist filing system that occurred in FY 2025 or during Q1 FY 2026.

Response: The Lobbyist Filing System had NO upgrades in FY25 or FY26, to date.

69. In last year’s responses BEGA reported that improved communications with filers contributing to a 94.5% on-time filing rate in FY 2024. Please provide an update on filing compliance through FY 2026.

Response: Lobbyist reporting timeliness improved to 95.6% in FY2025 and the beginning of FY2026. This improvement is particularly significant given that BEGA experienced a 46% increase in lobbyist filings during calendar year 2025.

70. In last year’s responses BEGA stated that OGE would like to improve communication via the e-filing system. Noting that the current system does not allow direct communications with active lobbyists/clients. What steps have been taken to implement a system to track active lobbyists and send communications? If any barriers exist for implementation, what resources or support would be needed to implement this system.

Response: BEGA has transitioned to using GovDelivery which has allowed us to track the analytics of all communication sent through the site.

71. BEGA indicated that OGE aims to improve the functionality and reporting capabilities of the QuickBase application system. What steps or plans are in place to implement an automatic generation system for late filing fines and unfiled lobbyist applications?

Response: Staff have collaborated with the Office of the Chief Technology Officer to create a query identifying lobbyists who have current and active registrations but have not filed the required activity reports. The ultimate goal is to have the query added to the efile system and be readily accessible to all those with admin privileges.

Events, Symposiums and Trainings

72. Please describe any symposia held by the agency in FY 2025 and FY 2026, to date. What symposia, if any, does the agency plan to hold in the remainder of FY 2025 and in FY 2026?

Response:

Office of Government Ethics

In October 2025 BEGA held its annual ethics conference, Ethics Week. Ethics Week took place on October 14-17, 2025, and included two in-person days, one hybrid day and one fully virtual day. This year's theme was "Keeping Government Transparent and Ethical" and included sessions designed to encourage employees to comply with the ethics, open meeting, and FOIA laws. New courses such as "The Responsible Use of AI Tools in Government", "Outside Employment Case-by-Case", "This or That: Is it Ethics or a Personnel Matter" and Ethics Week classics such as, "Legal Ethics for Government Attorneys" and "Ethics Gameshow" were highly attended. OGE also recognized District government Ethics Counselors who had a high rate of compliance in the 2025 Financial Disclosure program during the introductory session. Ethics Week 2025 consisted of 17 ethics and open government courses over four days. Three hundred and seventy-three (373) District employees attended Ethics Week.

BEGA will hold Ethics Week 2026 in October 2026

Office of Open Government

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 FY 2025, the webinar series ran from July 16, 2025 - August 13, 2025, and included a symposia "Preparing for a FOIA Civil Case/Defensive Litigation" that featured attorneys from the Office of the Attorney General and provided information and a discussion on FOIA litigation. The webinar series will be held again in FY 2026.

73. In last year's responses BEGA indicated that the first session of the Outside Employment Training Series had 27 virtual attendees. BEGA further provided that the agency received 7 complaints alleging outside employment violations. Please provide information for the following:

Response: OGE has continued providing quarterly outside employment trainings since FY25. The agency received 11 complaints alleging outside employment violations in FY23; 50 complaints in FY25; 42 complaints in FY25, and 9 complaints in FY26. Based on the

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investigations that were initiated, 11 resulted in a fine or public disposition in FY25 and 1 resulted in a fine in FY26.

74. 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?

Response: Attendance for the quarterly outside employment training is growing steadily. We receive largely positive feedback on the training; employees appreciate having an ethics training that discusses this one important topic thoroughly.

75. Do you believe these trainings are effective in preventing future DC employee outside work violations?

Response: Yes, the trainings are effective in preventing future outside employment violations and increasing reporting of those violations.

76. There were several cases in FY 2026 of District employees violating ethics rules in the course of their work by engaging in outside employment. Please provide an answer to the following

Response:

- a. How does BEGA anticipate the continued implementation of this training series will help reduce these ethics violations?
- b. Based on BEGA investigations, has the agency determined whether these violations were primarily the result of employees being unaware or misunderstanding the ethics rules, or whether the employees were aware of the restrictions and knowingly violated them?
- c. To the extent BEGA has made the determination, how does it inform the agency's approach to enforcement, trainings, or other prevention tactics for similar violations moving forward?

Response: Based on BEGA investigations the agency determined that majority of employees were aware of the restrictions and knowingly violated them, with a small number of employees claiming they were unaware or had a misunderstanding of the ethics rules. BEGA has the authority to impose a \$5,000 fine for violations of the Code of Conduct. The agency applies that standard to investigations in which there is a finding of an outside employment violation. Given, the amount of outside employment violations, BEGA continues to provide quarterly trainings and training through its online, learning management system. BEGA also continues to meet with agency ethics counselors on a monthly basis to provide information on ethics best practices.

77. What plans, if any, are there to expand the scope of the training series to ensure that all District employees fully understand the requirements of the ethics code?

Response: OGE believes that the quarterly training, on-demand training, and monthly Ethics Counselor brown bag sessions are sufficient.

78. In last year's responses BEGA reported that since launching the in-person "Ask BEGA" program, the Office of Government Ethics had visited two agencies, responded to approximately ten in-person advice inquiries, and received generally positive feedback. BEGA also indicated that it planned to remind Ethics Counselors about the program throughout 2025.

Response: Yes, BEGA corresponds with Ethics Counselors frequently.

79. Since providing that response, has BEGA conducted any additional "Ask BEGA" sessions, and if so, how many agencies have participated to date?

Response: No. We have one pending Ask BEGA session. We are in discussions with the agency to schedule the session.

80. What steps has BEGA taken to institutionalize or formalize the "Ask BEGA" program beyond reminders to Ethics Counselors, such as creating a regular schedule, outreach plan, or participation targets?

Response: We plan to memorialize the Ask BEGA advice option on the BEGA website.

81. Based on BEGA's experience to date, what changes—if any—would BEGA make to improve participation or expand the program in future years?

Response: BEGA would host additional Ask BEGA sessions at our office.

82. In last year's responses, BEGA reported plans to add several new training modules to its Learning Management System (LMS), including "Widely Attended Gatherings as Gifts," "Ethics for DC Government Managers," "How to Recuse," "Lobbying in the District," and "Ethics Counselor Training." In its response, BEGA indicated that it was still working with its vendor to implement these modules, had prioritized updating existing trainings—including the Financial Disclosure and Outside Employment modules—and determined these priorities based on advice requests and investigation data.

Response: In addition to the Financial Disclosure and Outside Employment modules, we implemented a Lobbying in the District module.

83. What is the current implementation status of each of the originally proposed LMS modules, and what is the anticipated timeline for completion of any modules that remain outstanding?

Response: BEGA implemented Lobbying in the District on our Learning Management System. The rest of the noted courses are pending as we prioritized updating some of our pre-existing courses and transitioning all of our courses to our vendors new learning platform during the past fiscal year.

84. How many District employees does BEGA train?

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Response: OGE FY25 Employees Trained – 16,431, FY26 to date Employees Trained – 528

In FY25, the OOG provided training for 1,313 trainees, and in FY26, to date, 633 trainees.

85. How many ethics trainings did BEGA conduct in FY 2025 and FY 2026, to date? How many FOIA and OMA trainings?

Response: OGE FY25 Ethics Trainings – 101, FY26 Ethics Trainings – 33. OOG: In FY 2025, OOG conducted 18 Open Meetings Act (OMA) trainings, and in FY 2026 to date, 12 trainings. In FY 2025, OOG conducted 11 FOIA trainings, and in FY 2026 to date, OOG conducted 3 FOIA trainings.

Best Practices Report and Recommendations

86. Please provide BEGA's analysis and specific recommendations regarding making permanent the temporary provisions allowing remote access to public body meetings, including any identified challenges or necessary statutory changes.

Response: BEGA recommends permanent enactment of the temporary changes to the OMA to allow public bodies to stream live/contemporaneous meetings virtually. These temporary changes have operated as intended, balancing equity, transparency, and openness against the health and accessibility concerns of expecting the public to travel to a physical meeting location. The temporary changes have created greater openness and accessibility to District residents by allowing them to virtually attend and participate in meetings that they might otherwise have been unable to attend in person. Additionally, allowing remote access to public body meetings provides the public bodies with greater flexibility when scheduling meetings and helps to ensure a quorum in situations where the public body members are unable to all gather physically.

87. Following BEGA's adoption of the rulemaking designating additional board and commission members as public financial disclosure statement filers, 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:

a. How many additional individuals are now required to file public financial disclosure statements as a result of this rulemaking?

Response: 188 filers were added as a result of the rulemaking.

b. What steps has BEGA taken to notify, train, and onboard newly designated filers, and what compliance challenges, if any, have emerged since the rule became effective?

c. Has BEGA identified any boards or commissions where compliance remains low or where additional guidance may be required?

Response: Yes. We held two 30-day comment periods during the rulemaking notice process and sent notice to each agency, the Mayor and the Council. After the rulemaking, BEGA provided three trainings for newly designated filers. In addition, we sent notice to all newly designated filers in the same manner as notice was sent to all filers. BEGA has identified agencies, boards and commissions where compliance is less than expected. BEGA has communicated its concerns with those agencies and is working with those agencies to ensure better reporting.

d. Does BEGA anticipate recommending further expansions or clarifications to financial disclosure requirements based on its experience implementing this rule?

Response: BEGA anticipates that it will need to engage in additional rulemaking to address concerns from the Council regarding the specific boards and commissions that were designated as public financial disclosure filers. We expect any additional rulemaking would need to provide an opportunity for newly designated filers to assess whether they intend to continue in their appointed positions without incurring penalties for non-filing

88. In last year's responses BEGA recommended eliminating the "pattern or practice" requirement for Open Meetings Act enforcement and increasing penalties to \$1,000 per willful and knowing violation:

89. Based on OOG's enforcement experience, how frequently do OMA violations currently fail to meet the "pattern or practice" threshold, preventing enforcement action?

Response: BEGA believes that the "pattern or practice" language in the current statute suggests that OOG cannot pursue a fine until *after* allowing *multiple* (if not several) violative meetings to have taken place, in order to establish "a pattern or practice." Based on our experience, OMA violations very rarely meet the pattern or practice threshold. This is in part because OOG works diligently to quickly address OMA violations with public bodies. However, there have been instances in which clear, serious OMA violations by a public body have occurred on one or two occasions. In these cases, those one or two violations are not enough to establish a pattern or practice and thus prevent OOG from engaging in meaningful enforcement action. We believe that amending the OMA to adopt a standard of "willful and knowing" violation would give OOG greater ability to enforce the OMA and serve as a deterrent to future OMA violations.

90. If the Council were to adopt BEGA's recommended changes, how would OOG expect enforcement volume, deterrence, and compliance behavior to change?

Response: If the Council were to adopt BEGA's recommended changes, OOG expects that enforcement volume would increase initially before leveling off as public bodies would have greater incentive to comply with the OMA, to seek and complete OMA training, and to be diligent about taking corrective measures where potential OMA violations have been identified.

91. What safeguards would BEGA recommend to ensure that increased penalties are applied consistently and proportionally, particularly for smaller public bodies?

Response: In general, OOG seeks to ensure OMA compliance by providing training and assistance to public bodies. Our office's first course of action is always to work with public bodies to prevent OMA violations in the first place and to take quick corrective measures where violations are identified. Where there is evidence of a public body engaging in "willful and knowing" violation of the OMA, OOG would apply penalties consistently across the board. OOG has recommended that the Council increase the base-maximum fine amount to \$1000 per (willful and knowing) violation, without increasing the amount for any subsequent violations.

The willful and knowing standard would also ensure that public bodies acting in good faith are not penalized for misunderstandings of the law or honest mistakes of procedure

92. Does BEGA anticipate that additional enforcement authority would require increased staffing or litigation resources?

Response: Granting BEGA greater authority to bring civil action in court and seek civil fines materially increases the agency's workload. As you know, this agency has been historically underfunded and without sufficient resources for OOG to undertake activities beyond advisory and non-litigation compliance functions. Effective litigation requires expanded complaint intake, investigations, charging decisions, litigation, settlement negotiations, and post-order compliance monitoring. OOG has the responsibility for overseeing OMA compliance for over 490 public bodies, including 180 different boards, commissions, and task forces; 177 Local School Advisory Teams; and 133 Public Charter School Boards. With this oversight responsibility, BEGA's current litigation capacity of only one Trial Attorney and one paralegal is currently insufficient.

To implement this authority in a fair and effective manner, additional resources are indeed essential to BEGA's success. At a minimum BEGA requires additional OOG attorneys to handle investigations and court proceedings and dedicated OOG investigative staff to develop evidentiary records. Meaningful enforcement also requires stable funding for case management and funding for employees' training. Without these resources, expanded enforcement authority risks becoming largely symbolic and ineffective. Specifically, BEGA requires the following resources, at a minimum:

Personnel Funding:

- Attorneys (FTEs): 1-2 additional Litigation/Enforcement Attorneys - up to \$140,000 annual salary each; and
- Investigators (FTEs): 1 Investigator -up to \$120,000 annual salary).

Non-Personnel Funding:

- Case Management/Enforcement Tracking/Records Management System - \$75,000;
- Litigation costs (filings, transcripts, expert support) - \$65,000; and
- Employee Training- \$30,000.

93. In last year's responses BEGA recommended creating a mandatory administrative FOIA appeals process through the Office of Administrative Hearings (OAH) or extending MOLC appeal timelines.

Response: As suggested in BEGA's 2024 and 2025 Best Practices Reports, OOG recommends 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.

Alternatively, OOG suggests transferring final appeals authority from the MOLC to the Office of Administrative Hearings (OAH). Or giving the MOLC and OAH co-equal final appeal authority.

94. What volume of FOIA appeals does BEGA estimate would be eligible for administrative adjudication annually?

Response: Any properly and timely-filed appeal would be eligible for administrative adjudication. In the 2024 FOIA report, the MOLC reported the disposition of 211 FOIA Appeals matters

95. How would BEGA envision dividing responsibilities among OOG, OAH, and MOLC to avoid duplication or jurisdictional confusion?

Response:

The Office of Open Government's (OOG) responsibilities would remain consistent with its mandate and, therefore, outside of the appeals process itself: OOG's roles are: 1) provide the District of Columbia government's FOIA Officers with advice and guidance, upon request; 2) provide formal and informal advice to agencies seeking guidance on FOIA compliance; 3) issue advisory opinions on FOIA issues in response to inquiries; 4) assist members of the public in filing FOIA requests; and 5) facilitate training courses for DC government FOIA officers, bi-annually to ANCs, and to DC government agencies and the public upon request. Neither the MOLC nor OAH would have such responsibilities but may rely on the formal advisory opinions of the OOG in its independent appeals or adjudication processes.

The Mayor's Office of Legal Counsel (MOLC) is, pursuant to DC Official Code § 2-537, responsible for handling administrative appeals of agency denials under the [DC Freedom of Information Act](#) (FOIA), acting on behalf of the Mayor to review decisions, issue final written determinations, and ensure records are released if improperly withheld. This responsibility would not need to change, even with the possible addition of the DC Office of Administrative Hearings as a final arbiter of DC FOIA appeals. However, another option would be, as suggested above, to transfer altogether final appeal authority to the OAH.

The Office of Administrative Hearings (OAH) derives its jurisdiction over agency appeals primarily through the [OAH Establishment Act](#) (DC Code Title 2, Ch 18A), which grants it authority to be a neutral, independent administrative court for specific types of disputes, acting as an impartial judge for appeals from over 40 DC agencies. This jurisdiction is established by statute, allowing OAH to hear contested cases where parties challenge decisions from DC agencies, operating under the broader [D.C. Administrative Procedure Act](#) for fairness and

procedure. However, agencies not included in OAH's enabling statute may refer cases to OAH with the Chief Administrative Law Judge's approval, or elect to be covered under OAH rules, subject to approval. In such instance, an agency FOIA decision may be appealed directly to the OAH for adjudication before an administrative law judge, who has the final authority over the case at issue – unlike most other OAH decisions which may be appealed to the D.C. Court of Appeals.

* If the MOLC and the OAH have co-equal final appeals authority, meticulous reporting to each other (including reference/case numbers, copies of cases and case information), would be provided upon receipt of the appeal and the conclusion of the decision making/adjudication process to prevent duplication

96. What funding or staffing increases would be necessary at OAH to support FOIA appeal adjudication?

Response: With the current MOLC backlog and the continuing influx of appeals filings to the MOLC, we estimate that there would need to be three (3) dedicated administrative law judges at OAH to bring and remain current on DC FOIA appeals. The funding for these positions would be largely determined by OAH's BSA requests and/or amendments to its enabling statute putting DC FOIA appeals under its jurisdiction or co-jurisdiction

97. In last year's responses BEGA recommended establishing OOG as a "DC FOIA Ombudsman" and implementing a mediation program:

a. What categories of FOIA disputes would BEGA prioritize for mediation, and which would remain more appropriate for formal adjudication?

Response: As OOG provides advice and training on DC FOIA complaints and inquiries, the Director is uniquely positioned to use her discretion on what cases are more appropriate for mediation versus formal adjudication. This discretion would be based largely upon the complexity of the case and the complainant's and agency's willingness to engage in mediation. However, there should be a bright line between process problems, which are more mediation friendly, and legal merits disputes, which should be settled through adjudication.

If the Office of Open Government were to serve as the D.C. FOIA ombudsman for the District government and provide mediation for D.C. FOIA disputes between District government agencies and requesters, it would work to mediate and settle D.C. FOIA disputes where the law is settled. These areas include (1) delays and backlogs; (2) communication problems; (3) adequacy of a search; (4) fees and fee waivers; and (5) administrative breakdowns. Thus, if the dispute is about how D.C. FOIA was handled, then that matter is ideal for mediation.

Disputes that are less suitable for mediation include (1) the application of D.C. FOIA exemptions; (2) Glomar responses; (3) Segreability disputes – whether agencies improperly withheld portions of records; (4) agencies' systematic D.C. FOIA noncompliance or policies that violate D.C. FOIA; and (5) matters already in litigation. So, if the dispute is about whether the law requires withholding records, the matter is one that should be adjudicated.

b. How many full-time mediators does BEGA estimate would be required to operate an effective mediation program?

Response: Historically, the Mayor’s Office of Legal Counsel (MOLC) has tended to develop a backlog in processing D.C. FOIA appeals because of the volume of requests it receives and because of the current short timeframe to adjudicate those appeals. If instituted, OOG’s mediation program would help reduce the MOLC’s load. It would also help to avoid costly litigation for disputes concerning requesters and Mayoral agencies, independent agencies, the D.C. Council, and Advisory Neighborhood Commissions, should the latter come under the OMA as has been suggested by the OOG in previous Oversight Hearings. Therefore, at least three (3) fully dedicated in-house mediators should suffice to accomplish this goal. Unlike many states, D.C. FOIA disputes are frequent, complex, and repeat-player driven, which provides mediation demand. To be effective, OOG would need one senior FOIA attorney/policy expert and two FOIA mediators. For the cost of a small litigation unit, the District can resolve hundreds of FOIA disputes before they reach the court saving the District government time, costs, and judicial resources

- c. How would BEGA ensure mediation remains voluntary, impartial, and non-coercive, particularly for individual requesters?

Response: The key here is to design mediation as an opt-in service, not a procedural hurdle or substitute for the exercise of the right to appeal or bring a lawsuit. The legislation that would create this program should state “participation in mediation is voluntary and does not preclude, delay, or replace the right to an administrative appeal or judicial review.” Voluntary participation keeps mediation cooperative and fast. There should not be an exhaustion requirement – in other words mediation should not be a prerequisite to the current legal remedies available.

Further, if implemented, BEGA would use a standard [electronic] form that clearly explains mediator ethical standards -- including full disclosure, ensuring parties understand their right to self-determination, actively managing power imbalances, maintaining confidentiality, and clearly defining the mediation process as non-binding and advisory, allowing individuals to withdraw at any time.

98. In last year’s responses BEGA recommended adoption of a Comprehensive Code of Conduct consolidating ethics rules across branches:

- a. What implementation challenges does BEGA foresee in applying a single ethics code across the executive branch, Council, and Advisory Neighborhood Commissions?

Response: Implementation of a Comprehensive Code of Conduct that would apply across the executive and legislative branches will require an extensive outreach and training campaign to educate District public officials and employees on the changes in rules. BEGA will work with agencies, the Council, and the Office of Advisory Neighborhood Commissions to implement a comprehensive campaign through in person training, virtual training, and use of BEGA’s Learning Management System.

- b. How would BEGA recommend phasing implementation to minimize disruption while ensuring consistency?

Response: To minimize disruption in implementing a Comprehensive Code of Conduct, BEGA would recommend an effective date that would allow time for BEGA to undertake an outreach and education campaign

- c. Would BEGA recommend statutory exemptions or tailored provisions for particular roles, and if so, which ones?

Response: As outlined in BEGA's 2025 Best Practices Report, BEGA recommends that employees who are required to file a public or confidential financial disclosure statement receive approval from their employing agency prior to engaging in any outside employment, private business activity, or other outside activity and that this approval be reviewed at regular intervals. For employees who are not financial disclosure filers and are employed in positions that present less of a concern about potential conflicts of interest or appearance of a conflict of interest, BEGA would work closely with District agencies and public bodies to assess whether these additional employees should be included in the preapproval process.

BEGA continues to recommend legislation restricting the provision of professional services for compensation by elected officials and agency heads, including 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. BEGA believes that agency public officials and agency heads who owe a duty to act in the interests of the District and its residents, should not engage in activities that create a fiduciary obligation to act in the interests of a third party that is not the District to avoid creating a conflict of interest

99. In last year's responses BEGA recommended a bright-line salary threshold for public financial disclosure filing:

- a. Approximately how many additional District employees would be subject to disclosure under the proposed salary-based threshold?

Response: In the Comprehensive Code of Conduct, BEGA recommends a bright line salary threshold for the financial disclosure requirement. The recommended salary threshold Amount is the midpoint rate for Excepted Service 9. BEGA made this recommendation Because it would make the filing requirement consistent across the executive and the I Legislator and it would simplify the designation process.

If the threshold were implemented some current filers who are considered confidential Filers would no longer be required to file and some employees who are at or above the Salary threshold and were not previously required to file will now be required to file

- b. What administrative burden would this place on BEGA's filing review and enforcement capacity?

Response: None. The e-filing system is fully capable of accommodating this change.

100. In the 2025 Best Practices Report BEGA recommended that employees required to file a public or confidential financial disclosure statement receive approval from their employing agency prior to engaging in any outside employment, private business activity, or other outside activity. Please answer the following questions:

- a. How would BEGA recommend agencies coordinate with OGE to review outside employment notifications efficiently?

Response: BEGA recommends that agencies seek guidance from OGE, when necessary, for making determinations of whether to approve outside employment. While BEGA recommends pre-approval for outside employment for financial disclosure statement filers, each agency is in the best position to make an approval or denial decision.

- b. What enforcement mechanisms are used if an employee fails to disclose outside employment?

Response: If the pre-approval requirement is mandated by regulation, then a violation of that regulation could result in personnel action by the agency and a violation of the ethics rules as a failure to abide by laws and regulations.

- c. Does BEGA anticipate that mandatory notification would reduce the number of outside employment investigations, based on prior enforcement data?

Response: Yes, the requirement for pre-approval of outside employment would reduce the number of outside employment investigations because any conflicts would be addressed before the employee engages in outside employment

- d. How would BEGA recommend agencies coordinate with OGE to review outside employment notifications efficiently?

Response: Agencies and the Department of Human Resources are in the best position to determine whether an employee's outside employment would cause conflict with their District employment. It would benefit agencies to review and rely on BEGA's guidance when making those decisions.

- e. What enforcement mechanisms would apply if an employee fails to disclose outside employment?

Response: Financial disclosure statement filers are required to disclose any outside employment and the failure to comply with this rule is an ethics violation. If a pre-approval requirement is implemented the failure to abide by the rule would result in a violation of the Code of Conduct and personnel action by the agency.

101. In the 2025 Best Practices Report BEGA recommended that the Council pass legislation for the adoption of a Comprehensive Code of Conduct (CCC), establishing a single ethical standard for all District employees. What would the implementation of this change look like across District agencies? What similarities would this CCC have with the federal government ethics rules?

Response: As discussed in Question 98, implementation of a Comprehensive Code of Conduct would incorporate the provisions of the federal ethics laws that are applicable to District employees and consolidate these provisions into a single code. These provisions include the federal criminal conflicts of interest provisions and post-employment restrictions.

Passage of the CCC would streamline ethics in the District. Currently, the District's Code of Conduct is a collection of multiple laws and regulations and the Council has a separate Code of Conduct. Passage of the CCC would fully bring the Council under BEGA's authority and aggregate the multiple laws and regulations that make up the Code of Conduct into one statute.

102. In the 2025 Best Practices Report BEGA recommended that the Council adopt legislation to streamline 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. What might that the bright line threshold look like?

Response: In the Comprehensive Code of Conduct, BEGA recommends a bright line salary threshold for the financial disclosure requirement. The recommended salary threshold amount is the midpoint rate for Excepted Service 9. BEGA made this recommendation because it would make the filing requirement consistent across the executive and the legislative and it would simplify the designation process.

103. Does BEGA anticipate that mandatory notification would reduce the number of outside employment investigations, based on prior enforcement data?

Response: Yes, the requirement for pre-approval of outside employment would reduce the number of outside employment investigations because any conflicts would be addressed before the employee engages in outside employment

104. In the 2025 Best Practices Report BEGA highlighted that Montgomery County maintains a public portal listing all approved outside employment for county employees, including the name of the outside employer, any conditions on the employment, and the date the approval will expire. Does BEGA currently maintain a list of pre-approved outside employers for District employees? If not, does BEGA have the capacity to implement a similar mechanism?

Response: BEGA does not currently maintain a list of pre-approved outside employers for District employees. As outlined in BEGA's 2025 Best Practices Report and Management Alert Report issued by the Office of the District of Columbia Auditor, there is no District-wide requirement that an employee seek approval or inform their agency's management about any outside employment.

J&PS Performance Oversight Responses (FY25-26)

BEGA maintains the Financial Disclosure Filing System that includes information about outside employment for Public Financial Disclosure Filers. BEGA would need additional funding to establish and maintain a similar database to house information about outside employment

105. In instances of a potential outside employment violation what coordination is there between BEGA and DCHR to determine whether an investigation is warranted? Does BEGA engage in active investigations or oversight in other agencies when a potential outside employment violation arises?

Response: BEGA does not coordinate with agencies on ethics investigations. Our office may Request that an agency produce documents and evidence. If a representative of the Agency is the complainant in an ethics investigation, BEGA will communicate with that Representative during appropriate parts of the investigation, as we would for all other complainants

106. Please provide detailed data on outside employment violations identified in FY24 and FY25 to date, including:
- a. The total number of violations identified;
 - b. The number of cases involving concurrent full-time employment;
 - c. The penalties imposed; and

Response: Ten out of the 13 negotiated dispositions approved by BEGA's Board in FY25 and FY26, to date, involved outside employment or other activities. Of the 10 outside employment cases, five involved overlapping outside employment (some part-time, some full-time). These matters accounted for \$37,850 in civil penalties. The Director of Government Ethics issued four ministerial fines in FY25 stemming from outside activities by employees, resulting in three public reprimands and one \$500 civil penalty.

- d. The effectiveness metrics for the new outside employment training initiative.
107. In FY 2025 and FY 2026, BEGA handled a series of outside employment violation cases involving DCPS employees DCPS employees, including matters connected to a DC government contractor, garnering significant public attention and complaint. Please provide:
- a. Operationally how BEGA responds to complaints received alleging outside employment violations;

Response: The Office of Government Ethics respond to complaints which contain allegations of outside employment violations in the same manner as it responds to other complaints

- b. The analysis for determining the scope of an investigation stemming from a complaint such as these;

Response: Outside employment investigations usually involve interviewing the complainant, gathering documents, utilizing online search databases such as LinkedIn, gathering information from the agency to determine the employee's work schedule and whether the outside

employer has any matters before the agency, interviewing and gathering documents from the outside employer, and interviewing the Respondent

- c. What training courses are specifically provided to DCPS employees with regards to outside employment opportunities; and

Response: DCPS employees are afforded the same training opportunities as other District employees, which includes the quarterly trainings, on-demand training, and training materials on the BEGA website. BEGA recommended to DCPS that outside employment rules are included in their onboarding package and annual training

- d. What steps or plans are in place going forward to ensure that District employees adhere to the rules pertaining to outside employment.

Response: BEGA continues to provide outside employment trainings on a quarterly basis and on-demand through the online, learning management system

108. Last year, BEGA reported that its jurisdiction over public charter schools is largely limited to OOG's ability to ensure Boards of Trustees adhere to the Open Meetings Act (OMA), and that its strongest recommendation is to provide OOG "meaningful enforcement authority" and the ability to seek "impactful fines," particularly because current law requires a "pattern or practice" of entering closed meetings before OOG may pursue a lawsuit:

- a. How often has the "pattern or practice" threshold prevented OOG from pursuing enforcement in cases involving willful and knowing OMA violations by charter school boards?

Response: The "pattern or practice" threshold has prevented OOG from pursuing enforcement cases involving willful and knowing OMA violations by Boards of Trustees for public charter schools ("Boards of Trustees") on many occasions. Eagle Academy Public Charter School Board's (the "Board" or "Eagle") evasion of OOG's inquiries during its investigation of the Board's alleged noncompliance with the OMA is illustrative of this. While OOG has not experienced such heightened level of difficulty in its investigations concerning allegations against most Boards of Trustees and consistent noncompliance by the said boards since Eagle's violations, the increased number of complaints against them and OOG's findings thus far, evidence the need for statutory changes to provide OOG with increased enforcement authority and the ability to seek substantial fines that will act as a deterrent from nonadherence to the District's open meetings laws. Furthermore, even though OOG received responses from forty (40) of the fifty-two (52) Boards of Trustees for public charter schools against which complaints were made in FY2025 to FY2026, there were twelve (12) Boards of Trustees that had not responded to complaints against them up to January 9, 2026. That is a very high number of evasion and non-compliance that shows the need for amendments to the OMA to provide OOG with enforcement authority where there is "willful and knowing" violation of the statute, with the ability to levy impactful finds.

J&PS Performance Oversight Responses (FY25-26)

As a background to the preceding, in FY2025 to FY2026, OOG received fifty-two (52) formal complaints (Advisory Opinions have not been issued for most) against Boards of Trustees for public charter schools. Based on OOG's investigations of the Boards of Trustees (some final and others incomplete up to January 9th because of outstanding responses), approximately three quarters of the Boards of Trustees have violated the OMA. Based on their responses or lack thereof to the complaints (twelve had not responded up to January 9, 2026), "willful and knowing" violations exceed mere ignorance of the OMA's requirements.

At the close of business on January 14, 2026, all save one Board of Trustee had responded to the complaints. The Chair of the Board, with the outstanding response, communicated with a member of OOG's staff on January 13th and stated that the response is forthcoming

1. Please identify what statutory changes BEGA would recommend to ensure OOG can pursue enforcement after a single willful and knowing violation, and what penalty structure BEGA recommends applying.

Response: OOG recommends that the Council amends the OMA to include provisions enabling OOG to bring an action before BEGA's Board or the Court against Boards of Trustees for public charter schools ("Boards of Trustees") for "willful and knowing" violation of the OMA, and where a Board of Trustees is found to be in violation of the OMA, BEGA's Board or the Court be given the authority to impose a fine of not more than One Thousand Dollars (\$1, 000.00) per violation. We propose that this sum does not increase for any subsequent violation/(s) by a Board of Trustees. The decision of when to bring enforcement proceedings before BEGA's Board and not the Court for "willful and knowing" violation of the statute would turn on whether a determination has been made by BEGA's Board that it is inundated with matters from OOG and/or the Office of Government Ethics ("OGE") and will therefore not be able to dispense with matters expeditiously.

This recommendation would not remove the current "pattern or practice" language of the OMA for violating the statute by closing meetings contrary to the law. We are confident that these statutory changes would increase compliance with the District's open meetings laws because it would provide OOG with the authority to act with greater impact on the Boards of Trustees. OOG notes that our neighbors, Maryland, Virginia, and West Virginia have adopted the standard of "willful and knowing" violations of their open meetings laws.

- b. Would BEGA recommend applying these enforcement changes to all public bodies or specifically to public charter school Boards of Trustees?

Response: OOG recommends applying the proposed enforcement changes to all public bodies, and not only Boards of Trustees for public charter schools. This is in keeping with the District of Columbia's long-standing public policy that "all persons are entitled to full and complete information regarding the affairs of [the] government and the actions of those who represent them" (D.C. Official Code § 2-572). To confine the proposed amendments to Boards of Trustees, would amount to a limitation on transparency and openness of certain public bodies.

Furthermore, BEGA recommended that these amendments be applied to all public bodies with explanation (p. 23) in its 2024 Best Practices Report.

109. BEGA recommended requiring members of DC PCSB and charter school Boards of Trustees to attend at least one OMA training per school year, and stated that OOG is offering monthly OMA trainings in FY25 and is scheduling quarterly trainings for DCPS LSATs and public charter boards:

a. How many charter school trustees and DC PCSB members completed OMA training in FY25 and FY26 to date?

Response: OOG conducted monthly OMA trainings in FY25 and FY26 (except for August and December), four (4) OMA trainings tailored for Boards of Trustees of public charter schools in FY25 and FY26, and general OMA trainings during BEGA's Ethics Week in October 2024 and 2025. Also, a member of OOG's staff presented on the OMA's meeting minutes requirements at a training facilitated by DC Public Charter School Board for Boards of Trustees chairs and members, on September 17, 2025. We have facilitated individual OMA trainings for various public bodies in FY25 and FY26 to date and provides the opportunity for public bodies to complete training at Robert's Rules of Order training portal on the District's website, where each attendee will receive a training certificate on completion. All the trainings were published. In FY25 and FY26 to date, ten (10) Boards of Trustees for public charter school members from ten Boards and two (2) DC Public Charter School Board representatives have completed OMA training specifically tailored for them. No DC Public Charter School Board member attended any of the four trainings offered in FY25 to FY26. Approximately thirty-six (36) members of Boards of Trustees and their staff attended the training facilitated by DC Public Charter School Board for Boards of Trustees chairs and members, on September 17, 2025, at which a member of OOG's staff presented on the OMA's meeting minutes requirements. OOG has requested training verification from the Boards of Trustees for public charter schools to determine how many Board members and chairs have not attended training in FY25 and FY26, and only one Board of Trustees has responded to date. Based on the response, the Board members of the latter have not completed OMA training in FY25 and FY26 to date.

b. What percentage of charter school Boards of Trustees have achieved 100% training compliance, and what follow-up steps does OOG take when a board does not participate?

Response: There is no Board of Trustees for public charter schools that has achieved one hundred percent (100%) OMA training compliance. Except for one of the ten Boards of Trustees that attended trainings in FY25 and FY26, the other Boards had one attendee each; two members from the exception Board attended one of the trainings. Thus far, in FY26 OOG has followed up via email with Boards of Trustees of public charter schools to remind them to complete at least one OMA training every school year, with instructions on the option to complete training at Robert's Rules of Order training portal. In addition, OOG keeps a list of the Boards that are found in violation of the OMA through the issuance of Advisory Opinions and are given sixty (60) days within which to complete training and does follow-up to ensure the Boards of Trustees complete OMA training in a timely

manner. Such efforts have not borne fruit and further evidences the need for amendment to the OMA to give OOG increased enforcement authority and the ability to levy meaningful fines.

- c. BEGA reported that Eagle Academy was “consistently out of compliance” with the OMA and that OOG was limited in its ability to force compliance, including making meeting records available to the public.

Response: This is correct; OOG reported on Eagle Academy’s noncompliance with the OMA and briefly highlighted the issues we encountered in our investigation of Eagle in OOG’s FY24 Performance Oversight Hearing responses. For further information, the Advisory Opinion (#OOG-2022-0007-M) issued is available [here](#).

- d. What escalation tools does OOG currently use when a charter board is repeatedly noncompliant but does not meet the “pattern or practice” threshold for closed-meeting litigation?

Response: When a Board of Trustees for public charter school is repeatedly non-compliant and does not meet the “pattern or practice” threshold for closed meeting litigation, OOG sends emails to the Board chair and vice-chair informing them of the act/(s) of non-compliance and what they must do to comply with the OMA. We also inform them of our ability to answer questions or concerns that the Board may have concerning OMA requirements. OOG has also emailed members and founders/presidents when chairs and vice-chairs are nonresponsive.

- e. How does OOG track repeat violators across public charter school boards, and does it maintain a list of boards with recurring OMA issues?

Response: OOG tracks repeat violators across Boards of Trustees for public charter schools by maintaining a list of the Boards with recurring issues. Whenever allegation/(s) against a Board has been investigated and proven, we add the name of the Board, along with the violation, and the date of the occurrence to the list. Also, OOG includes violations that are discovered on its own investigations.

- f. What additional enforcement tools, short of litigation, would BEGA recommend (e.g., mandatory corrective action orders, referral authority, penalty authority)?

Response: First, OOG reiterates its recommendation in the preceding (sub-paragraph (a)) and from BEGA’s 2024 Best Practices Report (concerning all public bodies), that the Council should amend the OMA and adopt the standard from Maryland, Virginia, and West Virginia; that is, “willful and knowing” violation of the OMA, while maintaining the current “pattern or practice” language of violating the OMA by closing meetings contrary to the statute. We propose giving not only the Court the authority (as stated in BEGA’s 2024 Best Practices Report) to levy fines of up to One Thousand Dollars (\$1, 000.00) per “willful and knowing” violation by a public body (with no increase of the amount for subsequent violation), but to also give OOG the authority to bring Boards of Trustees for public charter schools before BEGA’s Board for “willful and knowing” violation of the OMA. We further propose that enforcement actions only be brought before the Court for “willful and knowing” violation when BEGA’s Board is inundated with matters from OOG and/or OGE.

Second, we propose that OOG be accorded the authority to report Boards of Trustees that have repeatedly violated the OMA to the DC Board for Public Charter Schools and recommend that such violations be considered at the renewal of the respective Local Education Agencies' ("LEA") charter agreements.

Third, we envisage that if the DC Board of Public Charter School has a liaison from the Boards of Trustees to OOG who addresses matters such as the updating of contact information on the schools' websites (housing Boards of Trustees' information), it would be helpful for OOG to always have all the Boards of Trustees' current contact information. There are frequent changes of Board chairs and vice-chairs and their contact information, and even though OOG has informed the Boards of Trustees of the need to have current contact information on their respective schools' websites or provide us with the information, such has not been fruitful. OOG is tasked with making telephone calls to the schools of the Boards of Trustees and conducting online searches beyond the schools' and DC Public Charter School Board's websites to find current contact information for some of the Boards of Trustees' points of contact. Local School Advisory Teams ("LSAT") have a liaison who compiles the email addresses of the LSAT members, chairs, and vice-chairs. OOG's staff is provided with updated contact information from the liaison on request. The District's open meetings laws do not address the availability of current contact information for points of contact (chairs or vice-chairs) of public bodies, and where some Boards of Trustees points of contact information are not publicly available, a liaison would be helpful in ensuring OOG is able to communicate with the Boards of Trustees, thereby improving their transparency.

- g. BEGA has stated that stronger OMA enforcement authority would improve transparency for charter school boards.

Response: OOG maintains that stronger enforcement authority would improve transparency for Boards of Trustees of public charter schools. It's ability as explained at subparagraph (a) and (f) to bring action before the Court or BEGA's Board for "willful and knowing" violation of the OMA and levy fines of up to One Thousand Dollars (\$1, 000.00) per violation would act as impetuses for the Boards of Trustees to comply with the OMA. This would impress on the Boards of Trustees to be attentive to all the elements of the statute which go beyond closed/executive session requirements. This includes all the Notice of meetings, Meeting procedures, and Record of meetings requirements of the OMA.

- 110. If the Council expands OOG enforcement authority as BEGA recommends, what additional resources (staffing, litigation support, investigative capacity) would be required to implement those powers effectively?

Response: Our response to Question 92 contemplates the education-related public bodies and the additional resources needed for litigation are incorporated here by reference. In addition, as noted in prior Best Practices Reports as well as previous Performance Oversight testimony, the Open Meetings Act exempts Advisory Neighborhood Commission meetings from compliance with the OMA, even though their members are elected by the public to consider and take positions of "great weight" as to District business. Consequently, OOG is in the position of fielding constituent complaints at ANC meetings without any ability to enforce the

open meeting requirements. Accordingly, BEGA recommends that the Council make corresponding amendments to expand OOG's enforcement authority 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.

As there are forty-six (46) ANCs in the District of Columbia, this would necessitate additional resources to field complaints, investigate the merits of those complaints and publish findings, if necessary, and to advance litigation in cases that merit that process.

OOG estimates that to accommodate this expanded role, OOG would require two (2) additional attorney advisors, one (1) additional paralegal specialist and, as the Director of OOG holds conciliation authority under the OMA, one (1) trained mediator (in addition to the 3 needed for the FOIA mediation program previously addressed in this questionnaire).

111. Would BEGA anticipate needing authority to issue administrative penalties directly, or only expanded authority to seek penalties in court?

Response: Yes. BEGA's Board could be empowered to hold hearings and issue penalties, which would require an amendment to its enabling legislation. The Connecticut Freedom of Information Commission (FOIC) provides an example for how BEGA's Board could operate. If the Connecticut Open Meetings Law is violated, individuals have 30 days to file an appeal with the Freedom of Information Commission from the date it became known that the public agency had violated the law. The Commission must hold a hearing within 30 days of receiving the appeal and must decide within 60 days. The FOIC is empowered to impose civil penalties up to \$1000. The FOIC may also declare actions at the meeting void if rights were denied.

112. Inter-agency coordination for early detection of ethics concerns, and any other relevant areas within BEGA's expertise that could prevent a similar situation?

Response: When BEGA notices a pattern of unethical behavior in an agency or spots an ethics weak spot at an agency, our office drafts a letter to the Ethics Counselor or General Counsel that outlines the issue(s) and suggests agency-wide training and closer inter-agency coordination regarding training.

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

Response:

Office of Government Ethics

OGE: BEGA has consistently recommended the adoption of a Comprehensive Code of Conduct ("CCC") that would establish a single ethical standard for all District employees, whether employed by the executive branch and independent agencies or the Council, setting the same limits for gifts and the same rules for conflicts of interest, outside activity, post-employment restrictions and financial disclosures.¹

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 either 501(c)(3) or 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.

Office of Open Government

Response: With respect to open government, along with making ANCs subject to the OMA, as mentioned above, BEGA has two additional recommendations. During BEGA's FY 2023 and FY 2024 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.

Although D.C. FOIA is modeled on the federal FOIA, current District law does not have a statutory equivalent to the federal Privacy Act. D.C. government maintains a massive amount of data about individuals without the guardrail of Privacy Law that Congress imposed on the federal government. D.C. agencies collect and maintain deeply sensitive personal information without comprehensive laws about how to handle that information. At the federal level, the Privacy Act of 1974 establishes clear enforceable rules for limiting the data it can collect, requires the specification of the purpose for data collection, establishes controls for use of the data, and sets forth individual rights. The District should promulgate a privacy statute to give D.C agencies clear authority to withhold data on the basis of privacy and standardize the government's privacy rules. The District would benefit from privacy legislation in line with the federal Privacy Act.