

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
OFFICE OF OPEN GOVERNMENT



May 29, 2018

**VIA ELECTRONIC MAIL**

C [REDACTED] Barber

[REDACTED]  
[REDACTED]  
[REDACTED].com

**RE: # OOG-0006\_5.24.18 Resolution of Complaint\_COST**

Dear Ms. Barber:

The Office of Open Government (OOG), pursuant to the authority set forth in section 503(a)(2) of the District of Columbia Administrative Procedure Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-593(a)(2)), and 3 DCMR § 10400 *et seq.*, has reviewed your complaint, assigned file number OOG\_0006\_5.24.18, in which you raise the issues addressed below.

*Misconduct of OAH Employees and Cost Members.*

Your complaint names employees of the Office of Administrative Hearings and COST members that you allege have committed acts of “misconduct . . . prejudicial to the {sic} administrative of justice.” You request that the OOG report these individuals to the Office of Disciplinary Counsel. The relief you seek is beyond the OOG’s statutory mandate.

*Nullification of the July 13, 2016, COST Public Meeting.*

As was stated in response to the identical issue you raised in the Open Meetings Act complaint that was assigned as file number OOG-0002\_2.6.18,<sup>1</sup> your reliance on this provision is in error. D.C. Official Code § 2-579(d)<sup>2</sup> grants the power solely to the D.C. Superior Court to “void” the action of a public body where “the court finds that the balance of equities compels the action or the court finds that the violation was not harmless.”

---

<sup>1</sup>View 0002\_2.16.18\_ Resolution of Complaint\_COST here [https://www.open-dc.gov/sites/default/files/%23%20OOG-0002\\_2.6.18%20Redacted%20Resolution%20of%20Complaint\\_Barber.pdf](https://www.open-dc.gov/sites/default/files/%23%20OOG-0002_2.6.18%20Redacted%20Resolution%20of%20Complaint_Barber.pdf).

<sup>2</sup>The OOG “may” bring suit to enforce D.C. Official Code § 2-579. (D.C. Official Code § 2-593(b)).

For the reasons stated herein, the OOG is dismissing your complaint pursuant to 3 DCMR § 10402.2.<sup>3</sup>

Sincerely,

/s/

---

BRIAN K. FLOWERS, ESQ.  
Interim Director, Office of Open Government  
Board of Ethics and Government Accountability

Enclosure: Copy of OOG\_0006\_5.24.18

cc: Vanessa Natalie, Esq., General Counsel Office of Administrative Hearings  
[vanessa.natale@dc.gov](mailto:vanessa.natale@dc.gov)

---

<sup>3</sup> 3 DCMR § 10402.2 states, “[T]he Director will return the dismissed complaint to the requestor with an explanation of the reason(s) for the dismissal.”