



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



VIA ELECTRONIC MAIL

November 29, 2022

Email: [REDACTED]

RE: #OOG-2022-0009-M Resolution of Complaint ANC

Dear [REDACTED]:

This correspondence regards the complaint received by the Board of Ethics and Government Accountability, Office of Open Government (“OOG”) on November 21, 2022. Your complaint alleges that two Advisory Neighborhood Commissioners (“ANCs”) violated the Open Meetings Act (“OMA”) (D.C. Official Code § 2-571 *et seq.*). The Director of Open Government has no statutory authority to resolve the allegations you raise in your complaint because ANCs are excluded from the OMA. Therefore, your complaint is dismissed for the reasons stated below.

Pursuant to 3 DCMR § 10400 *et seq.*, OOG’s legal staff reviewed your complaint, assigned file number OOG-2022-0009-M, and recommended dismissal due to the threshold question of whether the Director of Open Government has jurisdiction over the public body meetings referenced in the complaint. I do not have authority over ANC meetings because D.C. Official Code § 2-574(3)(F) excludes ANCs from the definition of public bodies. I only have statutory jurisdiction over a public body’s meetings when that entity is subject to the OMA. The Advisory Neighborhood Councils Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.*), governs ANC meetings. 3 DCMR § 10403.1(a) provides that I may dismiss a complaint that “does not raise issues within the Director’s authority under the Open Meetings Act.” I must dismiss this OMA complaint because it does not raise issues under my authority. I did not consider the merits of your complaint because the threshold question of jurisdiction was not met.

I advised the Office of Advisory Neighborhood Commissions of your complaint. However, because your complaint alleges theft of government funds, the appropriate entity to consider the merits of that aspect of the complaint is the Office of Inspector General (“OIG”). I forwarded your complaint to OIG. However, you may also submit a complaint to the OIG at the following website address: <https://oig.hhs.gov/fraud/report-fraud>.

If you have any questions or concerns about this dismissal, please contact me at niquelle.allen@dc.gov.

Sincerely,

/s/

Niquelle M. Allen, Esq.
Director of Open Government
Board of Ethics and Government Accountability

Enclosure: Copy of Complaint # OOG-2022-0009-M