



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

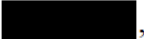


VIA ELECTRONIC MAIL

October 9, 2026



RE: Resolution of Complaint concerning whether the DC Board of Social Work conducted its January and February 2026 board meetings in compliance with the DC Open Meetings Act (D.C. Official Code § 2-571 *et seq.*) (#OOG-2026-0004)

Dear ,

The Office of Open Government (“OOG”) received your complaint regarding board meetings (“meeting” or “meetings”) of the District of Columbia Board of Social Work (“the Board”) on February 23, 2026, and assigned it reference #OOG-2026-004. (“the Complaint”).¹

As Director of Open Government, I am authorized to issue advisory opinions regarding the OMA statute and regulations (D.C. Official Code § 2-579(g)); 3 District of Columbia Municipal Regulations (DCMR) 104000 *et seq.*, upon request.² The OMA reiterates 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.”³ To support this policy, the OMA requires that its provisions be construed broadly to increase public access to public bodies’ meetings.⁴

Pursuant to 3 DCMR 10400 *et seq.*, I reviewed and assessed your Complaint. OOG’s legal staff also reviewed the Board of Massage Therapy’s (the “Board”) posted records⁵ and the Board’s response to the Complaint.⁶ In terms of the relief sought, you requested that OOG “ensure that the Board of Social Work accurately posts their meeting links on the website in the future and remains in compliance with the Open Meetings Act.”⁷

¹ Email (“Email #1 (Complaint)”), Complaint #OOG-2026-0004, “Open Meetings Act Complaint - Board of Social Work,” February 23, 2026. (“Email #1 (Complaint)”).

² See D.C. Official Code §§ 2-579(g) and 3 DCMR § 1-1162.05c.(a)(1).

³ D.C. Official Code § 2-572.

⁴ D.C. Official Code § 2-573.

⁵ Board of Social Work Agendas and Minutes, <https://dchealth.dc.gov/publication/board-social-work-agendas-and-minutes>.

⁶ Response from the D.C. Board of Social Work (“Board Response”), May 1, 2026.

⁷ *Id.*

Upon consideration of the aforementioned (detailed background below), and the investigation results, I find that the Board failed to provide complete notice by posting the incorrect meeting links online.

I. BACKGROUND

A. The Complaint

In the Complaint you indicated that you were “submitting an Open Meetings Act complaint regarding the Board of Social Work meetings on 1/26/26 and 2/23/26”⁸ where you “attempted to attend both meetings...through the meeting links shared on the Board of Social Work website on the respective attached agendas,”⁹ and that you were “not admitted to either meeting through the links... provided.”¹⁰ Further, you indicated that you “emailed the Board after the January meeting and was informed that it took place as scheduled”¹¹ and that in “the February meeting, I was in the waiting room...with 5 other attendees...I clicked on a link to notify the host and was informed that they were notified...[h]owever, I was not let into the meeting and did not receive communication from the Board.” As a result of “a colleague... email[ing] the Board and [being] provided a different link...[you were] therefore able to attend the end of the February meeting.”¹² You also assert that “[w]hile the Board acknowledged that [it would be] possible” to contact “licensees when rulemaking is in process so that they can submit comments” the Board “indicated that attending the Board meetings is the primary means for the public to learn about...important matters” and that this “[o]bviously...does not work if the Board does not accurately post meeting links.”¹³ You assert that “[a]s a result of the Board's oversight, I missed the introduction of 2 new Board members in January...and missed discussion of the Submission of ASWB Comments Regarding Amendments to 17 DCMR Chapter 70.”¹⁴

The following is a summary of the Board’s response to the Complaint.

B. The Board’s Response

OOG transmitted the complaint, and a related complaint,¹⁵ to the Board for its response per 3 DCMR 10405.2, which states in part that “[t]he Director shall transmit a complaint to the Public Body named in the complaint. The Public Body shall respond to the complaint within thirty (30) days of receiving notice of the complaint from the Director.” OOG transmitted the notice of complaint to the Board on March 30, 2026. The Board replied on Friday, May 1, 2026.¹⁶

⁸ Email #1 (Complaint).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Complaint #OOG-2026-0005, which arose out of related facts.

¹⁶ Board response.

In its response, the Board indicated that “no intentional misconduct or violations of the Open Meetings Act (OMA) have occurred.”¹⁷ It reported that while “typically [the Board] does not meet during the month of December...due to several urgent matters impacting the social work community...the Board determined that holding a December meeting was necessary...and [b]ecause this meeting fell outside our normal schedule, a new meeting link had to be created rather than using our standard meeting link... for the meeting that took place December 2025.”¹⁸

Additionally, the response states that “[b]ased on new requirements from BEGA, we are now required to keep the Open Session active when transitioning into the Closed Session...[thus] we can no longer maintain two simultaneous Board meetings...[which] created a conflict [so] [a]n alternate link was posted on the Board website for the December 2025 meeting to accommodate this change.”¹⁹

The response continues “[u]nfortunately, that alternate link was inadvertently not removed from the website...when the January 2026 and February 2026 meetings occurred...[h]owever, the correct links were included in the agendas posted on the Board website for both months.”²⁰ The board states that for the February meeting, upon request, a member of the public attempting to view the meeting “emailed [staff]...about the issue, and [was] promptly sent...the correct link,”²¹ and that the complainant “joined the meeting for the discussion in question and emailed [staff] again requesting documents, which [staff] promptly provided,”²² and that “the discussion on ASWB comments was tabled for both the January 2026 and February 2026 meetings and the meeting minutes... reflect that.”²³ Finally, the Board asserts that “this oversight was unintentional. Our goal throughout this process has been to ensure that the Board's business is addressed thoroughly and without delay.”²⁴

C. OOG's Investigation

Upon receipt of the Complaint, OOG reviewed the allegations and checked the Board's website for agendas and meeting minutes, which were posted according to OMA requirements. Subsequently, the board attorney at Department of Health was contacted to verify the availability of meeting recordings for the January and February meetings. Following receipt of the Board's response, the responses were evaluated against the allegations made in the Complaint.

I now move to discuss the questions of the OMA implications of the Board's posting of incorrect meeting links; special or additional notice for licensees; and public participation in the Board's meetings.

¹⁷ Board response, 1.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

II. DISCUSSION

A. **The posting of incorrect meeting links for an otherwise properly noticed meeting is insufficient notice to be in compliance with the Open Meetings Act.**

Under the OMA, a public body must provide advance public notice of each meeting where the public body gathers to consider, conduct, or advise on public business.²⁵ If an OMA covered meeting will be conducted electronically or virtually, this notice must explicitly include the meeting link, dial-in details, or instructions on how the public can access and observe the meeting.²⁶

The Complaint alleges that you attempted to attend the Board's January and February meetings using the links posted with the meeting agendas on the Board's website but were not admitted to either meeting.²⁷ According to the Complaint, you missed the January meeting entirely. You further allege that, despite your efforts to access the February meeting, you were not admitted and received no communication from the Board.²⁸ You were ultimately able to attend the February meeting only because a colleague provided you with the correct meeting link.²⁹

The Board's publication of incorrect access links for its virtual or hybrid meetings failed to satisfy the OMA requirement that a meeting notice include the meeting's location.³⁰ For a meeting conducted electronically, the "location" necessarily includes accurate information that enables the public to access and observe the meeting.

Based upon its investigation, review of the complaint, the Board's response, and the documentary record, OOG confirms that the incorrect access links were posted for the two meetings in January and February. This fact is undisputed. In response to the Complaint, the Board acknowledged that it failed to update the meeting link after creating a different link for an additional meeting held in December.³¹ The error was the result of the Board's failing to update the link in January and February following the creation of a meeting link for a special meeting.³² The Board nevertheless maintained that "the correct links were included in the agendas posted on the Board website for both months."³³

²⁵ D.C. Official Code § 2-576(5).

²⁶ *Id.*

²⁷ Email #1 (Complaint).

²⁸ *Id.*

²⁹ *Id.*

³⁰ D.C. Official Code § 2-576(5).

³¹ Board Response, 1-2.

³² A "special" meeting occurs outside of a public body's regular meeting schedule.

³³ Board Response, 2.

The Complaint identifies the incorrect links posted in connection with the January and February Board notices,³⁴ and the Board acknowledges those links were not updated.³⁵ OOG therefore finds that the Board posted incorrect access information for both meetings. Although the agendas may have contained the correct links, that fact does not cure inaccurate access information appearing elsewhere in the meeting notices. Conflicting links create uncertainty about how the public may access a meeting and therefore do not provide clear and complete notice as required by the OMA.

The Board's failure to remove or replace the one-time link created for the December meeting resulted in inaccurate access information remaining in the January and February notices. This error was not merely a technical or clerical defect. The Board's error impaired the public's ability to identify the virtual location of the meetings and to observe them in real time. The Board's failure to remove the one-time link for the December meeting also created confusion and was a partial lapse in providing notice of the online meeting location.

The OMA's notice and access requirements must be read together. A meeting is open under the OMA only when the public may "view or hear the meeting while the meeting is taking place...or as soon thereafter as reasonably practicable."³⁶ A notice containing an incorrect access link does not meaningfully inform the public where or how to attend the meeting. The failure to provide the correct links meant failure to provide complete notice as required in the OMA. Thus, the Board's failure to post the correct links is a violation of the OMA's "Notice of meetings" provisions because posting incorrect links is failure to provide complete notice of an OMA subject meeting.³⁷

B. The OMA does not require public bodies to provide separate or specialized notice to licensees or any particular segment of the public.

The OMA meeting notice requirement is broader than simply announcing that a meeting will occur, but it is not as specific as some public notice statutes that require publication of the full text of a proposed action. It does not, however, require the type of detailed substantive notice prescribed by statutes governing proposed rulemaking or other agency action. The OMA requires a meeting notice to identify the date, time, and location of the meeting and to include an agenda. It does not require a public body to provide individualized notice to licensees or any other particular segment of the public. Rather, the public body must post notice in its office or another location readily accessible to the public and on the website of the public body or the District government. Except for meetings of public charter school boards of trustees, meeting notices must also be published in the *District of Columbia Register* as timely as practicable.³⁸

³⁴ Email #1 (Complaint), "January link - <https://dcnet.webex.com/dcnet/j.php?MTID=mfd087c933c59af5473de9d74a850ad9b>" and "February link - <https://dcnet.webex.com/dcnet/j.php?MTID=mfd087c933c59af5473de9d74a850ad9b>."

³⁵ Board Response, 1-2.

³⁶ D.C. Official Code § 2-575(4).

³⁷ D.C. Official Code § 2-576(5).

³⁸ D.C. Official Code § 2-576(a)(2), (3), and (5).

The OMA also states that the notice “shall include an agenda, if available.” This language is important because the OMA itself does not prescribe the level of detail required in an agenda. Moreover, as described below, notice is only required to be posted on the public body’s website and at the public body’s physical meeting location.

The Complaint states that “someone asked if the Board [could] email licensees when rulemaking is in process so that they can submit comments” and that “[w]hile the Board acknowledged that this is possible...attending the Board meetings is the primary means for the public to learn about this and other important matters.”³⁹

The OMA has clear requirements for notice of meetings of public bodies:

“Notice shall be provided when meetings are scheduled and when the schedule is changed...[a] public body shall establish an annual schedule of its meetings, if feasible, and shall update the schedule throughout the year...[and]... shall attempt to provide notice as early as possible, but not less than 48 hours or 2 business days, whichever is greater, before a meeting.”⁴⁰

And “[n]otice shall be provided by posting: (A) In the office of the public body or a location that is readily accessible to the public; and (B) On the website of the public body or the District government,”⁴¹ as well as “published in the District of Columbia Register as timely as practicable.”⁴²

The OMA is specific in its requirements. The December meeting was a special meeting.⁴³ Where proper notice has been provided, there is no provision requiring email notification regarding specific matters. Here, the Board indicated that it held the December 2025 Board meeting “due to several urgent matters impacting the social work community.”

The OMA requires that all portions of meetings subject to the OMA be recorded, and that those recordings be available upon request or posted.⁴⁴ Therefore, the public may either view the meeting in real-time in person,⁴⁵ or in a hybrid or virtual setting,⁴⁶ or a recording thereof, according to the required schedule.⁴⁷

³⁹ Email #1 (Complaint). Please note, rulemaking is governed by the Administrative Procedures Act (D.C. Official Code § 2-501 *et seq.*); public notice is codified in § 2-505. Public notice and participation in rulemaking; emergency rules.

⁴⁰ D.C. Official Code § 2-576(1).

⁴¹ D.C. Official Code § 2-576(2).

⁴² D.C. Official Code § 2-576(3).

⁴³ A special meeting is an additional meeting to the normally scheduled meetings of a public body. Notice of the meeting was published in the December 12, 2025, issue of the D.C. Register, Volume 72-Number 50, on p. 013977.

⁴⁴ D.C. Official Code § 2-578.

⁴⁵ D.C. Official Code § 2-575(a)(1).

⁴⁶ D.C. Official Code § 2-575(4).

⁴⁷ D.C. Official Code § 2-578.

While the placement of the incorrect links made viewing the meeting in real-time a challenge, the Board Attorney and Chair have indicated that the recordings are available upon request but that, to date, the complainant had not asked to view the recordings.

C. The OMA does not require public bodies to ensure that the public be able to participate in all open sessions live, but rather only requires the opportunity for the public to view or hear the meeting in real-time or soon thereafter and is silent on public comment.

The Complaint alleges that incorrect meeting links caused the complainant to miss the introduction of two “new Board members in January,”⁴⁸ and the “discussion of the Submission of ASWB Comments Regarding Amendments to 17 DCMR Chapter 70.”⁴⁹ The discussion below concerns the OMA requirements concerning public access to meetings and public participation in meetings.

1. The OMA does not guarantee real-time observation or participation.

The OMA requires public bodies “take[s] 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.”⁵⁰ When a meeting is held electronically, the public body must make reasonable arrangements to accommodate the public’s right to attend or take steps reasonably calculated to provide contemporaneous access, subject to the same technological-feasibility exception.

The OMA only requires that any member of the public, including licensees, be guaranteed to see public body proceedings in real-time when they are “physically present.”⁵¹ Otherwise, the requirement is that “[a] meeting may be held by...electronic means; provided, that...[r]easonable arrangements are made to accommodate the public's right to attend...or steps are taken... reasonably calculated to allow the public to view or to hear... while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable”⁵² Public bodies may be subject to additional requirements from other statutes, Mayor’s Orders, the D.C. Municipal Regulations (DCMR), or self-imposed rules or bylaws; the Board has acknowledged that it provides for a public comment period during its meetings.⁵³

Absent any evidence of such a requirement, while the inadvertent delay of allowing the complainant and others to join the meeting at the correct link did limit their ability to observe the

⁴⁸ Email #1 (Complaint).

⁴⁹ *Id.*

⁵⁰ D.C. Official Code § 2-575(4).

⁵¹ D.C. Official Code § 2-575(a)(1).

⁵² D.C. Official Code § 2-577(a)(1).

⁵³ OOG inquiry to Board staff attorney.

meeting in real-time (*see above*), the meetings of the Board are nevertheless recorded⁵⁴ and meeting minutes were prepared,⁵⁵ thus allowing members of the public to observe and monitor the actions taken by this public body. The OMA does not require more than this. While unfortunate, a member of the public missing a specific agenda items is immaterial because the meeting recording of the conversations can be reviewed by the public.⁵⁶ Further, for the February meeting, the administrative staff provided a correct link to your “colleague” within two minutes of receiving an inquiry while the meeting was proceeding.⁵⁷

In its response, the Board indicated that “[u]nfortunately, that alternate link was inadvertently not removed from the website, when the January 2026 and February 2026 meetings occurred...[h]owever, the correct links were included in the agendas posted on the Board website for both months,” and “[p]lease know that this oversight was unintentional.”⁵⁸

The issue of specific Board agenda topics discussed in open session is not relevant to the OMA, and there is no OMA violation because the law only requires that, in a meeting held by “electronic means...provided...[r]easonable arrangements are made to accommodate the public's right to attend the meeting, or steps are taken... reasonably calculated to allow the public to view or to hear... while the meeting is taking place, or, if...not technologically feasible, as soon thereafter as reasonably practicable,”⁵⁹ as well as having access to recordings and minutes of the meeting, which is all that the OMA provides for.

Public bodies may be subject to additional access requirements imposed by other statutes, Mayor’s Orders, regulations, bylaws, or internal rules. No such additional requirement has been identified here.

2. *The OMA does not address public comment or participation.*

The OMA protects the public’s ability to observe open meetings; it does not require public bodies to allow members of the public to participate or comment. OOG has explained that when a public body voluntarily provides a public-comment period, it should administer that opportunity consistently and fairly, but disputes concerning that process generally do not establish an OMA violation.⁶⁰ The complainant refers to “miss[ing]” the “introduction of 2 new Board members” and “discussion of the Submission of ASWB Comments.”⁶¹ The OMA is silent on any requirement for public participation. OOG has advised that where a public body elects to offer any public comment

⁵⁴ The Board staff attorney provided recordings of the January and February meetings and confirmed to OOG that recordings of open sessions are provided upon request.

⁵⁵ Board of Social Work Agendas and Minutes | doh at <https://dchealth.dc.gov/publication/board-social-work-agendas-and-minutes>.

⁵⁶ Email #1 (Complaint).

⁵⁷ Email #1 (Complaint) and Board Response.

⁵⁸ Board Response, 2.

⁵⁹ D.C. Official Code § 2-577(a)(1).

⁶⁰ See OOG Advisory Opinion No. OOG-2022-0005-M, *Healthcare Workforce Task Force, Compliance with Open Meetings Act*, at 6 (Sept. 2, 2022) (<https://www.open-dc.gov/documents/hwtf-oma-advisory-opinion-final>).

⁶¹ Email #1 (Complaint).

period it “should be administered consistently and fairly.”⁶² The Board has acknowledged that it does offer a public comment period during its meetings. As stated, the OMA has no requirements relative to public comment, and so, while the posting of incorrect meeting links led to confusion regarding the proper virtual meeting space (*see above*), there is no OMA implication of any failure to be able to participate, beyond observation, in the two meetings due to the duplicated error of the incorrect meeting link.

Nevertheless, because the OMA does not guarantee a right to comment or otherwise participate, any inability to participate in the January or February meeting does not, by itself, violate the OMA. Accordingly, OOG finds no violation arising from these circumstances.

III. CONCLUSION

Based on the foregoing, I conclude that the evidence establishes that the Board posted an incorrect meeting link for the January and February meetings by reusing the link from a prior special meeting. As a result, the notices posted for those meetings did not contain accurate meeting access information and therefore failed to satisfy the OMA's notice requirements. This constitutes a violation of the OMA. I also find that one or both meeting agendas posted in connection with those meetings likewise contained the incorrect link before the complainant attempted to attend. Because the agendas formed part of the public notice for the meetings, the posting of inaccurate access information on the meeting agendas similarly constituted a violation of the OMA.⁶³

The remaining allegations do not establish OMA violations. The OMA does not regulate the substance, significance, or scope of matters discussed by a public body, nor does it require that members of the public be permitted to participate in meetings or comment on public business. Rather, the OMA guarantees the public the opportunity to observe meetings while they are taking place or as soon thereafter as reasonably practicable. Although the incorrect links created confusion regarding access to the Board's meetings, the OMA provides no separate right to participate beyond observation. Accordingly, no additional violation is established with respect to the Board's discussion of particular topics or the administration of any public comment period.

As a result of the errors with the incorrect posting of the December special meeting link, I am directing the Board of Social Work and its support staff at the Department of Health to participate in an OMA training within sixty (60) days, to be scheduled with this office.

⁶² See OOG Advisory Opinion #OOG-2022-0005-M “RE: Healthcare Workforce Task Force, Compliance with Open Meetings Act,” 6, September 2, 2022. “DOH is correct with regard to public comment: the OMA does not require any public body to allow the participation of any attendees or observers. At most, this is an internal parliamentary-procedure question; e.g., if the bylaws, or a standing order—or even just an entrenched custom—of a public body provides for a comment-period, then that segment of the meeting should be administered consistently and fairly. The concerns raised in the Complaint, which are essentially parliamentary points-of-order, cannot be contested under the OMA.”

⁶³ D.C. Official Code § 2-576(5).

Attached is a copy of the correspondence that is the substance of your complaint as well as the public body's response.

Sincerely,

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

cc: (Redacted Version to Protect Personally Identifiable Information)
Wanda Wheeler, DC Board of Social Work (DCBOSW)
Brett Bennett, Assistant General Counsel, DC Department of Health
Elaine Block, General Counsel, DC Department of Health