



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

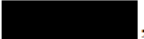


VIA ELECTRONIC MAIL

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-2026-0005)

Dear ,

On February 23, 2026, the Office of Open Government (“OOG”) received your complaint regarding the board meetings (“meeting” or “meetings”) of the District of Columbia Board of Social Work (“the Board”) that the Board convened on January 26, 2026, and February 23, 2026, OOG assigned the complaint reference #OOG-2026-005 (“the complaint”).¹

As Director of Open Government, I am authorized to issue advisory opinions regarding the OMA statute and regulations, upon request.² Pursuant to 3 DCMR 10400 *et seq.*, I reviewed and assessed your Complaint. OOG’s legal staff also reviewed the Board’s posted records³ and Response to the Complaint.⁴

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.”⁵ To support this policy, the OMA requires that its provisions be construed broadly to increase public access to public bodies’ meetings.⁶ The Director of Open Government is required to issue advisory opinions when a public body requests an opinion and may issue advisory opinions to resolve OMA complaints.⁷

¹ Emails #1-3, Complaint #OOG-2026-0004, “Re: today’s meeting,” February 23, 2026.

² See D.C. Official Code §§ 2-579(g) and § 1-1162.05c.(a)(1), 3 DCMR 10400.1.

³ Board of Social Work Agendas and Minutes, <https://dchealth.dc.gov/publication/board-social-work-agendas-and-minutes>.

⁴ Response from the D.C. Board of Social Work (“Board Response”), May 1, 2026.

⁵ D.C. Official Code § 2-572.

⁶ D.C. Official Code § 2-573.

⁷ D.C. Official Code § 1-1162.05c(1) and 3 DCMR § 10406.

Based upon OOG’s investigation, I find that the Board provided deficient notice by posting the incorrect meeting links online but responded timely to requests for clarification, permitted public comment, and acknowledged its errors without attempting to conceal them.

I. BACKGROUND

A. The Complaint

You submitted a three-part complaint to OOG on February 23, 2026. In the complaint you indicated that the “DC Board of Social Work for January 26 and February 23, 2026...meeting links...were incorrect for both meetings”⁸ and that “[w]hile this is a violation in itself, the action is particularly troubling because during both of these meetings, they discussed controversial issues that have broad popular appeal among social workers but that the board has stood against.”⁹ Additionally, you asserted that “[t]he link in the agenda was not correct...I was not the only one to join a nonexistent meeting, there were five other people in the waiting room at the incorrect agenda link,”¹⁰ “[t]he link in the agenda that I downloaded at 11am (after the open session meeting was over) is different than the one currently on the website,”¹¹ and finally that while “[s]erious mistakes can happen...the appearance of hiding the error is alarming.”¹²

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

B. The Board Response

OOG transmitted the complaint to the Board for its response pursuant to 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 until March 30, 2026. The Board replied on Friday, May 1, 2026.¹³

In its response the Board indicated that “no intentional misconduct or violations of the Open Meetings Act (OMA) have occurred.”¹⁴ 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.”¹⁵

⁸ Email #1(“Email #1”), Complaint #OOG-2026-0004, “Re: today’s meeting,” February 23, 2026.

⁹ *Id.*

¹⁰ Email #2 (“Email #2”), Complaint #OOG-2026-0004, “Re: today’s meeting,” February 23, 2026.

¹¹ Email #3(“Email #3”), Complaint #OOG-2026-0004, “Re: today’s meeting,” February 23, 2026.

¹² *Id.*

¹³ Response from the D.C. Board of Social Work (“Board Response”), May 1, 2026.

¹⁴ Board Response, 1.

¹⁵ *Id.*

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.”¹⁶

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.”¹⁷ The board states that for the February meeting, upon request by you, they provided the correct link. You indicated that you “emailed [staff]...about the issue, and [was] promptly sent...the correct link,”¹⁸ and that the you” joined the meeting for the discussion in question and emailed [staff] again requesting documents, which [staff] promptly provided,¹⁹ and that “the discussion on ASWB comments was tabled for both the January 2026 and February 2026 meetings and the meeting minutes... reflect that.”²⁰ 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.”²¹

C. The Office of Open Government’s Investigation

OOG staff reviewed the complaint, established contact with the complainant, and reviewed the materials provided. The Chief Counsel forwarded the complaint and materials to the public body for their response. Following the receipt of the Board’s response, OOG reviewed the response, meeting recordings, and agendas.

Although the complaint asserts that four other individuals were directed to the wrong location for the February meeting, OOG could only verify two: one of whom also filed a complaint regarding the links, and another referenced in the February meeting recording. Regardless of the number of individuals impacted, providing incorrect links in published meeting agendas fails to satisfy the requirement to provide the location of a meeting subject to the OMA.²² Based upon its overall review, OOG determined that incorrect meeting links were provided in the published agendas for the two meetings in question.

The discussion below addresses the OMA implications of the Board’s posting of incorrect meeting links, public comment and participation in the Board’s meetings, and allegations it attempted to conceal errors.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² D.C. Official Code § 2-576(1).

II. DISCUSSION

As an initial matter, that the Board is a public body as defined in the OMA,²³ subject to the requirements of the OMA, is stipulated by all parties, and is not in dispute.

A. The Board's posting of incorrect meeting links for an otherwise properly noticed meeting violated the notice requirement of the OMA by failing to direct attendees to the proper meeting place.

The issue is whether posting an incorrect meeting link to the online meeting location of a noticed meeting subject to the OMA is a violation of the OMA, and whether the public is prejudiced by the error in light of otherwise substantial compliance.

D.C. Official Code § 2-576(a)(5) requires a public body to provide notice of a meeting, including the date, time, and location of the meeting. For a virtual meeting, the location requirement is satisfied through electronic access information that enables the public to reach the meeting. A published link directing attendees to a different virtual meeting space does not accurately identify the meeting location and therefore fails to satisfy the location requirement.²⁴

The complaint states that the “link in the agenda...downloaded at 11am (after the open session meeting was over) is different than the one...on the website,”²⁵ and that “links in the two versions of the agenda”²⁶ led to “multiple people waiting in the waiting room for the first erroneous link.”²⁷ The Board acknowledged that an alternate link created for its December 2025 special meeting²⁸ remained posted for the January and February meetings because staff failed to update the link.²⁹ The Board stated that while “[it] typically does not meet during...December...due to several urgent matters...the Board determined that...a December meeting was necessary”³⁰ and “[b]ecause this meeting fell outside our normal schedule, a new meeting link had to be created...for the meeting that took place December 2025”³¹ and “[a]n alternate link was posted on the Board website for the December 2025 meeting to accommodate this change.”³² The parties disagree whether the correct link was provided in at least the agenda posted initially for the February 23 meeting. The complainant provided OOG with copies of the agendas with the incorrect links. The

²³ D.C. Official Code § 2-574(3).

²⁴ D.C. Official Code § 2-576(a)(5).

²⁵ Email #3.

²⁶ *Id.*

²⁷ *Id.*

²⁸ A “special” meeting occurs outside of a public body’s regular meeting schedule and is subject to all other requirements of the OMA (D.C. Official Code § 2-574(1)(A)); the Board Response states that “the Board... typically does not meet during the month of December. However, due to several urgent matters...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.” (Board Response, 1).

²⁹ Board Response, 2.

³⁰ *Id.*, 1.

³¹ *Id.*

³² *Id.*

Board states that “the correct links were included in the agendas posted on the Board website for both months.”³³

Based upon the interaction during the February meeting,³⁴ the complaint regarding the January meeting, and the available documentary evidence, it appears that the link was incorrect on both the agenda and website for January and was incorrect on the agenda but correct on the website for the February meeting. The Board indicates that “the correct links were included in the agendas posted on the Board website for both months,”³⁵ which appears to reflect the website rather than the available agendas. Whether the links were correct, based upon OOG’s investigation, the Board staff’s comments during the February recording, and as the complainant has provided copies of agendas with incorrect links,³⁶ OOG accepts that incorrect links were provided in at least one of the agendas prior to one and probably both of the meetings, and that the link on the website was incorrect for the January meeting.

Posting incorrect links for virtual or hybrids meeting is a failure to satisfy the OMA requirement to “include...location.”³⁷

While the failure to remove the one-time link for the December meeting created confusion, and was a partial lapse in providing notice of the online meeting location, the correct link for the January and February meetings was provided upon notification of the support staff by the complainant,³⁸ as well as to the OOG staff member who first followed-up on the initial email of the complaint.³⁹

Although there is no evidence of intent to misdirect the public, the OMA requires that “[t]he 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.”⁴⁰ As the complainant correctly observes, “anyone who wants to attend the monthly board meeting should be able to click on the link in the agenda and expect to join the meeting”⁴¹ Verification of all required components of notice⁴² must be considered taking “steps reasonably calculated to allow the public to view or hear the meeting while...taking place.”⁴³ The failure to verify that the link for a meeting is correct by the Board is not a question of technological

³³ Board Response, 2.

³⁴ Recording of February 23, 2026, Board Meeting, approximately between time stamps 19:07 and 21:03 minutes; <https://dcnet.webex.com/dcnet/ldr.php?RCID=0c364aa4530126c87ad6a93ea96374f1>.

³⁵ Email #3.

³⁶ Email #1 & Email #3.

³⁷ D.C. Official Code § 2-576(5).

³⁸ Response Email to [REDACTED] from the Board’s DOH support staff, “Subject: Re: today's meeting, The link to the meeting is below,” Feb 23, 2026.

³⁹ Response Email from OOG Paralegal Specialist to complaint Email #1, Feb. 23, 2026, at 12:02 PM.

⁴⁰ D.C. Official Code § 2-575(4).

⁴¹ Email #2.

⁴² D.C. Official Code § 2-576(5) requires that “[e]ach meeting notice shall include the date, time, location, and planned agenda to be covered at the meeting.”

⁴³ D.C. Official Code § 2-575(4).

feasibility,⁴⁴ so even if the public could “view or hear the meeting”⁴⁵ recording “as soon thereafter as reasonably practicable,”⁴⁶ this does not correct the error from being a violation. Substantial compliance, which in the present case is represented by the Board’s noticing the meetings and providing the other required elements of § 2-576(5), as well as promptly responding to the requests for the correct link, mitigates an conclusion of willful negligence by the Board; nevertheless, the public was prejudiced in that its ability to observe the January meeting “while...taking place”⁴⁷ was impaired, and that prejudice was only tempered in the case of the February meeting due to the proactive action of the complainant in requesting the correct link. Nothing in the identified record establishes that contemporaneous access was technologically infeasible. The Board attributes the incorrect links to an administrative failure to update its access information.

Based upon the preceding, I conclude that the Board failed to provide proper notice of its January 26, 2026, and February 23, 2026, meetings by posting the incorrect link for the online meeting space where the meeting occurred.

B. Public comment in a meeting is outside the scope of the OMA, which does not require public bodies to offer public comment periods and only requires the opportunity for the public to observe the meeting in real-time or soon thereafter.

The second issue raised by the complaint is whether, as a result of a violation of the notice requirement of the OMA, the public is further prejudiced if they miss an opportunity to hear or speak on issues raised during those meetings.

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,”⁴⁸ Here the requirement is for observation, not participation. The complaint states that the result of the initially posted, incorrect links sending up to 5 putative attendees to the wrong meeting space was “particularly troubling because during both of these meetings, [the Board] discussed controversial issues that have broad popular appeal among social workers but that the board has stood against.”⁴⁹

The OMA is silent on any requirement to allow public comment or participation. Public bodies may be subject to such requirements from other statutes, Mayor’s Orders, D.C. Municipal Regulations (DCMR), or self-imposed rules or bylaws. Here, the Board has acknowledged that it provides for a public comment period during its meetings.⁵⁰

⁴⁴ Technological feasibility could be a matter of meeting platform becoming unavailable, for example.

⁴⁵ D.C. Official Code § 2-575(4).

⁴⁶ D.C. Official Code § 2-575(4).

⁴⁷ D.C. Official Code § 2-575(4).

⁴⁸ D.C. Official Code § 2-575(4).

⁴⁹ Email #1.

⁵⁰ OOG inquiry to Board staff attorney.

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 meeting in real-time (*see above*), the meetings of the Board were recorded⁵¹ and minuted,⁵² 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. The “discuss[ion] [of] controversial issues that have broad popular appeal among social workers but that the board has stood against,”⁵³ or any other topic, is not material here because the “discussions” can be “view[ed] or hear[d]” by way of the recordings of the open portions of the meeting.

Though the OMA is silent on any requirement for public participation, OOG has advised that where a public body elects to offer any public comment period it “should be administered consistently and fairly.”⁵⁴ The Board has acknowledged that it does offer a public comment period during its meetings. Though the complaint references the issue of “controversial issues” being discussed, there is no OMA requirement at play. 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. The OMA only guarantees the ability to observe, even when a public body allows or provides for public comment.

The OMA is silent on the issue of public participation in OMA-subject meetings. The specific Board agenda topics discussed in open session are not relevant to the analysis. The Board may, and has indicated it does, allow for public comment; in fact, during the February meeting the complainant was recognized and made public comments to the Board.⁵⁵ As the public’s rights to observe, which is what the OMA specifies, was not further impaired, there thus was no additional OMA violation on the issue of board agenda items or public comment.

C. There is no evidence that the Board attempted to conceal errors regarding links.

The OMA requires that notice⁵⁶ is provided for meetings and those meetings be recorded.⁵⁷ Other than the issue of providing location as part of notice (*see above*) there is no requirement that agendas or notice be maintained as they were at time of meeting. Thus, a public body is not prevented from making corrections.

⁵¹ Board staff attorney confirmed that recordings of open sessions are provided upon request.

⁵² Board of Social Work Agendas and Minutes | doh at <https://dchealth.dc.gov/publication/board-social-work-agendas-and-minutes>.

⁵³ Email #1.

⁵⁴ *See* #OOG-2022-0005-M, RE: Healthcare Workforce Task Force, Compliance with Open Meetings Act, 6 (September 2, 2022); <https://www.open-dc.gov/documents/hwtf-oma-advisory-opinion-final>.

⁵⁵ Recording of February 23, 2026, Board Meeting, approximately between time stamps 23:22 and 25:34 minutes, and again between 30:00 and 32:10 minutes; <https://dcnet.webex.com/dcnet/ldr.php?RCID=0c364aa4530126c87ad6a93ea96374f1>

⁵⁶ D.C. Official Code § 2-576.

⁵⁷ D.C. Official Code § 2-578.

The complaint states that “[t]he link in the agenda that I downloaded at 11am (after the open session meeting was over) is different than the one currently on the website...[p]lease see the links in the two versions of the Agenda,”⁵⁸ and “[s]erious mistakes can happen, but the appearance of hiding the error is alarming, which is why I have added Dr. Bennett to this thread.”⁵⁹ 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.”⁶⁰ The DC Health support staff provided a quick response to inquiries regarding the correct meeting link, and the links are clearly different.

The second consideration concerning the correction of the meeting links is whether the notice, which includes the agenda and specification of location, was timely. The Board voted to approve the meeting agenda.⁶¹ Subsequently, they voted to approve the minutes of the January 26, 2026, meeting.⁶² The Board attorney noted that there was a comment in the online meeting chat from the complainant which addressed meeting materials and the incorrect link.⁶³ In response, the Board Staff Assistant stated that the correct meeting link had been updated on “the [Board’s] website” subsequent to the January meeting.⁶⁴ The complainant was recognized and indicated that there were “four other people” also in the incorrect waiting room. The Board staff also recognized a posted comment by another attendee regarding the incorrect link on the posted agenda. The Board acknowledged the feedback and apologized for the issues.⁶⁵ The meeting record does not indicate precisely when the agenda was revised.

When the Board asked for public comment, the complainant stated that, having missed the earlier initial portion of the meeting, they wished to review the meeting materials and reiterated difficulties caused by the incorrect January and February meeting links. The Board Attorney then explained the timeline and process regarding the rulemaking under discussion, including opportunities to comment and how to receive the rulemaking notice.⁶⁶

OOG compared the agenda versions supplied by the complainant with the versions available on the Board’s website. Although differences exist between the versions, OOG found no evidence that revisions were intended to conceal the erroneous carryover of the December meeting link to the January and February meeting agendas. The Board responded to the issue during the meeting,⁶⁷ later acknowledged the underlying error, provided an explanation for how it occurred,⁶⁸

⁵⁸ Email #3.

⁵⁹ *Id.*

⁶⁰ Board Response, 2.

⁶¹ Recording of February 23, 2026, Board Meeting, approximately between time stamps 3:31 and 4:28 minutes; <https://dcnet.webex.com/dcnet/ldr.php?RCID=0c364aa4530126c87ad6a93ea96374f1>.

⁶² *Id.*, approximately between time stamps 7:04 and 8:04 minutes.

⁶³ *Id.*, beginning at approximately time stamp 19:11 minutes.

⁶⁴ *Id.*, approximately between time stamps 19:44 and 19:47 minutes.

⁶⁵ *Id.*, approximately between time stamps 19:48 and 21:01 minutes.

⁶⁶ *Id.*, approximately between time stamps 23:32 and 29:32 minutes.

⁶⁷ *Id.*, approximately between time stamps 3:31 and 4:28 minutes.

⁶⁸ Board Response, 1-2.

and promptly responded to requests for access. A Board may amend or correct its agendas so long as it follows its own established rules and procedures.

OOG's investigation does not support the conclusion that the Board attempted to conceal evidence of the mistaken carry-over of the incorrect December link on the agendas for January and February meetings. Thus, the OMA Board's actions to remedy the error and amend the record did not violate the OMA.

III. CONCLUSION

Based on the foregoing, I find that the Board is a public body which falls within the OMA's definition of a public body, and its scope and purpose constitute public business under the OMA. While the posting of an incorrect meeting link constituted deficient notice, OOG finds that the violation was technical in nature and did not substantially impair public access because the correct link was provided upon request, recordings were maintained, and the complainant was ultimately able to observe the meeting.

The Board acknowledges that the December special meeting link was incorrectly posted on the Board website for the January and February meetings, which substantiates the complaint's assertion and evidence that the links posted on the website were wrong. This is a violation of the OMA in that it meant that proper notice was not posted for those meetings.

The Board asserts that the "agendas posted on the...website for both months" were "correct,"⁶⁹ which is contradicted by the copies of the agendas provided as part of the complaint.⁷⁰ As a finding of fact, I conclude that one or both of the agendas posted as required for notice⁷¹ had the incorrect link prior to your effort to join the two meetings. Again, even as a result of a good-faith correction, this was a violation of the OMA in that proper notice, specifically location, was not posted for those meetings.

The issues of the topics discussed by the Board, and their relative significance, are beyond the scope of the OMA. The OMA only seeks to guarantee the ability to observe a meeting "while the meeting is taking place, or...as soon thereafter as reasonably practicable," without regard to the relative significance of the public business⁷² conducted.

Finally, there is no evidence that correcting the links represented a deliberate effort to conceal an error. Although OOG finds no evidence of intentional misconduct, the recurrence of the same notice error at two consecutive meetings reveals deficiencies in compliance procedures. Accordingly, OOG finds remedial training appropriate. As a result of the errors with the meeting

⁶⁹ *Id.*, 2.

⁷⁰ Email #3.

⁷¹ D.C. Official Code § 2-576(5).

⁷² D.C. Official Code § 2-574(1)(A).

links, 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.

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: Wanda Wheeler, DC Board of Social Work (DCBOSW)
Brett Bennett, Assistant General Counsel, DC Health
Elaine Block, General Counsel, DC Health