



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



August 28, 2026

VIA ELECTRONIC MAIL



RE: Complaint Concerning Condominium Association Advisory Council's Compliance with the Open Meetings Act (#OOG-2026-0007)

Dear [REDACTED]:

This correspondence concerns your Complaint which was forwarded from an Office of Administrative Hearings employee to the Office of Open Government ("OOG"), Board of Ethics and Government Accountability ("BEGA") on April 13, 2026, which alleged that you did not locate a website or any quarterly meetings for Condominium Association Advisory Council ("CAAC"). You requested an operable weblink to CAAC's website, or alternatively, the contact information of the current CAAC members.¹ OOG reviewed the complaint, assigned it file number OOG-2026-0007, and a review of the matter was undertaken pursuant to 3 DCMR § 10400 *et seq.*

OOG examined whether the CAAC violated the District of Columbia Open Meetings Act (OMA)² or other District law when it failed to meet or otherwise provided information to the public regarding its operations or meetings. As a result of its investigation, OOG found that the CAAC is not currently constituted with the statutorily required active members and is not meeting for that reason. CAAC's failure to meet is a violation of its enabling statute's requirements,³ but the OMA does not provide an affirmative duty to meet, so CAAC's nonmeeting does not violate the OMA. For the reason set forth below, OOG must dismiss this matter.

¹ Email from [REDACTED] dated April 11, 2026, forwarded by staff member of Office of Administrative Hearings to OOG on April 13, 2026.

² D.C. Official Code § 2-571 *et seq.*

³ D.C. Official Code § 42-1903.08a(e).

I. BACKGROUND

CAAC's enabling legislation established this public body on April 7, 2017.⁴ The legislative history reveals that the purpose of the CAAC is to serve as an advisory body to the Mayor, the Council, and District agencies on matters relating to condominiums located in the District.⁵ The DC Department of Housing and Community Development (DHCD) is the agency designated to serve as CAAC's administrator. OOG's investigation revealed that the CAAC has existed legally since April 7, 2017, and at least one appointment was made.⁶ OOG's DC.GOV website audit in 2021 also revealed that the public body was not operating at that time.⁷ Further, DHCD's 2021 statement in its Council of the District of Columbia public oversight hearing responses confirms that CAAC had never met. It states: "[t]he Condominium Association Advisory Council has never met because it does not have an established quorum."⁸

Nothing in the subsequent public record indicates that CAAC later became operational. OOG's recent search did not locate a website for CAAC, as of the date of this opinion. DHCD Chief of Staff Naima Chambliss' May 4, 2026, response to your redacted (for personal identifiable information) Complaint, dispatched to CAAC's point of contact on April 14, 2026, confirmed that the CAAC is not presently constituted with active members and there have not been any meetings, agendas, and minutes. OOG staff's latest investigation did not reveal a website for CAAC, an annual meeting schedule, or any evidence of a constituted public body that held a meeting.

II. DISCUSSION

The OMA governs how a public body must conduct, notice, document its meeting, and provide public access to open session records. The OMA does not impose a general requirement that every board or commission meet monthly, quarterly, or at any other interval. The OMA is triggered by a public body's "meeting," which is a gathering of a quorum at which members consider, conduct, or advise on public business.⁹ The OMA requires covered meetings to be open, properly noticed, and recorded, but it does not independently require a public body to convene. Therefore, if a public body has not met because it has no pending business, the absence of a meeting is not an OMA violation. If the public body is not meeting because it lacks members or a quorum, as is the case here, the vacancies themselves do not automatically create an OMA violation. Without a quorum, there ordinarily is no statutory "meeting," and the body cannot transact official business, so the OMA does not apply. The public body must not

⁴ D.C. Law 21-241. Condominium Owner Bill of Rights and Responsibilities Amendment Act of 2016.

⁵ D.C. Official Code § 42-1903.08a(a).

⁶ Former Councilmember Brandon Todd appointed a CAAC member in 2019:

<https://www.facebook.com/CMBrandonTodd/posts/this-afternoon-i-swore-in-ward-4-resident-shannon-jones-to-serve-on-the-dc-condo/1454397101428811/>.

⁷ OOG's 2020-2021 DC.GOV website audit did not reveal that CAAC had a website or published its meetings on OOG's Central Meeting Calendar: <https://www.open-dc.gov/documents/foia-and-oma-audit-results>.

⁸ See DHCD's Question 34 response on Page 14 of its "FY20-FY21 YTD Pre-Hearing Responses":

<https://dccouncil.gov/wp-content/uploads/2021/03/Performance-Oversight-FY2020-FY2021-DHCD-Pre-Hearing-Responses-.pdf>.

⁹ D.C. Official Code § 2-574(a).

intentionally keep attendance below a quorum to avoid the OMA.¹⁰ There is no evidence that CAAC's shortage of members is intentional to avoid the OMA.

However, CAAC has an affirmative statutory duty to hold at least four meetings each year at a public location pursuant to its enabling statute. Failure to satisfy that requirement violates D.C. Code § 42-1903.08a(e). The public body's failure to meet because it cannot reach a quorum or does not have active members is a violation of CAAC's enabling statute and not an OMA violation. Mere absence of a public body's meeting, without more does not trigger the OMA. However, pursuant to D.C. Official Code § 2-576(a)(1) a public body violates the OMA if it does not hold a publicly noticed meeting and for which cancellation notice was not timely published in like manner as the first notice.¹¹ While CAAC is a public body subject to the OMA, the absence of a website, meeting notices, recordings and the like, since 2017, provide strong evidence that this public body is nonoperational and has not held any meetings. Thus, the OMA is not triggered in this case.

A shortage of appointed members may explain the inactivity, but the CAAC enabling statute contains no vacancy or quorum exception to the four-meeting requirement. The remedy to the issues complained of are therefore operational and not ones that the OMA provides. OOG's enforcement authority under D.C. Official Code § 2-579 does not extend to enforcing the meeting frequency mandate located in the CAAC's enabling legislation or the statutory obligation to appoint CAAC members. Enforcement of those separate mandates are most appropriately pursued through DHCD, the Mayor's Office of Talent and Appointments (MOTA), and the Council of the District of Columbia's appointing authorities.

III. CONCLUSION

CAAC's enabling statute requires at least four open meetings at a public location each year. A completed annual period with fewer than four qualifying meetings is statutory noncompliance, and the enabling statute contains no exception for the CAAC vacancies. This is not an Open Meetings Act violation. Rather, such inaction violates the requirements of a District of Columbia statute, which OOG is not authorized to enforce.

Therefore, pursuant to 3 DCMR § 10405.2, OOG has determined that the action complained of does not violate the OMA because this public body is inactive and has not convened to consider, conduct, or advise on public business. The allegations of not locating an operable weblink and quarterly meetings for CAAC do not violate the OMA because Chief of Staff Chambliss' response, in part, is that the CAAC is not presently constituted with active members and there have not been any meetings, agendas, and minutes and OOG staff's investigation did not reveal a website for CAAC. Your Complaint is dismissed pursuant to 3 DCMR § 10403.1(b), and OOG therefore considers this matter closed.¹² Attached is a copy of

¹⁰ D.C. Official Code § 2-575(e).

¹¹ D.C. Official Code § 2-576(a)(1), "Notice shall be provided when meetings are scheduled and when the schedule is changed ... A public body 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."

¹² 3 D.C.M.R. § 10403.1 ("The Director [of Open Government] may dismiss a complaint on one or more of the following grounds: . . . (b) The action complained of does not violate the [OMA]").

your Complaint.¹³

MOTA is the appropriate entity to address the issue of CAAC being an inactive public body. MOTA Director Steve Walker is provided a copy of this Advisory Opinion for awareness and to take whatever action he deems necessary to resolve the issue. Also, The Honorable Robert C. White, Jr., Chairperson, Committee on Housing, Council of the District of Columbia is provided with a copy of the Advisory Opinion for awareness.

Sincerely,



Niquelle M. Allen

Director of Open Government

CC:

Via Electronic Mail

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¹³ See 3 DCMR § 10403.2.