

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
OFFICE OF OPEN GOVERNMENT



November 18, 2019

**VIA ELECTRONIC MAIL**

Ms. [REDACTED] Barber  
[REDACTED] Road  
Laurel, MD 20724  
[REDACTED]@aol.com

RE: Resolution of Complaint Concerning the Commission on Selection and Tenure of  
Administrative Law Judges of the Office of Administrative Hearings  
Complaint #OOG-2019-0008-M

Dear Ms. Barber:

The Director of Open Government, pursuant to 3 DCMR § 10400 *et seq.*, assessed your Open Meetings Act (“OMA”) complaint that you submitted to the Office of Open Government (the “OOG”) on September 26, 2019. The complaint requested that the OOG investigate the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (“COST”), for a violation of the OMA, which allegedly occurred on July 13, 2016.

Your OMA complaint alleges that COST changed the start time of its July 13, 2016 meeting without providing public notice of the change. Attached to the complaint was a July 13, 2016 redacted email which you alleged documented the lack of public notice. The complaint stated that you first became aware of this email on September 9, 2019.<sup>1</sup> You requested that I “[V]acate all actions taken at the July 13, {sic} 2019 meeting.” On September 27, 2019, you emailed the OOG a June 29, 2017 COST meeting transcript and a second redacted email to support your complaint. On October 9, 2019 you emailed additional information to the OOG to support your complaint<sup>2</sup>. COST responded to the complaint on November 12, 2019.

The resolution of your previous complaint was issued on September 19, 2019. It included a finding that complaints alleging COST violated the OMA on July 13, 2016 were time

---

<sup>1</sup> The complaint erroneously stated September 9, 2019 as the date of the alleged OMA violation. This is not possible since July 13, 2016 is the date of meeting in question.

<sup>2</sup> The redacted July 13, 2016 email was also attached to the October 8, 2019 correspondence.

barred.<sup>3</sup> Since the instant complaint alleged COST violated the OMA on July 13, 2016, my September 19, 2019, finding is applicable. Therefore, I will not re-visit your allegation that COST violated the OMA on July 13, 2016, because it is time barred.

For the reasons stated herein, and pursuant to the OOG's regulations, the matter is dismissed, and a copy of your complaint is being returned to you.<sup>4</sup>

Sincerely,

/s/

NIQUELLE M. ALLEN, ESQ.  
Director of Open Government  
Board of Ethics and Government Accountability

Enclosure: Copy of #OOG-2019-0008-M

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

---

<sup>3</sup> See Footnote 3 in the Resolution of Complaint issued September 19, 2019 here: <https://www.open-dc.gov/sites/default/files/Complaint%20%23OOG-2019-0006-M%209%2019%202019.pdf>.

<sup>4</sup> 3 DCMR 10403.2 provides, “[T]he Director shall return a dismissed complaint to the Complainant with an explanation of the reason(s) for dismissal.”