

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**



COUNCIL OF THE DISTRICT OF COLUMBIA

PUBLIC HEARING

**AGENCY PERFORMANCE OVERSIGHT HEARING
FISCAL YEAR 2025-2026**

**Testimony of Niquelle M. Allen, Esq.
Director of Open Government
Board of Ethics and Government Accountability
(For the Record)**

**Wednesday, January 28, 2026
9:30 a.m.
1350 Pennsylvania Avenue, N.W.
Council Hearing Room 500 (Track A)
Washington, D.C. 20004**

Introduction

Good morning, Chairwoman Pinto and members of the Committee. I am Niquelle Allen, Director of Open Government and I lead the Office of Open Government (OOG), an office housed within the Board of Ethics and Government Accountability (BEGA). Thank you for the opportunity to update you on OOG's performance and priorities.

Our mission is simple but critical: to ensure the District of Columbia government operates openly, transparently, and accessibly. We do this primarily by enforcing the **Open Meetings Act (OMA)** and advising on compliance with the **District of Columbia Freedom of Information Act (D.C. FOIA)**, the cornerstone laws that guarantee public access to meetings and records.

OOG plays a critical role in ensuring that our government operates transparently, accountably, and in full view of the public it serves. Through oversight, education, advisory opinions, training, and public engagement, the Office has helped strengthen trust between District residents and their government by making transparency real, accessible, and enforceable.

Over the years and especially in 2025, the Office has made meaningful contributions to open government in the District. Our work has clarified legal obligations under the Open Meetings Act and FOIA, improved compliance across boards, commissions, and agencies, and empowered residents to understand and exercise their rights to information and participation. These efforts have not only increased transparency on paper but improved how government functions in practice.

I want to specifically commend the legal and administrative staff of the Office of Open Government. Their professionalism, responsiveness, and subject-matter expertise are the backbone of this agency. In 2025, they handled a significant volume of inquiries, trainings, advisory opinions, and enforcement matters with care, rigor, and timeliness often under challenging conditions. Their commitment to public service and to the principles of open government never wavered.

There is no question that 2025 was a demanding year for government transparency in the District. Agencies faced increased complexity, heightened public scrutiny, and evolving legal and operational pressures. Yet the Office of Open Government rose to the occasion. We met these challenges head-on by providing clear guidance, steady leadership, and a consistent reminder that transparency is not optional, it is foundational to good governance.

OOG remains committed to continuous improvement, collaboration with agencies and the Council, and ensuring that transparency remains a lived value in the District of Columbia. I am proud of the work accomplished, grateful for the dedication of our staff, and confident that the Office of Open Government will continue to serve as a trusted guardian of open government for the residents of the District in FY 2026 and beyond.

OOG's Core Responsibilities

Under BEGA's enabling legislation, OOG:

- Issues advisory opinions on OMA compliance;
- Provides training for public bodies and staff;
- Promulgates rules to implement the OMA;
- Enforces the OMA through litigation when necessary.

We also advise on D.C. FOIA implementation and train FOIA Officers in coordination with the Executive Office of the Mayor. Additionally, we assist Advisory Neighborhood Commissioners (ANCs) and the public to ensure fair and accessible records processes. In short, OOG advances transparency through **guidance, training, monitoring, and enforcement**.

Performance Highlights: FY2025 and FY2026 to Date

Our recent work reflects a strong commitment to monitoring compliance and educating stakeholders.

Advisory and Compliance

- **FOIA Advice:** In FY2025, OOG received 79 informal and 3 formal requests for advice regarding compliance with FOIA. In FY 2026, to date, OOG received 47 informal requests and 1 Formal request for advice regarding FOIA. The majority of complaints/inquires regarding FOIA concern the time in which an agency responds to the request – agencies are late or do not respond. OOG released 3 FOIA Advisory Opinions in FY 2025, on FOIA Appeals, FOIA extensions, and the use of the FOIA portal.
- **OMA Advice:** OOG received and processed 29 requests for informal OMA advice in FY 2026, to date. OOG received 125 requests for informal OMA advice in FY 2025. In FY 2025, OOG received 16 OMA complaints and in FY 2026, to date, OOG received 4 OMA complaints. OOG issued 11 OMA Advisory Opinions in FY 2025, and issued 5 OMA Advisory Opinions in FY 2026, to date.
- **Meeting Monitoring:** OOG attended 185 public meetings in FY2025 and 28 so far in FY2026, taking corrective action in 28 and 2 instances respectively. The most common violation: failure to post detailed agenda pursuant to the regulations.

Training and Outreach

- **Training Sessions:** In FY2025 OOG conducted 18 OMA training courses and 11 FOIA training courses reaching 1,313 trainees; in FY2026 to date, OOG conducted 12 OMA training courses and 3 FOIA training courses reaching 633 trainees.

- **FOIA Webinar Series:** Annual training for FOIA Officers ensures compliance with statutory requirements.
- **Community Engagement:** BEGA hosted Ethics Week and OOG participated in open government panels, reinforcing our role as a transparency leader.

Priorities for FY2026

Looking ahead, OOG will:

1. **Advocate for stronger open meetings and records laws** to build public trust.
2. **Expand monitoring and audits** of public body compliance.
3. **Increase outreach and training**, both in-person and virtual.

We have also hired a Trial Attorney dedicated to OMA compliance. The OOG Attorney Advisor dedicated to education-related public bodies will continue to tailor OMA compliance programs for Local School Advisory Teams and Public Charter School Boards.

OOG's website is in dire need of updating. We will continue to advocate for adequate funding to support this valuable community resource.

Legislative Recommendations

To strengthen transparency, we urge the Committee to consider the following legislative action:

1. **Permanent Remote Access:** Make pandemic-era provisions for virtual meeting access permanent and allow public bodies to stream live/contemporaneous meetings virtually.
2. **Transparency Commission:** Establish an expert commission to modernize FOIA and OMA, which have not kept pace with technology or demand.
3. **Include ANC's under OMA:** ANC meetings should be subject to OMA, enabling OOG to provide oversight and training.
4. **Enhanced Enforcement:** Increase OMA fines to \$1,000 per violation, apply them to all violations, and allow recovery of litigation costs. Change the standard from "pattern and practice" to "willful violation" of the OMA.
5. **FOIA Ombudsman Role:** Authorize OOG to mediate FOIA disputes, reducing backlogs and costly litigation and make OOG's FOIA opinions binding.
6. **Revise FOIA Administrative Appeals:** Consider transferring final administrative appeals authority to the Office of Administrative Hearings (OAH) or give OAH and the Mayor's Office of Legal Counsel co-equal final administrative appeals authority.

Conclusion

The Office of Open Government a trusted government resource at a time when the need for transparency is greater than ever. Public confidence depends on open meetings and accessible records, and OOG stands ready to meet that challenge. At a time when transparency was tested across the District, the Office of Open Government delivered. We held the line on accountability, supported lawful decision-making, and ensured the public's right to know was not diminished. Despite 2025 being a challenging year for the public trust, the Office of Open Government served as a stabilizing force for government transparency.

I thank my dedicated team for their commitment and thank you, Chairwoman Pinto, for the opportunity to testify. I am happy to answer any questions.