



ETHICS WEEK 2026

TRANSITIONING ETHICALLY

OCTOBER 13-16, 2026



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ETHICS WEEK 2026

TRANSITIONING ETHICALLY

OCTOBER 15, 2026



Overview of Recent FOIA and OMA Advisory Opinions and Advice

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The Basics

- Definitions
- Roles
- Statutes,
Regulations &
Authorities



OUR ROSETTA STONE

BEGA – Board of Ethics and Government Accountability (BEGA)

OOG – The Office of Open Government

MOLC – The Mayor’s Office of Legal Counsel

DCMR – D.C. Municipal Regulations

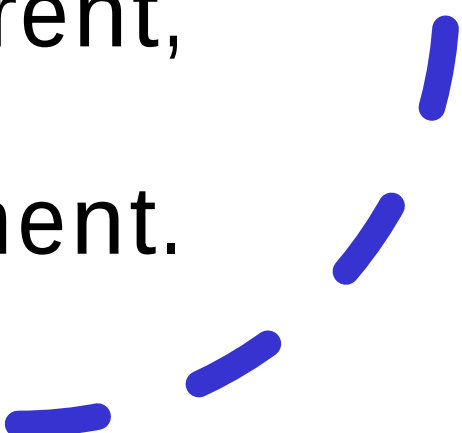
OMA – The Open Meetings Act

DC FOIA – The D.C. Freedom of Information Act

A.O. – Advisory Opinion



The Office of Open Government (OOG)

- OOG is an office within the Board of Ethics and Government Accountability (BEGA) charged with advancing open governance in D.C. OOG's mission is to ensure that government operations at every level are transparent, open to the public, and promote civic engagement.
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The Office of Open Government (OOG)

- OOG ensures compliance with District of Columbia Open Meetings Act, which requires that all public bodies gathered to consider, conduct or advise on public business take all official action during public meetings and provide proper notice and detailed records of their meetings. Public bodies subject to the DC Open Meetings Act include any government council, the Council of the District of Columbia, boards, commissions and boards of directors of instrumentalities, and advisory boards; not the Mayor's Cabinet, courts, or Advisory Neighborhood Commissions (ANCs).

The Office of Open Government (OOG)

- Any member of the public may notify OOG of a violation of the OMA. OOG has the authority to bring suit in the Superior Court of the District of Columbia against any public body (except the Council of the District of Columbia) which fails to comply with the OMA. Enforcement ranges from injunctive relief to fines of up to \$500 per violation.

The Office of Open Government (OOG)

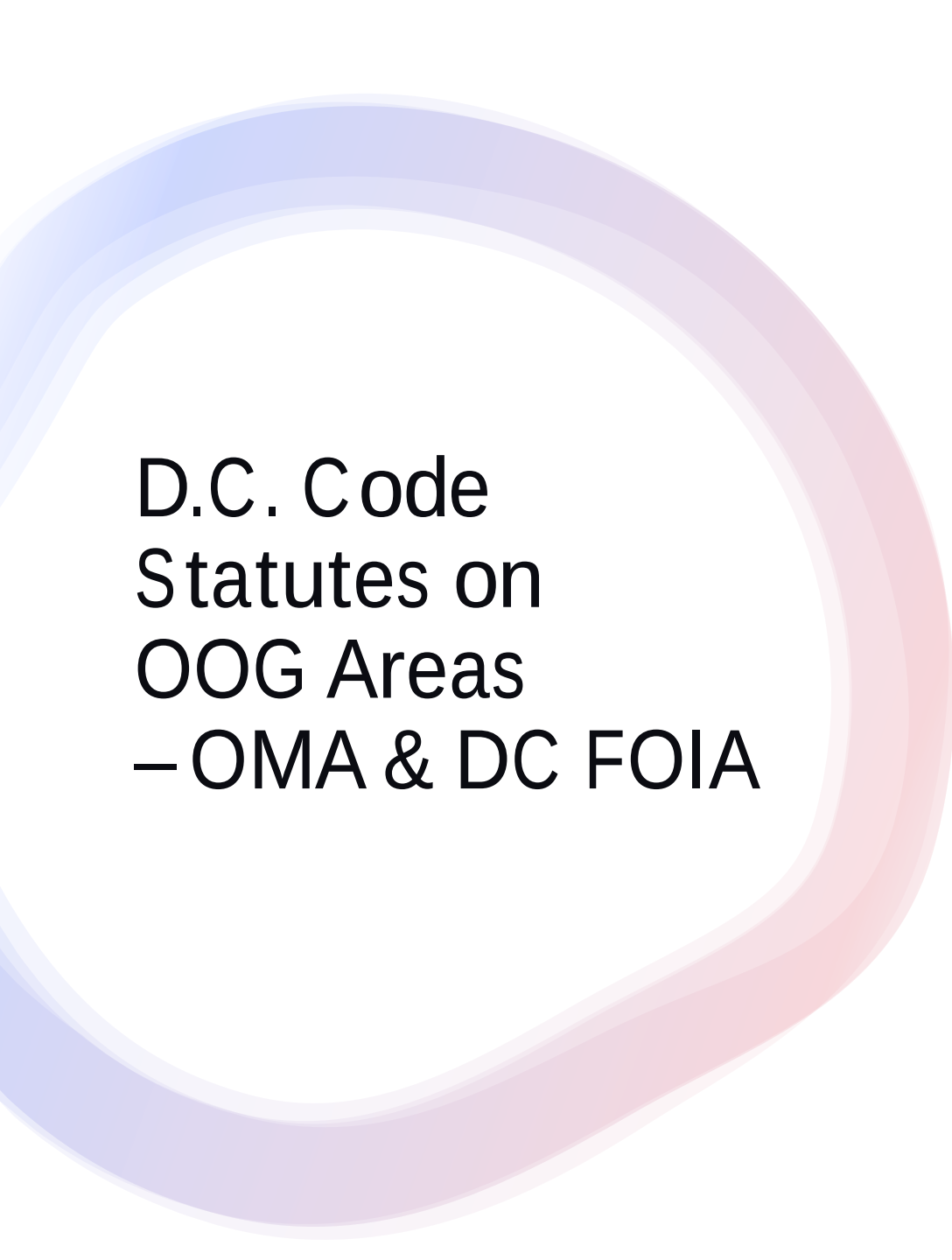
- OOG advocates for fair and efficient DC Freedom of Information Act (DC FOIA) processing, incl. providing advice on the implementation of DC FOIA. OOG provides the District's FOIA Officers with advice and guidance, upon request, and provides formal and informal advice to agencies seeking guidance on compliance, as well as issuing advisory opinions on DC FOIA issues in response to inquiries and assisting the public in filing DC FOIA requests.

Office of Open Government – OMA & DC FOIA

D.C. Official Code § 1–1162.05c. Director of Open Government.

Paraphrased, the Director of Open Government shall:

- (a)
 - (1) **Issue advisory opinions pursuant to the OMA**
 - (2) **Provide training** related to the OMA; and
 - (3) **Issue rules** to implement the provisions of the OMA.
- (b) OOG may **bring suit to enforce** the OMA.
- (c)
 - (1) If an advisory opinion regarding the OMA is issued by the Director of Open Government pursuant to a request for an advisory opinion, the requesting employee or public official may appeal the opinion for consideration by the Board.
 - (2) If the Director of Open Government issues an advisory opinion regarding the OMA on his or her own initiative, any person aggrieved by the opinion may appeal the opinion for consideration by the Board.
- (d) OOG may **issue advisory opinions on the implementation of D.C. FOIA.**



D.C. Code Statutes on OOG Areas – OMA & DC FOIA

- Both part of
 - Title 2. Government Administration
 - Chapter 5. Administrative Procedure.
 - The Open Meetings Act
 - D.C. Official Code §§ 2-571 – 2-580
 - The (D.C.) Freedom of Information Act
 - D.C. Official Code §§ 2-531 – 2-540

Regulations

District of Columbia Municipal Regulations (DCMR)

- Chapter 104 (Office of Open Government) to Title 3 (Elections and Ethics)
 - The Open Meetings Act
 - 3 DCMR 10400 et seq.
- Chapter 4 (Freedom of Information) to Title 1 (Mayor and Executive Agencies)
 - The (D.C.) Freedom of Information Act
 - 1 DCMR 400 et seq.



Persuasive Authority – FOIA & DC FOIA

D.C. FOIA

- DC FOIA was modeled on the corresponding federal Freedom of Information Act (“FOIA”) (5 U.S.C. § 552).
 - *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987).
- Decisions construing the federal statute are instructive and may be examined to construe the local law.
 - *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

Advice & Advisory Opinions (A.O.s)

OOG receives an inquiry (online submission; email; phone call, etc.)

Matter reviewed by Chief Counsel and determination is made whether it is brief advice, an Advisory Opinion (A.O.), or other.

Assigned to a member of the OOG Legal Team for investigation.

If an A.O., all relevant parties are contacted, legal authorities reviewed, etc.

Matter is researched, reviewed and sent to Chief Counsel for further review, and ultimately goes to the Director.

Director reviews, makes determination(s), and issues A.O.

+ FY26+/- Open Mts. Act (OMA) +
• Advice & Advisories •

OMA A.O.
#OOG-2026-0007
Condominium
Association
Advisory Council
August 28, 2026

- Complaint alleged that Complainant could not locate a website or any quarterly meetings for Condominium Association Advisory Council (“CAAC”) and requested an operable weblink to CAAC’s website, or alternatively, contact information of current CAAC members.
- Director Allen determined the action complained of does not violate the OMA because:
- CAAC is inactive, and has not convened to consider, conduct, or advise on public business.

(cont.)

(cont.) OMA A.O.
#OOG-2026-0007
Condominium
Association
Advisory Council
August 28, 2026

- Complaint dismissed pursuant to 3 DCMR §10403.1(b) because OOG's enforcement authority under the OMA (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.
- OOG's investigation also revealed that CAAC had not met since its creation in 2017. However, non-meeting does not violate the OMA.
- Director Allen determined that enforcement of those separate mandates are most appropriately pursued through DHCD, MOTA, and the Council's appointing authorities.

OMA A.O.

#OOG-2026-0006

D.C. Pedestrian
Advisory Council
August 27, 2026

- Complaint dismissed pursuant to 3 DCMR § 10403.1(a). because issues complained of were not within Director's jurisdiction.
- Complaint concerned the D.C. Pedestrian Advisory Council and the conduct of an individual thought to be a member of the Council.
- OOG determined the organization in question was not the Ped. Adv. Council, but rather a private entity, thus not a public body and not subject to the OMA.

OMA A.O.
[#OOG-2026-0014](#)
Complaint
Regarding ANC
Meetings
August 26, 2026

- Director Allen dismissed this Open Meetings Act complaint against two Advisory Neighborhood Commissions (ANC) because they did not raise issues within the Director's authority under the OMA.
- ANCs are not considered public bodies under the OMA, so the Director of Open Government does not have jurisdiction over the conduct of ANC meetings.
- Dismissal did not consider or evaluate the merits of the complaint against the ANCs.

OMA A.O.

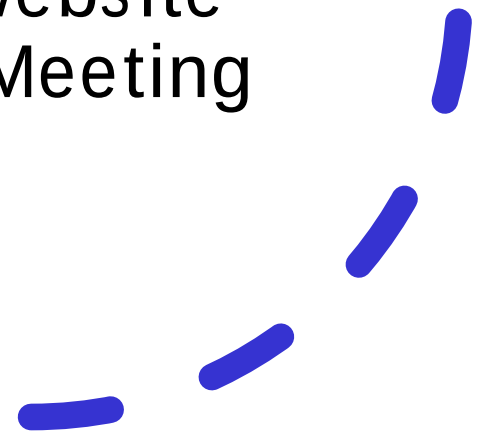
[#OOG-2025-0036](#)

Bd. of Trustees
Monument Acad.
Pub. Ch. Sch.

August 24, 2026

- Complaint alleged that Monument Academy Public Charter School Board failed to post an annual schedule of its meetings, meeting links, dates, times, and location, and specific meeting minutes.
- Director Allen found that Monument Academy PCSB violated the OMA by failing to publish its meeting notices on the Public Charter School's website and/or the District's Central Meeting Calendar ("CMC").

(cont.)



(cont.) OMA A.O.
#OOG-2025-0036
Bd. of Trustees
Monument Acad.
Pub. Ch. Sch.
August 24, 2026

- The Director also found the Board violated the Open Meetings Act (“OMA”) for failing to publish draft and final meeting minutes or (access to) recordings on its website and/or the CMC, as required by the OMA (D.C. Official Code § 2-578(b)).
- Director Allen has determined that based on Monument Academy PCSB’s violation of the OMA Notice of Meetings and Record of Meetings requirements, Board members who have not attended any of OOG’s OMA training sessions in 2026 must complete OMA training within sixty (60) days of receipt of the A.O. to avoid further corrective action.

OMA A.O.
[#OOG-2025-0018](#)
Bd. of Trustees for
D.C. Int'l. Pub.
Charter Sch.
July 28, 2026

- Complaint, dismissed pursuant to 3 DCMR §10403.1(b), alleged that D.C. International School Public Charter School Board (“DCI PCSB,” or the “Board”) does not publish the location, including web links, of its meetings.
- Director Allen found that DCI PCSB did not violate the OMA.
- OOG’s investigation revealed Board’s complete meeting notices from date of complaint and for upcoming meetings were posted on the Public Charter School's website.
- Dismissed because alleged failure to publish location, including web links, of the Board’s meetings was not substantiated by OOG’s investigation.

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Complaint
[#OOG-2026-0012](#)
Dismissal for Lack
of Jurisdiction
(ANCs)
July 13, 2026

- Complaint concerned Advisory Neighborhood Commission (“ANC”) meetings, which are excluded from the OMA.
 - The Director of Open Government dismissed this OMA complaint because the issues complained of were not within the Director's jurisdiction.
- 
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Complaint

[#OOG-2026-0013](#)

Dismissal / Lack of
Jurisdiction (Fed.
Law Enf.)
June 30, 2026

- Dismissed complaint regarding issues with White House law enforcement.

OMA A.O.

#OOG-2026-0009

Bd. of Trustees for
Harmony Pub.

Charter Sch.

May 4, 2026

- Dismissed Complaint with an allegation from same complainant, which the Director addressed in Advisory Opinion #OOG-2025-0023, issued on April 8, 2026.
- Allegation pertains to the time within which Harmony Public Charter School Board ("Harmony PCSB") updated its annual meeting schedule.
- Dismissed as moot pursuant to 3 DCMR §10403.1(f) because the concerns raised were addressed in AO #OOG-2025-0023, and Harmony PCSB is subject to ongoing oversight pursuant to the OMA advice issued on April 8, 2026.
- No further investigation or enforcement action by OOG warranted because OOG is actively monitoring Harmony PCSB's OMA compliance.

OMA A.O.

#OOG-2025-0009

Bd. of Trustees for
Capital City PCS
April 28, 2026

- Complaint alleged that Capital City Public Charter School Board had not published proper meeting notices.
- Found that Capital City PCSB did not violate the OMA.
- Investigation revealed no issues with the OMA's Notice of Meeting requirements.
- Complaint dismissed; however, Director Allen recommended that, if possible, Capital City PCSB provide access to its virtual meetings without requirement of prior registration to access the meetings.

OMA A.O.

#OOG-2025-0023

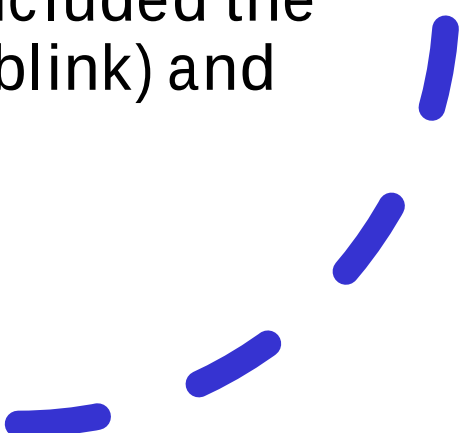
Bd. of Trustees for
Harmony Pub.

Charter Sch.

April 8, 2026

- Dismissed pursuant to 3 DCMR §10403.1(b); complaint alleged that Harmony PCS Board had not posted meeting links, or locations and times, and that there were no dates published for the Board's fall 2024 meetings on the Public Charter School's website.
- Director Allen found that Harmony PCSB did not violate the OMA.
- Investigation revealed that complete and timely meeting notices were posted for the upcoming meetings on Harmony Public Charter School's website, which included the location (login information and weblink) and the time of the meetings.

(cont.)



(cont.)
OMA A.O.
#OOG-2025-0023
Bd. of Trustees for
Harmony Pub.
Charter Sch.
April 8, 2026

- Also, Harmony PCSB published annual schedule of its 2024 and 2025 meetings.
- The Director advised Harmony PCSB to ensure that its annual schedule is updated in a timely manner, if changes are made, and it is feasible to do so.
- Furthermore, if meeting notices are published and meeting is cancelled, “Cancelled” must also be printed on all the meeting notices as soon as the Board is aware of the cancellation.

OMA A.O.

#OOG-2025-0055

Community
Review Panel
April 1, 2026

- Director received a request to advise the Office of the State Superintendent of Education (“OSSE”) on whether its Community Review Panel (“CRP”) is subject to the OMA.
- Issued sua sponte, since the request did not come from a public body and was not an OMA Complaint.
- Based on the statute establishing the Panel and how the OMA defines a subject “public body,” the Panel is a time-limited advisory review mechanism to OSSE, not an independent deliberative public body, and therefore is not subject to the OMA.

(cont.)

(cont.) OMA A.O.
#OOG-2025-0055
Community
Review Panel
April 1, 2026

- Director Allen explains that D.C. Official Code § 38-2572.02 establishes statutory framework for special-education due-process hearing independence. Operative provisions require OSSE to:
 - (1) submit potential hearing-officer candidates to a 7-member community review panel for evaluation;
 - (2) ensure panel is composed of specified stakeholder categories (attorneys, educators, LEA/DCPS representatives, and parents);
 - (3) prohibit members from being OSSE employees; and
 - (4) have the panel forward recommendations to the State Superintendent of Education after reviewing candidates.

(cont.) OMA
A.O.
#OOG-2025-0055
Community
Review Panel
April 1, 2026

- Director Allen found that the statute does not:
 - require OSSE to grant Panel delegated decision-making authority;
 - Panel does not function as an advisory body to the OSSE; and
 - the Panel does not take official action by vote of its members convened to recommend candidates (or submit scored candidates) for hearing officer positions to OSSE.

OMA A.O.

#OOG-2025-0057

Shining Stars

Montessori Acad.

Pub. Ch. Sch.

December 4, 2025

- Complaint regarding a meeting held by Shining Stars Montessori Academy PCSB, requesting that OOG:
 - clarify “if public comment has to be allowed per” the OMA, and
 - requests that the Board “[s]hare the document with the ASPIRE framework with the parents with at least 30 days to review...[t]hen hold another meeting with public comment and public access to the full meeting...[and] [a]llow public participation in the meeting the entire time.”

(cont.)

(cont.) OMA A.O.
#OOG-2025-0057
Shining Stars
Montessori Acad.
Pub. Ch. Sch.
December 4, 2025

- Director Allen concluded that:
 - (1) the delay in being admitted to the virtual meeting was a technical issue and not an OMA violation;
 - (2) revision of the draft agenda, posting the revised agenda within the “48 hours or 2 business days” prior to the meeting, and not treating the draft agenda as a final agenda, are not OMA violations;
 - (3) there was no OMA requirement for a public comment period during this meeting, nor under the OMA generally, but public comment in OMA subject meetings should be both consistent and fair;
 - (4) the DC PCSB provides for the public to submit both written and audio public comment, as well as the ability to register to testify at its public hearings regarding matters before it;

(cont.)

(cont.) OMA A.O.
#OOG-2025-0057
Shining Stars
Montessori Acad.
Pub. Ch. Sch.
December 4,
2025

- (cont.) Director Allen concluded that:
 - (5) the OMA does not require that documents provided to, or acquired by, public body members in advance of a meeting be provided to the public - however, documents shared or considered during an OMA meeting must be included in the meeting minutes as part of the “full record;”
 - (6) OOG advises that Shining Stars Montessori Academy PCS Board immediately implement a registration option that allows registration and joining of its meetings in, or close to, real-time; and that
 - (7) it must add the required governance language to all future draft and final meeting agendas according to the DCMR.

Complaint

#OOG-2025-0060

Dismissal

November 4,
2025

- Complaint alleged conduct by an employee of a District agency that did not relate to the OMA.
- Dismissed.

OMA A.O.

[#OOG-2025-0026](#)

Bd. of Trustees for
I Dream PCS

October 29, 2025

- Complaint which alleged that I Dream Public Charter School Board has not provided meeting location or links in its meeting notices and the last meeting minutes published had been in December 2024.
- The Board relinquished its Charter at the end of SY 2024-2025 and is not in operation.
- The Director recognized that while the allegations in Complaint were moot, decided to address the matter and issue the A.O. for the benefit of the stakeholders of active Boards of Trustees for Public Charter Schools, and in the case that I Dream PCSB resumes operation under a new Charter Agreement.

(cont.)

(cont.) A.O.
#OOG-2025-0026
Bd. of Trustees for
I Dream PCS
October 29, 2025

- Director Allen found that I Dream PCSB violated OMA by not :
 - (1) providing location or login information and links to its meetings and
 - (2) posting its January 8, 2025, meeting minutes within the statutorily required thirty (30) business days on I Dream PCS' website and/or Central Meeting Calendar ("CMC").
- The A.O. took notice that prior to relinquishing its Charter, the Board corrected the issues in part, by posting the 2025 meetings minutes on its website, and the Chairperson, in response to the Complaint, stated her resolve to ensure that all links to the Board's meetings would be published timely.

OMA A.O.
#OOG-2024-0012
Smothers
Elementary Sch.
LSAT
October 8, 2025

- Complaint alleged that Smothers Elementary School Local School Advisory Team (“Smothers LSAT”) nominated a chairperson to Smothers LSAT “outside of a regular LSAT meeting” and cancelled one of its publicly noticed meetings without notice to the public of the cancellation.
- Director Allen found that the Smothers LSAT’s alleged nomination or selection of a chairperson on a disputed date does not violate the Open Meetings Act (“OMA”) because the alleged nomination or selection process does not raise facts or circumstances covered in the OMA.
- The A.O. explains that the unique situation of Smothers’ LSAT being reduced to one or two members is one that warrants further examination, but insufficient and conflicting information prevents such within the context of the OMA.

(cont.)

(cont.) OMA A.O.
#OOG-2024-0012
Smothers
Elementary Sch.
LSAT
October 8, 2025

- Director found that the meeting notice issue falls within the OMA, but the evidence was inconclusive on which to decide whether Smothers LSAT violated the OMA by not providing notice to the public of the cancellation of one of its meetings.
- Notwithstanding the LSAT reduced membership and the insufficiency of information, OOG advised that LSATs must provide notice of meetings in accordance with the OMA. The LSAT must create a record, as best as possible, of the selection of members, create a process in such a situation, and make it available to the public.

(cont.)

(cont.) OMA A.O.
#OOG-2024-0012
Smothers
Elementary Sch.
LSAT
October 8, 2025

- The Director found that based on OOG's own investigation, Smothers LSAT violated the OMA, by not doing the following:
 - publishing meeting minutes or (information on access to) record of meetings for the year 2024, as required by D.C. Official Code § 2–578(b);
 - publishing a schedule of its meetings for school year 2024 to 2025 [§ 2–576(a)(1)]; and
 - providing meeting notices for school year 2024 to 2025, in accordance with D.C. Official Code § 2–576(a)(1).
- Director determined that based on Smothers LSAT's violation of the OMA Notice of Meetings and Open Meetings requirements, it must take OMA training within sixty (60) days of receipt of the A.O. to avoid further corrective action.

OMA A.O.

#OOG-2025-0052

Board of Trustees
for SEED PCS
October 1, 2025

- Complaint alleged that SEED Public Charter School Board (“SEED PCSB”) failed to provide the public with access to an emergency meeting held on May 31, 2025.
- Director Allen found SEED PCSB violated OMA by failing to provide complete meeting notice for its emergency meeting.
- The Board:
 - failed to provide a valid dial in number and access code or valid weblink and login information as required by D.C. Official Code § 2–576(5) and 3 DCMR § 10409.7.; and
 - did not provide a meeting location, which notice requirement D.C. Official Code § 2–576(4) extends to a public body’s emergency meetings.

(cont.)

(cont.) OMA A.O.
#OOG-2025-0052
Board of Trustees
for SEED PCS
October 1, 2025

- Furthermore, considering SEED PCSB did not respond to the Complaint, and the draft agenda of the meeting at issue had "Emergency Closed Meeting" as a part of the subject heading, the Director informed the Board of procedure for entering closed or executive session of public body meetings.
- Pursuant to D.C. Official Code § 2- 575(c), a public body must start its meeting in an open session where a meeting or a portion of a meeting will be held in closure.
- Director Allen determined that based on SEED PCSB's violation of the OMA Notice of Meetings and Open Meetings requirements, the Board must take OMA training within sixty (60) days of receipt of the A.O. to avoid further corrective action.

Education Cluster Training LINKS

[Open Meetings Act Training
for Boards of Trustees for DC
Public Charter Schools |
Open DC](#)

[Open Meetings Act Training
for DCPS Local School
Advisory Teams \(LSAT\) |
Open DC](#)

OMA A.O.
(#OOG-2026-0004)
Bd. of Soc. Work
(1st of 2 complaints)

- A.O. in response to a complaint which alleged that during Board of Social Work meetings in January and February of this year, the Complainant “attempted to attend both meetings...through the meeting links shared on the Board of Social Work website on the respective attached agendas,” and was “not admitted to either meeting through the links...provided.”
- Further, the complaint stated that despite reaching out after the January meeting and during the February meeting, the Complainant “was not let into the [January] meeting and did not receive communication from the Board.” Finally, the complaint raised questions with the ways that interested members of the public might receive notice regarding issues such as rulemaking.

(cont.)

(cont.)
OMA A.O.
(#OOG-2026-0004)
Bd. of Soc. Work
(1st of 2 complaints)

- Director Allen concluded the evidence established 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, which constituted a violation of the OMA. Additionally, the Director found 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.

(cont)

(cont.)
OMA A.O.
(#OOG-2026-0004)
Bd. of Soc. Work
(1st of 2 complaints)

- As to the remaining allegations, Director Allen concluded that these did not establish OMA violations.
- OMA does not regulate 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 was established with respect to the Board's discussion of particular topics or the administration of any public comment period.

OMA A.O.
(#OOG-2026-0005)
Bd. of Social Work
(2nd of 2 complaints)

- A.O. in response to a complaint which asserted that:
 - (1) the “DC Board of Social Work for January 26 and February 23, 2026...meeting links...were incorrect for both meetings” 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;” and
 - (2) that due to the erroneous link, several people attended “a nonexistent meeting” and “[t]he link in the agenda...downloaded...(after the open session meeting was over)..[was] different than the one...on the website,” and that there was concern that there was the “appearance of hiding the error.”
- Director Allen concluded that the Board is a public body which falls within 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, 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 Complainant was ultimately able to observe the meeting.

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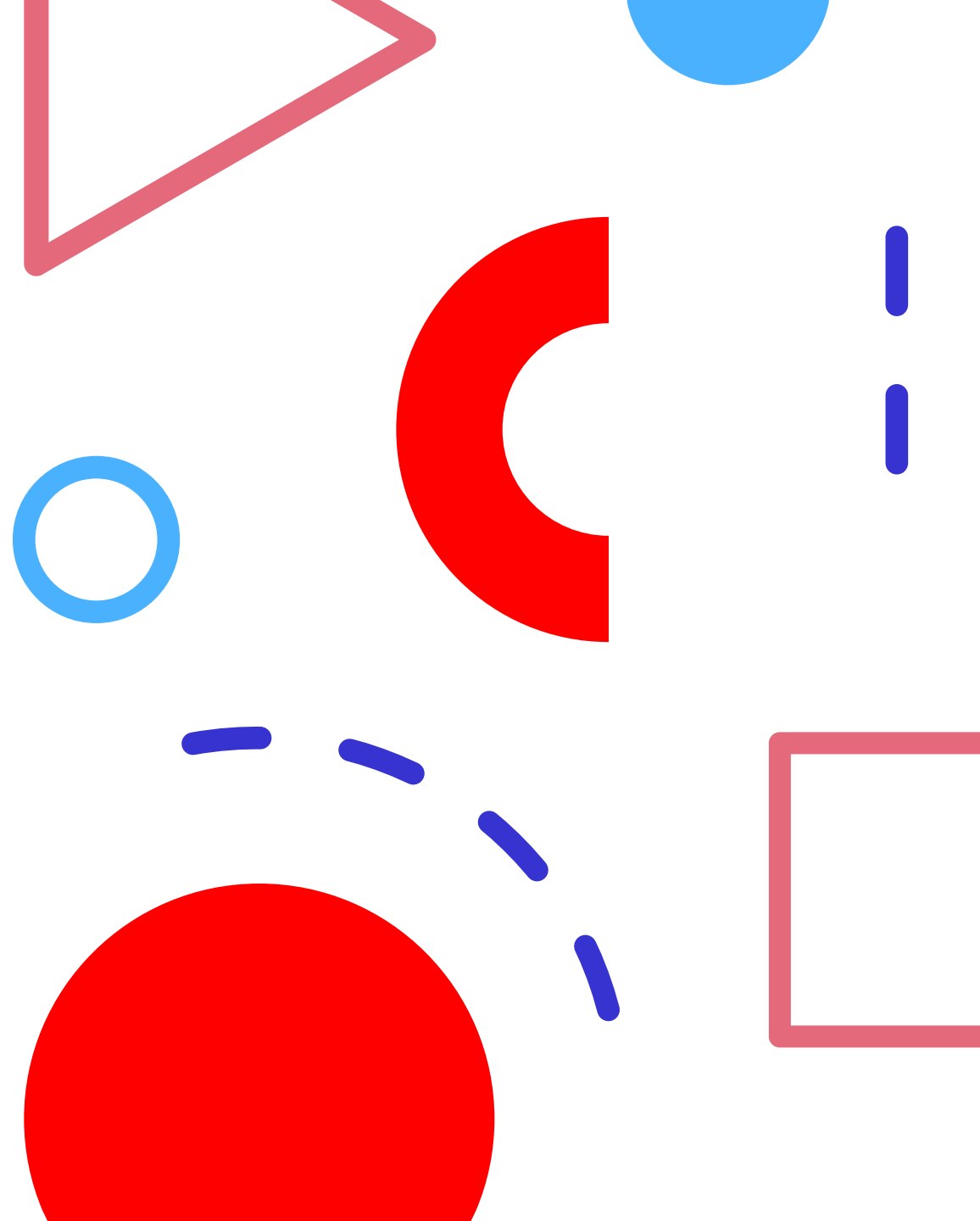
(cont.)
OMA A.O.
(#OOG-2026-0005)
Bd. of Social Work
(2nd of 2 complaints)

- Board acknowledged that the December special meeting link was incorrectly posted for the January and February meetings, and the Director concluded that one or both of the agendas posted as required for notice had the incorrect link prior to the Complainant's efforts to join the two meetings, which, even as a result of a good-faith correction, was a violation of the OMA in that proper notice, specifically location, was not posted for those meetings.
- Additionally, the topics discussed by the Board, and their relative significance, are beyond the scope of the OMA., which 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 business conducted.
- Finally, there was no evidence that correcting the links represented a deliberate effort to conceal an error, though the recurrence of the same notice error at two consecutive meetings revealed deficiencies in compliance procedures.

Thank You, And...

- Director of Open Government Allen updates the BEGA Board each month on issues related to OOG and its mission. Our YouTube page has recordings of the Board Meeting open sessions and various trainings:
<https://www.youtube.com/@dcofficeofopengovernment1434>
- The OpenGovist, our quarterly newsletter, came out September 11; next issue mid-December.

All issues available on www.open-dc.gov.



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QUESTIONS?

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NEXT UP...

Shawn Nolen, Sr. Atty. Advisor,
Mayor's Off. / Leg.Counsel (MOLC),
Presenting:

Recent Opinions from the Mayor's
Office of Legal Counsel (MOLC)