

**Council of the District of Columbia  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
MEMORANDUM**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**TO:** Nyasha Smith, Secretary of the Council  
**FROM:** Charles Allen, Chairperson, Committee on the Judiciary and Public Safety  
**RE:** Closing Roundtable Record  
**DATE:** May 29, 2019

2019 MAY 29 AM 11:12  
OFFICE OF THE  
SECRETARY

Dear Ms. Smith,

Please find attached copies of the Roundtable Notice, Agenda and Witness List, and testimony for the Committee on the Judiciary and Public Safety’s May 6, 2019, public roundtable on PR23-0120, the “District of Columbia Board of Ethics and Government Accountability Charles Nottingham Confirmation Resolution of 2019”; PR23-0247, the “District of Columbia Board of Ethics and Government Accountability Melissa Tucker Confirmation Resolution of 2019”; and PR23-0248, the “District of Columbia Board of Ethics and Government Accountability Felice C. Smith Confirmation Resolution of 2019”.

The following witnesses testified at the roundtable or submitted written testimony to the Committee:

1. **PR23-0120, the “District of Columbia Board of Ethics and Government Accountability Charles Nottingham Confirmation Resolution of 2019”**
  - a. Public Witnesses
    1. The Honorable Tom Davis, Public Witness
    2. Rev. Stuart Kenworthy, Interim Rector, St. John’s Episcopal Church
  - b. Nominee
    1. Charles Nottingham, Nominee
2. **PR23-0247, the “District of Columbia Board of Ethics and Government Accountability Melissa Tucker Confirmation Resolution of 2019”**
  - a. Public Witnesses
    1. Fritz Mulhauser, Co-Chair, Legal Committee, D.C. Open Government Coalition
    2. Traci Hughes, Public Witness

b. Nominee

1. Melissa Tucker, Nominee

**3. PR23-0248, the “District of Columbia Board of Ethics and Government Accountability Felice C. Smith Confirmation Resolution of 2019”**

a. Public Witnesses

1. Douglas Adler, Deputy General Counsel, Export-Import Bank of the United States
2. Lisa Terry, Senior Vice President & Chief Ethics Officer, Export-Import Bank of the United States
3. Adelle Harris, Public Witness

b. Nominee

1. Felice Smith, Nominee

**Council of the District of Columbia  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
NOTICE OF PUBLIC ROUNDTABLE  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

---

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**ANNOUNCES A PUBLIC ROUNDTABLE ON**

**PROPOSED RESOLUTION 23-0120, THE “DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
CHARLES NOTTINGHAM CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0247, THE “DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
MELISSA TUCKER CONFIRMATION RESOLUTION OF 2019”**

**AND**

**PROPOSED RESOLUTION 23-0248, THE “DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
FELICE C. SMITH CONFIRMATION RESOLUTION OF 2019”**

**Monday, May 6, 2019, 1:00 p.m.  
Room 123, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

On Monday, May 6, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable to consider Proposed Resolution 23-0120, the “District of Columbia Board of Ethics and Government Accountability Charles Nottingham Confirmation Resolution of 2019”; Proposed Resolution 23-0247, the “District of Columbia Board of Ethics and Government Accountability Melissa Tucker Confirmation Resolution of 2019”; and Proposed Resolution 23-0248, the “District of Columbia Board of Ethics and Government Accountability Felice C. Smith Confirmation Resolution of 2019”. The roundtable will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 1:00 p.m.

The purposes of PR23-0120, -0247, and -0248 are to appoint Charles Nottingham, Melissa Tucker, and Felice C. Smith to the Board of Ethics and Government Accountability for terms to end July 1, 2020, July 1, 2022, and July 1, 2024, respectively.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee via email at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) and provide their name, telephone number, organizational affiliation, and title (if any), by the **close of business on Thursday, May 2**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us).

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us). **The record will close at the end of the business day on May 6.**

**Council of the District of Columbia  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
AGENDA AND WITNESS LIST  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

---

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**ANNOUNCES A PUBLIC ROUNDTABLE ON**

**PROPOSED RESOLUTION 23-0120, THE “DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
CHARLES NOTTINGHAM CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0247, THE “DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
MELISSA TUCKER CONFIRMATION RESOLUTION OF 2019”**

**AND**

**PROPOSED RESOLUTION 23-0248, THE “DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
FELICE C. SMITH CONFIRMATION RESOLUTION OF 2019”**

**Monday, May 6, 2019, 1:00 p.m.  
Room 123, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. WITNESS TESTIMONY**
  - i. Public Witnesses
    - 1. The Honorable Tom Davis, Public Witness
    - 2. Douglas Adler, Public Witness
    - 3. Fritz Mulhauser, Representative, D.C. Open Government Coalition

ii. Nominees

1. Melissa Tucker, Nominee
2. Felice Smith, Nominee
3. Charles Nottingham, Nominee

**IV. ADJOURNMENT**

**The Honorable Tom Davis  
Remarks to the District of Columbia City Council's  
Committee on the Judiciary and Public Safety  
on behalf of Charles Nottingham's nomination  
to the Board of Ethics and Government Accountability**

Mr. Chairman,

I am here today to add my support for the nomination of Charles D. "Chip" Nottingham to the Board of Ethics and Government Accountability.

I have known Chip for over twenty-five years. Mr. Nottingham worked for me when I was the Chairman of the District of Columbia Subcommittee, in the U.S. House of Representatives.

Chip was instrumental in working with the Clinton Administration to draft a Control Board bill that worked for the city. He also was helpful in my successful efforts to relieve the city from the five billion dollar deficit that was inherited at the onset of Home Rule.

Chip left my employ to serve as Chief of Staff to another member of Congress and later served as the head of the Virginia Department of Transportation and, subsequently, served in the federal Department of Transportation heading the rails initiatives.

While serving in these capacities, Chip became an expert on the Freedom of Information Act as he had to comply with numerous FOIA requests under both Virginia and Federal law.

In every position that he has served, Chip has distinguished himself for his competence and integrity and, as such, will be an asset to the City as a member of the Board of Ethics and Government Accountability.

I ask that you give him your most favorable consideration for this important board.

Sincerely,

Tom Davis  
Former Member of Congress  
11<sup>th</sup> District of Virginia



May 4, 2019

Councilmember Charles Allen, Ward 6  
Chair, Committee on the Judiciary and Public Safety  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W., Suite 109  
Washington, DC 20004

Dear Councilmember Allen,

Please accept this letter expressing unreserved support for Mayor Bowser's nomination of Charles D. "Chip" Nottingham to serve on the Board of Ethics and Government Accountability. I have known Mr. Nottingham for five years after serving as Interim Rector of St. David's Church in Northwest Washington. We worked very closely together as he held senior leadership positions in the church. He was a trusted advisor, respected and admired by me and the entire parish church.

I am a 27-year resident of the District of Columbia and currently reside in Ward 3. For 23 years I was the Rector of Christ Church, Georgetown, located in Ward 2, from which position I retired in 2014. Following that I was called back to service as the Vicar of the Washington National Cathedral at a crucial time in the life of the Cathedral. I was made an honorary canon of the Diocese of Washington for my service during that time. From 1994 to 2007 I was a chaplain in the DC Army National Guard and deployed to Iraq with the 372<sup>nd</sup> Military Police Battalion for service in 2005-06.

I am also a longtime board member of the Bishop Walker School for Boys in Southeast Washington. That school, tuition free and open to all boys, has been an unfolding miracle. Already it has changed the lives of many boys and their families. One day it will impact the entire community. Mr. Nottingham is on the Board of Advisors for BWS and in that capacity has made great contributions to the school.

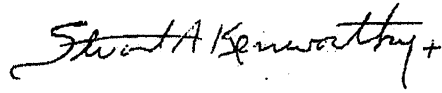
I can personally attest to Mr. Nottingham's integrity, independence, and public credibility. He was Junior Warden of the parish during the transition between Rectors. He had oversight of the parish's bank account. He also served on its endowment investment committee. As the selection of a new Rector approached, he handled the background and reference checks. Mr. Nottingham clearly is a leader with credibility shown in government service and as a small business owner. He was unanimously confirmed by the United States Senate in 2006 to serve as Chairman of the Surface Transportation Board. In the St. David's parish community, his well-earned credibility has led to Mr. Nottingham being asked to take on the most difficult tasks and to address the parish congregation to keep that community informed and engaged.



Page 2

Please let me know if there is any additional information I can provide.

Yours sincerely,

A handwritten signature in black ink that reads "Stuart A. Kenworthy" with a small plus sign at the end. The signature is written in a cursive style.

Stuart A. Kenworthy  
Interim Rector

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**



PR23-0120, "District of Columbia Board of Ethics and Government  
Accountability Charles Nottingham Confirmation Resolution of 2019"

Testimony of  
**Charles Nottingham**

Before the

Committee on Judiciary and Public Safety

May 6, 2019

1:00 PM

Room 123

John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Good afternoon Chairman Allen, members, and staff of the Committee. My name is Charles D. Nottingham. I am honored to be invited to appear before you today to discuss my nomination to serve as one of five Board members on the bipartisan Board of Ethics and Government Accountability (BEGA). Before briefly discussing my background and qualifications, allow me to thank Mayor Bowser for nominating me to this important position. I would also like to thank the City Council and this Committee for your consideration of my nomination.

I am a long-time resident of the District of Columbia. Since 2008, I have lived in Ward 3's Spring Valley neighborhood with my wife of 25 years and our two sons. I was born in the District at the former Columbia Hospital for Women. I have also lived on Capitol Hill and in Georgetown. I am a licensed attorney in DC and Virginia and am a member of the District of Columbia Bar Association and the Virginia State Bar Association.

For at least 23 years of my professional career my primary place of business has been in the District of Columbia. Since 2014, I have managed my own small private law practice based in DC. My law practice focuses on regulatory and administrative law impacting the transportation sector and those who invest or who are considering investing in that sector. I occasionally assist closely held family small businesses with real estate, tax and other general practice matters.

In my free time, I am an active member and leader of my neighborhood church in Palisades, DC (St. David's Episcopal). I also serve on the Board of Advisors for the Bishop John T. Walker School for Boys located in Anacostia. I am a registered Republican. I earned my law degree (Juris Doctor) from George Mason University in Arlington, Virginia and my Bachelor of Arts degree from Wesleyan University in Connecticut.

I have a passion for public service that was inspired by my late father's military service which brought our family overseas when I was a young child. With the encouragement of my parents and some excellent school teachers and college professors, I decided to pursue a career in public service. During my 18 years in public service, I have gained a deep knowledge of and respect for the importance of government ethics and accountability. In my first job out of college, I worked as a GS 7 civil servant "Paralegal Assistant" at the U.S. Department of Justice. My office had a large backlog of Freedom of Information Act (FOIA) requests. I received USDOJ FOIA training and spent many months reviewing and processing FOIA requests. I learned early in my career of the importance of FOIA in promoting transparency and accountability in our government.

After law school I was hired by former Congressman Tom Davis in 1994. I served as his Counsel, then as his Chief of Staff. Congressman Davis chaired the District of Columbia Subcommittee, and I served as his principal personal office advisor on all matters related to the District. The

years 1995 and 1996 were challenging times for the District government, during which the city faced potential insolvency. I assisted Congressman Davis in researching, drafting, and enacting the landmark District of Columbia Financial Responsibility and Management Assistance Act of 1995 (also known as the "Financial Control Board Act.") The "Control Board" legislation was very tough on the status quo in DC, however the law proved to be a tremendous success. After helping the District in achieving four consecutive balanced budgets, the Control Board was dissolved in 2001.

I subsequently accepted an appointment in state government and served as the chief executive officer of the Virginia Department of Transportation (VDOT) in Richmond. I also served as vice chair of the Commonwealth Transportation Board (CTB) which set priorities for transportation projects. As VDOT CEO I was responsible for an annual budget of \$3.2 billion and 10,500 employees. I oversaw a fleet of several thousand state cars, trucks and equipment, as well as three aircrafts. As vice chair of the CTB I learned to work with a diverse group of 15 board members from different parts of Virginia who brought very different priorities to the table.

As CEO of the second largest agency in Virginia with oversight of the third largest state transportation system in the nation, I learned many important lessons. I learned to listen, to trust my experienced career staff and not to be afraid of difficult decisions. I also learned how to reform a large agency in order to increase transparency, accountability, and stewardship. I created the first-ever Office of Inspector General at VDOT and elevated the importance of environmental stewardship and transparent, honest priority setting that ended decades of flawed and inaccurate project plans and schedules. I was also the chief ethics compliance officer at VDOT and had the responsibility to discipline numerous employees and contractors for violating ethics and legal standards. I learned how to be independent and to stand up to powerful special interests. For many decades the asphalt, concrete and road building industries in Virginia enjoyed an extremely close relationship with VDOT – sometimes too close. I worked hard to protect and improve VDOT's reputation by rejecting contract bids that seemed uncompetitive, by blocking contractor efforts to seek windfall payments via the contract claims process, by drafting and advocating for legislation that would have increased VDOT's negotiating leverage for professional services contracts, and by being the first CEO of VDOT to refuse to travel out of state for contractor conferences and events.

In 2002, I joined the senior management ranks at the U.S. Department of Transportation where I served for 9 years and had the great privilege of working for Secretary Norman Y. Mineta who was the sole Democrat to hold a cabinet position in the Bush-Cheney Administration. Secretary Mineta taught us what it means to develop a professional culture of high ethics and government accountability. He led by example, and I was inspired by him.

In 2006, I was nominated and confirmed unanimously by the U.S. Senate for a five-year term as Chairman of the federal Surface Transportation Board (STB). Similar to BEGA, the STB is a five-person, bipartisan regulatory and enforcement board. I always maintained excellent bipartisan relations with all of the Commissioners. Over 95 percent of our decisions were unanimous. As the CEO of the STB I was responsible for compliance with the full range of government ethics and accountability laws and regulations. Again, I was faced with the need to reform my agency to make it more accountable. I directed a significant re-organization that made it easier for the public to understand our operations, services and programs. These efforts boosted employee morale significantly. In 2009 the Partnership for Public Service recognized the STB for the first time ever as "The best place to work in the Federal Government" and also awarded the STB the highest grade for "Effective Leadership." During my tenure at USDOT I also earned Senior Executive Service status, and two awards from the Secretary of Transportation for teamwork and partnering for excellence.

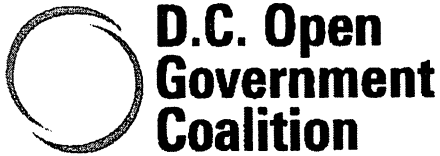
During my career, I have seen first-hand the inner workings of federal and state government. I have seen the temptations caused by the process of awarding millions and billions of dollars in government contracts. I have seen that, in the absence of strict and clear rules, education and training, some government workers will choose the path of less transparency and less accountability. As a proven leader in government, I have also learned that the vast majority of our government workers are honest and dedicated to serving the public faithfully.

If confirmed, I pledge to work in good faith with the other Board members and with the staff at BEGA. I also pledge to be fully accessible and responsive to the City Council. BEGA is a fairly new agency with a limited track record. While I see many opportunities for enhanced productivity and improved public communication at BEGA, I do not presume to be an expert on the inner-workings and challenges of BEGA. I bring no agenda to this nomination other than to work cooperatively, attentively, and respectfully with my colleagues to advance BEGA's mission to train, advise, and investigate District government employees regarding the ethics and open government laws. I believe that BEGA would benefit by having fewer vacancies on the Board and by having a truly bipartisan Board – in keeping with the agency's statutory mandate. Ethics and accountability are not partisan issues, but the Board should represent a diversity of backgrounds and perspectives.

I believe that my broad experience managing government agencies and offices, serving on other bipartisan and diverse boards, investigating and disciplining ethics and accountability lapses, and reforming and restructuring agencies will all help to give BEGA added professionalism and confidence. I am confident that I possess demonstrated integrity, independence, and public credibility. My record of service and leadership demonstrates that I

have the particular knowledge, training and experience in government ethics and in open government and transparency to be a highly qualified and successful BEGA member.

Again, thank you for inviting me to this hearing. I look forward to responding to your questions.



P.O. Box 73771  
Washington, D.C. 20056  
[www.dcoagc.org](http://www.dcoagc.org) – (202) 780-6020

**Testimony of the  
D.C. Open Government Coalition**

by

**Fritz Mulhauser  
Co-Chair, Coalition Legal Committee**

**before the  
District of Columbia Council  
Committee on the Judiciary and Public Safety**

**Roundtable on**

**PR23-0247 - District of Columbia Board of Ethics and Government Accountability  
Melissa Tucker Confirmation Resolution of 2019**

**May 6, 2019**

---

Thank you for the opportunity to testify for the D.C. Open Government Coalition in support of the confirmation of Melissa Tucker as a member of the Board of Ethics and Government Accountability (BEGA).

The Open Government Coalition is a citizens' group established in 2009 to enhance public access to government information and ensure the transparency of government operations of the District of Columbia. Transparency promotes civic engagement and is critical to responsive and accountable government. We strive to improve the processes by which the public gains access to government records (including data) and proceedings, and to educate the public and government officials about the principles and benefits of open government in a democratic society.

It is a special pleasure to support Ms. Tucker as she fills the new requirement, added last fall, that BEGA must have at least one member with "particular experience in open government and transparency." *D.C. Code* § 1-1162.03(g)(2).

This experience is now essential as BEGA begins this year a new role in relation to the Office of Open Government. BEGA previously only appointed the director and the office was otherwise independent. But also last fall, the Council placed the office under the board and allowed office opinions to be appealed to the board. This will bring a new level of detailed responsibility. The board is now the steward of the public interest in open government as the office does its work of training boards and commissions and investigating complaints under the Open Meetings Act, and other duties as well (including advisory opinions on complaints) under the Freedom of Information Act (FOIA).

The Coalition supports Ms. Tucker's nomination enthusiastically. She is a seasoned attorney with just the kinds of specific experience essential to the board's new open government tasks, and in addition has experience with government ethics.

---

Ms. Tucker has experience with issues in assuring public access to records in both executive and legislative branches of government. For six years as assistant city solicitor in Providence, Rhode Island, she was the chief public records officer. And for more than three years in the D.C. Mayor's Office of Legal Counsel she adjudicated hundreds of appeals of D.C. agency FOIA decisions. That position gave her an unparalleled view of both public and government perspectives. The Coalition has heard from citizens who appealed decisions during those years and were generally well-satisfied with the fair treatment their concerns received in the appeal process.

Ms. Tucker will bring experience also in government ethics, as she worked in that area in her positions in Providence and the D.C. Council.

We recommend Ms. Tucker's confirmation without hesitation and look forward to working with her and her BEGA colleagues to strengthen every aspect of open government policy and practice in D.C. government in coming years.



*Via Electronic Mail*

May 3, 2019

Councilmember Charles Allen, Chair  
Committee on the Judiciary & Public Safety  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004

**RE: Proposed Resolution 23-0247 District of Columbia Board of Ethics and Government  
Accountability Melissa Tucker Confirmation Resolution of 2019**

Dear Chairman Allen:

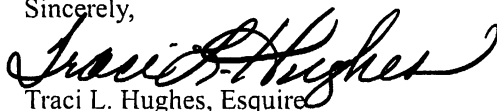
I regret that I cannot testify in person regarding the Confirmation Resolution to appoint Ms. Melissa Tucker to the Board of Ethics and Government Accountability. I hope that this letter will be entered into the formal record and serve me well in my absence before you, Mr. Chairman, and the members of the Committee.

I write to the Committee as the current Vice President of the Open Government Coalition, and as the former Director of the Office of Open Government, with the Board of Ethics and Government Accountability. As you are aware, I served for five years as the inaugural director of the Office of Open Government, and during my tenure it was my single focus to ensure that the residents of the District of Columbia were afforded their lawful right to view public records and access the meetings of public bodies. Aside from my role as the chief Freedom of Information Act (FOIA) officer for the District, there were few within government who possessed the same knowledge and expertise of the FOIA as Ms. Tucker.

Throughout my time at the Office of Open Government, I worked with Ms. Tucker on numerous occasions while she served with the Mayor's Office of Legal Counsel handling FOIA matters, agency trainings, and agency consultations. In every instance I found her judgement to be fair-minded, professional and objective. She will bring to the Board of Ethics and Government Accountability the much need board-level experience that body needs to soundly oversee the Office of Open Government and its enforcement efforts.

I wholeheartedly support Ms. Tucker's nomination without reservation or hesitation. She will serve the role, and District residents, with impartiality and prudence.

Sincerely,



Traci L. Hughes, Esquire  
[traci.hughes@icloud.com](mailto:traci.hughes@icloud.com)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**



PR23-0247, "District of Columbia Board of Ethics and Government  
Accountability Melissa Tucker Confirmation Resolution of 2019"

Testimony of  
**Melissa Tucker**

Before the

Committee on Judiciary and Public Safety

May 6, 2019

1:00 PM

Room 123

John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Good afternoon Chairman Allen, members of the Committee, and Committee staff. My name is Melissa Tucker, and I am pleased to attend today's roundtable as a nominee to the Board of Ethics and Government Accountability. I would first like to extend my appreciation to Mayor Bowser for nominating me. It would be an honor to undertake this public service opportunity. I have sat in almost every other seat in this room on behalf of the Council or the Executive. And I am so pleased to sit here today, for the first time, behind this table. Thank you for holding this roundtable and considering my nomination.

Before relocating to the District in 2011, I was an attorney for the City of Providence, Rhode Island, where I also served for several years as that city's ethics and public records officer. When I moved here, I joined the Office of the General Counsel for the D.C. Council. At the Council, I assisted members and staff with drafting bills and resolutions on a range of topics. One of my most significant accomplishments was helping then-Councilmember Bowser and her staff with drafting the Board of Ethics and Government Accountability and Establishment and Comprehensive Ethics Reform Amendment Act of 2011 – the legislation that created BEGA. My other work at the Council included helping develop and provide training on the Council's first Code of Conduct and acting as the Council's FOIA officer.

In 2015, I moved upstairs in this building to the Mayor's Office of Legal Counsel, where I oversaw the adjudication of all FOIA appeals submitted to the Mayor. Between 2015-2018, I reviewed and helped draft over 500 opinions on District agency compliance with DC FOIA. Perhaps my favorite part of that job was interacting with the many agency FOIA officers and counsel who called on me for advice and attended public records training sessions that I conducted in conjunction with the District's Office of Open Government.

In December of last year, I joined the Office of Inspector General of the U.S. Department of Health and Human Services. At OIG, I am a liaison between Congress and the agency, facilitating briefings and providing legislative assistance. I was thrilled to be approached recently by Mayor Bowser's staff about being nominated to BEGA. Ethics and transparency in public service are issues about which I care deeply. They are truly the backbones of our government.

If confirmed, I would bring to BEGA unique knowledge of DC FOIA. I have a combined seven years of on-the-ground experience related to the interpretation

of this law. I have personally witnessed how the implementation of DC FOIA has evolved from redacting documents by hand with a marker to producing large files electronically through FOIAXpress and uploading appellate decisions onto the dc.gov website. But there is more work to be done, and I would like to be a part of it. District agencies would benefit from more collaboration with each other on issues involving public records and more frequent, mandated training. DC FOIA regulations would also benefit from revision, as they were drafted during a time when documents were retained in file cabinets as opposed to clouds. I look forward to working as a member of BEGA with both old and new colleagues in the mission toward achieving excellence in ethics and transparency across District government.

---



*Reducing Risk. Unleashing Opportunity.*

April 29, 2019

The Honorable Charles Allen  
Chairman, Committee on the Judiciary and Public Safety  
Council of the District of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Suite 110  
Washington, DC 20004

Re: Written Testimony in Support of Felice C. Smith

Dear Chairman Allen:

I am a lawyer, a member of the Bar of the District of Columbia for nearly 40 years, and a homeowner and resident of Ward 3 for more than 20 years. I am the senior career legal officer of and currently serve as the Deputy General Counsel of the Export-Import Bank of the United States (EXIM). EXIM is the official export credit agency of the United States. More than a third of my career has been in public service, with the balance in private practice. I teach at the Washington College of Law at American University and have been actively engaged in hiring and training lawyers during my entire career.

I write – enthusiastically and without qualification – to endorse the appointment of Felice C. Smith to the District of Columbia Board of Ethics and Government Accountability.

I worked closely with Felice during her tenure at EXIM, where she served first as Senior Counsel for Administration before being appointed as Deputy Chief Ethics Officer. I was Felice's second level supervisor when she was assigned to the Administrative Law Group. As a subject matter expert in administrative law, I relied upon her for timely assistance and advice in a variety of matters. She worked on a number of personnel cases involving MSPB and EEOC practice. She drafted and/or reviewed agency responses to FOIA requests and administrative appeals and provided expert advice and counsel on administrative law issues as assigned. She reviewed and edited several EXIM non-transactional policies, and she spearheaded EXIM's legal intern program.

More importantly, when EXIM's authority to approve new transactions lapsed in 2015, Felice researched and produced memoranda on matters of first impression that were reviewed and validated by both White House Counsel and the Office of Legal Counsel of the Department of Justice. EXIM relied upon this advice to continue operations until reauthorized more than four months later. I also served as Felice's



*Reducing Risk. Unleashing Opportunity.*

Hon. Charles Allen - April 29, 2019 - Page 2

sponsor when she was nominated and selected for a fellowship in the Excellence in Government Program administered by the Partnership for Public Service.

Until 2015, ethics and related matters were handled by EXIM's Administrative Law Group. A standalone Office of Ethics was established by Congress, and a Chief Ethics Officer was appointed in 2016. Felice was appointed Deputy Chief Ethics Officer and Alternate Designated Agency Ethics Official in July, 2017. She assumed first-line responsibility for an ethics program covering 400+ employees and more than 100 contractors in 13 regional offices. The portfolio covered the gamut of requirements for an independent U.S.-Government agency with extensive foreign contacts and responsibilities.

Among her duties were: interpreting and implementing statutory and regulatory requirements; briefing and responding to issues particular to political appointees and those generally applicable to career public servants; reviewing and certifying financial disclosure reports (OGE 450 and 278c); supervising and acting as the Contracting Officer's Representative for the FOIA program; preparing periodic reports to Congress and oversight agencies; conducting training programs; and dispensing time sensitive advice and responses to a variety of questions.

During my career, I have trained and supervised hundreds of lawyers. I have negotiated with many more lawyers, clients, and government officials in more than 60 countries. I can say with certainty that Felice Smith is one of the finest, smartest, and nicest (!) colleagues and lawyers with whom I have worked. She possesses excellent research, analytical, and writing skills; her professional judgement is impeccable; and her ethical standards and advice are well-grounded and beyond reproach.

I enthusiastically and without reservation recommend Felice Smith to be a member of District of Columbia Board of Ethics and Government Accountability. She will be an outstanding addition to the Board.

I am available to respond to any additional questions (202-565-3435; [douglas.adler@exim.gov](mailto:douglas.adler@exim.gov)).

Sincerely yours,

Douglas Ochs Adler  
Deputy General Counsel

cc: The Honorable Phil Mendelson, Chairman,  
Council of the District of the District of Columbia



*Reducing Risk. Unleashing Opportunity.*

April 30, 2019

The Honorable Charles Allen  
Chairman, Committee on the Judiciary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Suite 110  
Washington, DC 20004

Re: Written Testimony in Support of Felice C. Smith

Dear Chairman Allen:

I currently serve as the Senior Vice President and Chief Ethics Officer for the Export-Import Bank of the United States (EXIM). It is with great pleasure and confidence that I submit this letter of validation in support of Felice Smith's appointment to the Board of Ethics and Government Accountability.

I first met Ms. Smith in 2012 when I served as the Assistant General Counsel for Administration at EXIM and selected her for the Counsel for Administration position in my office. She was a hardworking young attorney, who took great pride in her work product and was always eager to take on different challenges. She quickly earned the trust and respect of her more-senior colleagues in the Office of the General Counsel. Although I left EXIM soon thereafter to pursue a different opportunity, I could tell that Ms. Smith had a bright and promising future at the agency.

In October 2017, when I rejoined EXIM to head the newly-created Office of Ethics, I hired Ms. Smith a second time to work on my team. With her solid background in administrative law, deep expertise in ethics and Freedom of Information Act laws, and deep knowledge of policies and operations developed after several years of progressive responsibility at the agency, Felice was the obvious choice for the Deputy position.

As the Deputy Chief Ethics Officer for EXIM, Ms. Smith was expected to act as my "alter ego" when necessary, often requiring her to provide expert advice and counsel to high level officials involving complex conflict of interest issues. I had absolute confidence in Ms. Smith's ability to perform this role. She was also responsible for a significant number of projects, assignments and undertakings which were expertly executed, including: her enthusiastic handling of the Bank's "Sunshine Week" celebration of transparency in government which was a resounding success and the second-most highly attended event outside of the holiday party; her efforts on the development of EXIM's core values and the success of a "Graffiti Feedback Board" exercise which was designed to involve the input of staff at all levels; the execution of an employee survey of the effectiveness of the Office of



*Reducing Risk. Unleashing Opportunity.*

Ethics; an audit of the Ethics program; and producing a report on the OOE self-assessment and Ethics program audit.

Among her strengths, and in addition to her strong legal acumen, Ms. Smith brought creativity and ingenuity to the office. Indeed, one quality I particularly valued was Ms. Smith's ability to brainstorm and come up with new and innovative ideas. She "thinks outside the box" and is skilled at incorporating ideas from other disciplines. She consistently takes initiative and is eager to address problems as they arise. Importantly, Ms. Smith also embraces collaboration and remains highly respected by her colleagues around EXIM.

As a lifelong DC resident and leader in the federal ethics sector, I look forward to the excellent contributions Ms. Smith will bring to the Board of Ethics and Government Accountability. I highly recommend Ms. Smith for this position.

Should you require additional information, please do not hesitate to contact me at (202) 565-3195 or [lisa.terry@exim.gov](mailto:lisa.terry@exim.gov).

Sincerely,

Lisa V. Terry

Senior Vice President and Chief Ethics Officer

cc: Phil Mendelson, Chairman  
Council of the District of Columbia



April 25, 2019

The Honorable Charles Allen  
Chairman, Committee on the Judiciary and Public Safety  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Suite 110  
Washington, D.C. 20004

Re: Written Testimony in Support of Felice C. Smith

Dear Chairman Allen:

I am writing this letter to endorse the appointment of Felice C. Smith to the District of Columbia Board of Ethics and Government Accountability (BEGA).

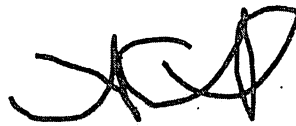
My husband and I met Felice, as we were crossing the park during a baseball game. We stopped to ask if our son could join the team in the following season; and Felice was kind enough to speak with us. We came to learn that Felice was the team's assistant coach. She was so friendly and approachable, that we were immediately sure our little one would love joining the team. Felice gave us helpful, detailed information that made our introduction to the team a seamless event. Since that time, Felice is still the go-to team parent for all things baseball. She organizes our team gatherings; makes sure there are treats and water available; and promotes an enthusiastic environment for the children and parents alike. She's always ready to pitch in (literally), even in her work clothes; and the entire team loves her for it!

As luck would have it, before joining the baseball team, we met Felice a second time at an orientation for our son's school. We immediately recognized Felice and her husband; and we were so excited to see familiar faces. We soon found out that our children would be classmates, and true to form, Felice would be the class parent. Felice's family was in their second year at the school; and she was ready to help new families master the school's process for learning and getting involved. From her very first email as class parent, Felice presented herself as welcoming, detailed, extremely intelligent, and caring. She has taken the time to perfect her role, leaving no question unanswered and no teacher or student ignored. When one of our sons' teachers had to suddenly depart, it was Felice who solely organized a thoughtful, special class gift and gathering. As a new family to the school, we turn to Felice on many occasions to learn how to navigate the new school experience. She always has the answer or knows how to find it.

Felice also gives of her time as a Community Service Committee member at our sons' school. She has tirelessly orchestrated events for the school and the surrounding community. Her efforts have resulted in successful clothing and food drives and donations to families in need. For example, Felice arranged for student families to sponsor community residents whose lives were devastated by a fire that destroyed their homes. She communicated to us the path to helping and immediately sprang into action to organize the sponsorship. During that time, we saw Felice lugging bags of donations to her car to take home and organize. Her attention to detail and her generosity are truly appreciated.

I highly recommend Felice for the position available on the BEGA. In the time that I have come to know her, Felice has been a wealth of knowledge and warmth. She is an invaluable gift to our school, our family, and our residential community. When she commits herself to a team or a plan, she is fully invested and the outcome is perfection. I am fully confident that Felice will excel in the available position and exceed all expectations. Please contact me at 215-416-2156 if additional information is needed.

Respectfully,

A handwritten signature in black ink, appearing to read 'Adelle K. Harris', with a stylized, cursive script.

Adelle K. Harris

cc: Phil Mendelson, Chairman  
Council of the District of Columbia

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**



**PR23-0248, "District of Columbia Board of Ethics and Government  
Accountability Felice Smith Confirmation Resolution of 2019"**

**Testimony of  
Felice Smith**

Before the

Committee on Judiciary and Public Safety

May 6, 2019

1:00 PM

Room 123

John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Good afternoon Chairman Allen, members, and staff of the Committee on Judiciary and Public Safety. My name is Felice Smith, and it is with great pleasure and humility that I appear before you today as a nominee for appointment to the District of Columbia Board of Ethics and Government Accountability (BEGA). I would like to thank Mayor Bowser for the honor of this nomination, as well as you and your fellow Council members for considering my nomination.

I am a native of Queens, New York, but have called the Washington, DC area home since I arrived here in 2003 to attend Howard University School of Law. Prior to attending Howard, I graduated from the University of North Carolina at Chapel Hill. When I decided to pursue a career in law, I knew that Washington, DC was the place to be. During my years in law school I resided in several locations throughout the DC suburbs, but when it came time to purchase a home, our search for big lawns, easy access to downtown, and neighbors we would come to know by name led us to settle right here in the District. I have been a proud resident of the Woodridge neighborhood in Ward 5 since 2014.

I am a duly registered voter without party affiliation and am not active in any political organization. I do not—and have never—held any office or position of employment in the government of the District of Columbia.

I currently serve as the Associate General Counsel and Ethics Officer for the Metropolitan Washington Airports Authority, where I serve as corporate counsel, advising management and the Board of Directors on compliance, risk assessment, legal issues, and priorities in a range of areas related to the operation of Reagan National and Dulles International airports, such as public safety, procurement, and ground transportation. As Ethics Officer for the Airports Authority, I serve as the sole ethics official for an agency of over 1500 employees and a 17-member Board of Directors. In this role, I am responsible for interpreting and applying the Codes of Ethics for the Board of Directors and employees; keeping the ethics codes up to date and ensuring best practices; reviewing annual financial disclosures and certifications; providing ethics training for all Board members and employees; receiving and investigating allegations of violations of the Codes of Ethics; and serving as primary support staff to the Board of Director's Ethics Review Committee.

Prior to joining the Airports Authority, I served as the Deputy Chief Ethics Officer for the Export-Import Bank (EXIM), a government corporation lead by a bipartisan Board of Directors. In this role, I had primary responsibility for day-to-day management of EXIM's federal ethics programs, including: advising employees, senior managers, Board directors and political appointees on all legal and operational ethics-related issues; providing annual and periodic specialized training; reviewing 300+ financial disclosure reports; conducting audits and ensuring compliance reporting; and coordinating with oversight agencies and outside counsel as required to resolve novel or unusual ethics issues as they arose. I also supported the Senior Vice President and Chief Ethics Officer in her dual capacity as the Chief Freedom of Information Act (FOIA) Officer. In this capacity, I assisted with managing the agency FOIA program, performing legal review of complex and novel questions arising under disclosure laws, and coordinating agency-wide training in FOIA and the Government in the Sunshine Act. I was also

responsible for organizing the agency's inaugural Sunshine Week celebration event, which featured a guest speaker from the Director of the Freedom of Information Act Project for the National Security Archive at Georgetown University. This event promoted the goals of government transparency by facilitating a robust discussion between the federal government and the open government advocacy community, and was widely lauded as a success.

In my prior role at EXIM as Senior Counsel for Administration, I supported the agency FOIA office in providing legal reviews of FOIA responses and drafting final responses to FOIA appeals involving often complex financial documents and legal issues of first impression. My experience also extends to records management issues under the Federal Records Act, as well as coordinating document productions in response to Congressional inquiries and in anticipation of litigation. While working in my first professional position as Assistant General Counsel at the Library of Congress, I was also selected for a training detail to the U.S. Attorney's Office, where I served as a Special Assistant United States Attorney. In this capacity, I gained first-chair litigation experience handling a high volume of FOIA cases on behalf of numerous federal agencies before the U.S. District Court for the District of Columbia and Court of Appeals for the D.C. Circuit. In addition to my ethics and FOIA background, I have 13 years' experience as an administrative law attorney advising on a diverse array of legal issues, including, but not limited to: appropriations and fiscal matters; labor and employment litigation; safety and health compliance; procurement; records; travel regulations; and tort claims.

There is an old saying: "Public service is a public trust." I sincerely believe that ethics, transparency and accountability are the bedrock of public trust. As you can tell from my professional experience, I have dedicated my entire career to serving public institutions, with a special emphasis on these issues. I understand that government—whether federal, state or local—cannot effectively fulfill its role if citizens cannot trust that government officials and employees are making decisions in the best interest of the people.

My vision for BEGA is to further develop a culture of accountability for District employees. As we all know, even the mere appearance of impropriety can hurt the public's trust and confidence. DC residents need to be assured that our officials and employees are making decisions that best serve the interests of the community. This is why transparency and public disclosures are critical to preserve the integrity of government operations. Indeed, these anti-corruption mechanisms are the touchstones of our democracy. Ethics and open government principles are not partisan issues and belong to no political party. We are at a pivotal moment as a country, where the actions of some in leadership positions have unfortunately inflicted serious harm to the public's perception about the importance of ethical conduct. It is imperative that institutions such as BEGA take the charge of re-committing to articulating a clear code of ethical conduct; providing robust training in ethics and open government laws; promoting transparency in decision-making; and ensuring a safe environment for reporting suspected violations.

The opportunity to serve as a BEGA member truly embodies the perfect intersection of my professional skills, subject matter expertise, and community service aspirations. I hope you

agree that my specialized experience in both ethics and open government perfectly aligns with the technical qualifications sought for BEGA membership. I want to bring these skills to BEGA to give back to my DC community in the way in which I can be most impactful. If confirmed, I would bring to BEGA a passion for ethics and integrity and dedication to public service.

To close, I would like to thank my current and former colleagues, friends and members of the DC community who provided oral and written testimony in support of my nomination. Thank you again for considering me for this opportunity. I am happy to answer any questions you may have.