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February 16, 2018

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**VIA ELECTRONIC and FIRST-CLASS MAIL**

Traci L. Hughes, Esq., Director  
District of Columbia Office of Open Government  
Board of Ethics and Government Accountability  
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**Re: OMA Complaint No. OOG-0014\_12.14.17  
OMA Complaint No. OOG-0015\_12.14.17**

Dear Ms. Hughes:

I have received your letter dated February 15, 2018 and the voicemail message you left me today.

I have spoken to my client regarding the publication of the audio file. This letter memorializes what I am authorized to say to you on behalf of United Medical Center ("UMC"). UMC has accepted the vast majority of the rulings contained in your letters to me dated January 26, 2018. Given its acceptance of these rulings without any challenge, there is no basis for OOG to take the position that UMC is in willful violation of the OMA.

There are additional reasons which militate against the notion that UMC is in willful violation of the OMA.

They are as follows:

1. UMC has the legitimate right to challenge the OOG's Substantive Rulings. It certainly has a good faith basis for doing so.
2. UMC has respectfully requested that OOG provide it with a statement of reasons and articulation for the Substantive Rulings. OOG has summarily refused our request.
3. UMC has the right to seek judicial review in the Superior Court of the District of Columbia. It also has the right to challenge the validity of the OOG Substantive Rulings in its defense of any enforcement action you may choose to file.

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February 16, 2018

Page 2

4. UMC intends to avail itself of one of these options because the OOG Substantive Rulings are not unreviewable by statute and specifically in this situation where UMC had specifically asserted violation of its federal constitutional rights, as spelled out in my February 14, 2018 letter to you.

We cannot comply with the Substantive Rulings without rendering moot our intended judicial challenges to these ruling under the DC Administrative Procedure Act and the Constitution.

In short, we are unable before such judicial review to publish the audio file. My client's position is based on good faith assertion of its rights and is far from constituting a willful violation.

Respectfully yours,



Emil Hirsch

EH:mml

Cc: Michael Austin, Esquire