



**BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
GOVERNMENT OF THE DISTRICT OF COLUMBIA**



August 7, 2025

VIA ELECTRONIC MAIL

[REDACTED]

[REDACTED]

Baltimore, MD [REDACTED]

[REDACTED]@icloud.com

RE: OOG-2025-0054

Dear Mr. [REDACTED]

On July 30, 2025, the Office of Open Government (“OOG”) received the Open Meetings Act (“OMA”) complaint, numbered #OOG-2025-0054 (“Complaint”) that you submitted. The allegations in your complaint concern a Council of the District of Columbia (“Council”) gathering that occurred on Monday, June 30, 2025.

You allege that, on the evening of June 30th, 2025, Council Chairman Phil Mendelson, Councilmembers Brianne Nadeau and Robert White, and other councilmembers attended a dinner at Café Milano where they discussed community benefits agreements and parking to negotiate an agreement with the leadership of the Washington Commanders Football Team (“Commanders”) and the timing of a deal for the Robert F. Kennedy Memorial Stadium site.¹ You state that “this is problematic because the number of councilmembers likely consisted of a quorum, and all councilmembers were invited to the event, making it likely they were in attendance.”² You further state that the councilmembers were at the dinner “to discuss public business, but the general public was not invited nor notified even though it is germane to the general public which needs notice of this matter.”³ It is your contention that a quorum of the Council, invited by Commanders leadership, held a private meeting to discuss public business in violation of the OMA and failed to properly notice the meeting in accordance with the OMA.

As an initial matter, I note that the Director of Open Government has recused herself from review of this matter pursuant to D.C. Official Code § 1-1162.23(a). As Chief Counsel of the Office of Open Government, I am authorized to review this matter and issue this determination on her behalf.

In conformity with 3 DCMR § 10400 *et seq.*, I reviewed the Complaint and referred it to the Office of Open Government’s legal staff for review. OOG’s legal staff investigated the matter and recommended dismissal because the Director of Open Government has no statutory authority to resolve the allegations you raise in the Complaint. The Director of Open Government is precluded from bringing a lawsuit to enforce the OMA regarding Council meetings pursuant to

¹ Complaint from [REDACTED], July 30, 2025.

² *Id.*

³ *Id.*



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D.C. Official Code § 2-579(a).⁴ The Council prescribes its own rules regarding how it enforces the OMA. However, this does not preclude a private right of action in D.C. Superior Court pursuant to D.C. Official Code § 1-207.42. The Director has addressed these issues in greater detail in an advisory opinion issued on February 12, 2025.⁵

Furthermore, in the Open Meetings Clarification Temporary Amendment Act of 2025, the Council amended D.C. Official Code § 2-571 *et seq.* to clarify the definition of a “meeting.” In relevant part, the amended statute states that “for the purposes of the Council of the District of Columbia, the term “meeting” means a regular or additional legislative meeting, and committee meetings where votes are taken.”⁶ This legislation was in effect during the June 30, 2025, dinner that is the subject of your Complaint. Thus, the Council’s gathering on that day falls outside the scope of the OMA’s definition of a meeting as it pertains to the Council.

3 DCMR § 10403.1(a) provides for dismissal of a complaint that “does not raise issues within the Director[of Open Government]’s authority under the [OMA].” I must dismiss the Complaint because it does not raise issues under OOG’s authority. A copy of your Complaint is attached.⁷

If you have any questions or concerns about this dismissal, please contact OOG Attorney Brandon Lewis, at brandon.lewis@dc.gov, or Chief Counsel Louis Neal, at louis.neal@dc.gov.

Sincerely,

Louis L. Neal, Jr., Esq.
Chief Counsel

On behalf of:

Niquelle M. Allen
Director of Open Government

⁴ D.C. Official Code § 2-579 states: (a) the Office of Open Government may bring a lawsuit in the Superior Court of the District of Columbia for injunctive or declaratory relief for any violation of this subchapter before or after the meeting in question takes place; **provided, that the Council shall adopt its own rules for enforcement related to Council meetings.** (emphasis added)

⁵ See Advisory Opinion OOG-2024-0007 which can be found at <https://www.open-dc.gov/documents/dismissal-oog-2024-0007-dc-council>.

⁶ D.C. Official Code § 2-574(1)(C).

⁷ See 3 DCMR § 10403.2.