

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



Office of Open Government

April 3, 2014

Mr. John [REDACTED]  
[REDACTED]@yahoo.com

Dear Mr. [REDACTED]:

This letter responds to your request dated March 30, 2015, and received by the Office of Open Government (OOG) on April 1, 2015, to investigate whether the Department of General Services (DGS) violated the Open Meetings Act by inviting only a select group of people to hear the results of a hearing before the Commission on Fine Arts (CFA) concerning the "Kalorama Park Plan." Specifically, you allege that the DGS project manager who provided notice of the meeting to a "[S]mall group of specific people privileged by DGS to review the results of the hearing," was effectively a closed meeting and was conducted in violation of D.C. Official Code § 2-575(b).

I have reviewed the documentation you provided, and analyzed the issue you raised pursuant to the authority granted to the OOG, set forth in § 503(a)(4) of the District of Columbia Administrative Procedure Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-593 (2014)), and determined that the conduct described does not give rise to legal action for violation of the Open Meetings Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2014)).

The Open Meetings Act takes great care to define which entities are to be considered public bodies for the purpose of taking official action by a quorum of members gathered to consider, conduct or advise on public business.

A "public body" means any government council, including the Council of the District of Columbia, board, commission, or similar entity, including a board of directors of an instrumentality, a board which supervises or controls an agency, or an advisory body that takes official action by the vote of its members convened for such purpose. (D.C. Official Code § 2-574(3)).

The measure is equally specific regarding the government entities that shall not be considered public bodies, namely D.C. Official Code § 2-574(3)(A) which excludes District agencies or instrumentalities. The DGS is a district agency, and is expressly exempt from requirements of the Open Meetings Act. Additionally the Commission of Fine Arts is an independent federal agency and is not within the jurisdiction of the OOG to enforce the Open Meetings Act.

Sincerely,

TRACI L. HUGHES, ESQ.  
Director, Office of Open Government  
Board of Ethics and Government Accountability

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