

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
OFFICE OF OPEN GOVERNMENT



January 12, 2018

VIA ELECTRONIC MAIL

Ms. C [REDACTED] Barber
[REDACTED] Road
[REDACTED] 724
[\[REDACTED\]@aol.com](mailto:[REDACTED]@aol.com)

VIA ELECTRONIC MAIL

Attorney Louise E. Ryder
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Associate, PLLC
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RE: #OOG-0013_11.14.17 Resolution of Complaint_COST¹

Dear Ms. Barber:

The Director of the Office of Open Government (OOG), pursuant to the authority set forth in § 503(a)(2) of the District of Columbia Administrative Procedure Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-593(a)(2) (2018)), and 3 DCMR § 10400 *et seq.* (2018), investigated your Open Meetings Act (OMA), (D.C. Official Code § 2-571 *et seq.* (2018)), complaint regarding whether the Commission on the Selection and Tenure of Administrative Law Judges (COST) failed to properly notice meetings that occurred on May 24, 2016, July 8, 2016 and July 12, 2016, in violation of D.C. Official Code § 2-576(1)(2)(A)(B). Further, you asked that the OOG nullify the meetings of the COST that occurred on March 3, 2016 and July 13, 2016.

On November 16, 2017, the OOG requested all meeting-related records, including meeting notices, agendas, minutes and recordings relative to COST meetings occurring on the dates in question. In its November 30, 2017 response to the Notification of Complaint, the COST, by way of the Office of Administrative Hearings, acknowledged that a May 24, 2016 meeting did occur, but contends no formal action was taken; and that a July 8, 2016 status conference was conducted by the COST. The OOG is unable to make factual determinations regarding violations of the OMA without the requested records.

Finally, the OOG does not have the authority to independently nullify actions taken during meetings of public bodies, and cannot take any action regarding your request to nullify the March 3, 2016 meeting; the July 13, 2016 status hearing; and the July 13, 2016 hearing.

Sincerely,

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

¹ The OOG mistakenly duplicated file numbers. This complaint is properly assigned file #OOG-0013_11.14.17, rather than #OOG-0012_11.14.17. This is a change in file number only, and has no substantive impact regarding the OOG's determination regarding the complaint.