



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



March 26, 2024

**VIA ELECTRONIC MAIL**

[REDACTED], NE  
Washington, DC [REDACTED]  
[REDACTED]@gmail.com

**RE: Dismissal of Referred Complaint #OOG-2024-0005**

Dear [REDACTED]:

This correspondence regards a confidential complaint you submitted to the Board of Ethics and Government Accountability, Office of Government Ethics (“OGE”) on March 17, 2024, OGE Complaint 24-0080-C, and OGE subsequently referred to the Office of Open Government (“OOG”) on March 22, 2024. Your complaint alleges that Keya Chatterjee, Advisory Neighborhood Commissioner (“Commissioner”) for 6A01, told you, as an anonymous public meeting attendee, who submitted a question in the Q&A section during a Zoom meeting, that anonymous questions would not be entertained, and participants were required to enter a name if a response was desired. Your complaint alleges that Commissioner Chatterjee violated your “right under the First Amendment Right under the Constitution of the United States.”

The Director of Open Government does not have jurisdiction over Advisory Neighborhood Commission (“ANC”) meetings. Those meetings are excluded from the Open Meetings Act (“OMA”) (D.C. Official Code § 2-571 *et seq.*) requirements. Thus, the Director of Open Government has no statutory authority to resolve the allegations in your complaint and I will have to dismiss the complaint for the reasons stated below.

Dismissal Under the OMA

OOG’s legal staff reviewed the complaint, assigned file number OOG-2024-0005, pursuant to 3 DCMR § 10400 *et seq.*, and recommended dismissal due to the threshold question of whether the Director of Open Government has jurisdiction over the public body referenced in the complaint. D.C. Official Code § 2-574(3)(F) excludes ANCs from the definition of public bodies. I only have statutory jurisdiction over a public body’s meetings when that entity is subject to the OMA; therefore, I cannot resolve this complaint because ANC meetings are not subject to the OMA. I may dismiss a complaint that “does not raise issues within the Director’s authority under the Open Meetings Act” under 3 DCMR § 10403.1(a). Thus, I am dismissing your complaint because it does

not raise issues under my authority. I did not consider the merits of your complaint because the threshold question of jurisdiction was not met.

Laws Governing ANC Meetings

The Advisory Neighborhood Councils Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 et seq.), governs ANC meetings. ANC meetings are subject to their own open meetings laws pursuant to D.C. Official Code § 1-309.11, which provides:

(g) Each Commission, including each committee of a Commission, shall be subject to the open meetings provisions of [§ 1-207.42](#). No meeting may be closed to the public unless personnel or legal matters are discussed.

The law referenced above, D.C. Official Code § 1-207.42 is called the “Sunshine Act” and this law is not enforced by OOG. The Sunshine Act provides a private right of action in D.C. Superior Court. I provided a copy of your complaint to the Office of Advisory Neighborhood Commissions (OANC) Executive Director, Kent Boese. OANC may be able to assist with resolving your complaint.

If you have any questions or concerns about this dismissal, please contact me at [niquelle.allen@dc.gov](mailto:niquelle.allen@dc.gov).

Sincerely,



Niquelle M. Allen, Esq.  
Director of Open Government  
Board of Ethics and Government Accountability