



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



August 26, 2026

VIA ELECTRONIC MAIL



@verizon.net

RE: Dismissal of Referred Complaint #OOG-2026-0014

Dear Mr. 

This correspondence regards a complaint you submitted to the Board of Ethics and Government Accountability, Office of Government Ethics (“OGE”) on June 25, 2026. OGE subsequently referred your complaint to the Office of Open Government (“OOG”) on July 10, 2026. Your complaint raised several concerns about the practices of certain Advisory Neighborhood Commissions across the District, specifically ANC 5C and ANC 5B. You allege that these ANCs engage in practices that circumvent community input and dismiss or mischaracterize community concerns.

Your complaint concerns ANC meetings. The Director of Open Government does not have jurisdiction over ANC meetings because those meetings are specifically excluded from the Open Meetings Act (“OMA”) (D.C. Official Code § 2-571 *et seq.*). I must dismiss the complaint, for the reasons stated below, because the OMA does not grant the Director of Open Government statutory authority to resolve the allegations in your complaint.

Dismissal Under the OMA

OOG’s legal staff reviewed the complaint and assigned the matter file number OOG-2026-0014. Pursuant to 3 DCMR § 10400 *et seq.*, upon the conclusion of its review, OOG’s legal staff recommended dismissal due to the threshold question of whether the Director of Open Government has jurisdiction over the public body referenced in the complaint not being met. D.C. Official Code § 2-574(3)(F) excludes ANCs from the definition of public bodies subject to the OMA. I only have statutory jurisdiction over a public body’s meetings when that entity is 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. Contact the Office of the Attorney General, Legal Counsel Division, if you require more information regarding the private right of action under the Sunshine Act.

I have provided a copy of your complaint to the Office of Advisory Neighborhood Commissions (OANC) Executive Director, Kent Boese. OANC may be able to provide additional guidance for resolving your complaint. Please note that OANC provides administrative support and guidance to ANC's but is not an adjudicative or enforcement agency.

If you have any questions or concerns about this dismissal, please contact me at niquelle.allen@dc.gov.

Sincerely,

A handwritten signature in cursive script that reads "Niquelle Allen".

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