

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



Office of Government Ethics
Office of Open Government

February 5, 2014

Honorable Kenyan McDuffie
Committee on Government Operations
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W., Suite 506
Washington, D.C. 20004

**RE: Board of Ethics and Government Accountability's
Responses to the Performance Oversight Questions**

Dear Councilmember McDuffie:

Thank you for this opportunity to provide responses to the performance oversight questions contained in the Committee on Government Operations Memorandum (Director Ronan Gulstone) dated January 24, 2014. The members of the Board, Ms. Hughes and I look forward to providing testimony and answering these and any other questions you might have at the Hearing scheduled on February 10, 2014. The questions and answers are set forth below:

1. Please provide a complete, up-to-date organizational chart for each division within the agency including and, either attached or separately, an explanation of the roles and responsibilities for each division and subdivision.
 - a. Please include a list of the employees (name and title) for each subdivision and the number of vacant positions.
 - b. Please provide a narrative explanation of any organizational changes made during the previous year.

Response:

The Board of Ethics and Government Accountability (BEGA) investigates alleged ethics laws violations by District government employees and public officials, provides binding ethics advice and conducts mandatory training on the D.C. Government's Code of Conduct. See '*BEGA Organizational Chart*' as *Exhibit 1*.

The role of the Office of Government Ethics (OGE) is to investigate alleged ethics violations by District government employees and public officials, provide binding ethics advice and conduct mandatory training on the D.C. Government's Code of Conduct. The OGE also administers and enforces the District's financial disclosure, lobbyist reporting and lobbyist registration regulations.

The role of the Office of Open Government (OOG) is to ensure that District government operations at every level are transparent, open to the public, and promote civic engagement. The OOG has oversight over compliance of all public bodies, officials, and employees, including the Council of the District of Columbia, with the Open Meetings Act (OMA) (DC Official Code §§2-571 through 580; DC Official Code §§2-592, 593). The OOG may bring a lawsuit in the Superior Court of the District of Columbia against a public body for failure to comply with the OMA. The OOG ensures compliance of public bodies with the Freedom of Information Act (FOIA), but does not retain enforcement authority.

- (a) There are no subdivisions within the Agency.
- (b) There were no organizational changes in the previous year. The Director of the Office of Open Government was hired. An additional Attorney Advisor was authorized and hired in the last year. This attorney serves as a legal writer for OGE with regard to ethics opinions, and separately as an advisor for the Board Members during investigations/contested proceedings when it would otherwise be inappropriate for the Director of OGE to do so. An IT position to reside under the Office of Open Government was authorized, but remains unfilled.

2. Please provide a complete, up-to-date position listing for your agency, which includes the following information:

- a. Title of position
- b. Name of employee or statement that the position is vacant (if so the length of the vacancy), unfunded, or proposed.
- c. Date employee began in position
- d. Salary and fringe benefits, including the specific grade, series, and step of position
- e. Job status (continuing/term/temporary/contract)

Response:

Please see 'BEGA (AG0) Position Listing' as *Exhibit 2*.

3. Please provide a list of any contractors or consultants performing work within your office, including job description, salary, length of contract, and city of residence.

Response:

There are no contractors or consultants performing work within the Office.

4. Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?

Response:

Yes, beginning with FY 2014, BEGA intends to conduct annual performance evaluations of all of its employees. We have worked with the D.C. Department of Human Resources ("DCHR") to activate the Performance Evaluation feature of PeopleSoft and the entire staff attended a DCHR training on Performance Evaluations. FY 2014 Performance Plans, the criteria on which employees will be evaluated for FY 2014, have been created in PeopleSoft and distributed to the employees. The Performance Evaluations will be done in accordance with DCHR's schedule, after FY 2014 ends. Darrin Sobin, Director of Government Ethics, will conduct the Performance Evaluations for the employees under his direct supervision: Jack Grimaldi, Senior Attorney; Stacie Pittell, General Counsel; Sandra Peterson, Management Liaison Specialist; and Eric Younger, Program Support Assistant. Stacie Pittell, General Counsel, will conduct the Performance Evaluations for the employees under her direct supervision: Yancey Burns, Attorney-Advisor; Cristina Patzelt, Attorney-Advisor; Clara Olawunmi, Investigator; and Ronald Cook, Investigator.

The Office of Government Ethics ("OGE") takes steps on a daily, weekly, and monthly basis to ensure that all agency employees are meeting individual job requirements. On a daily basis, supervisors oversee the work of their direct reports to guide their work and ensure accuracy, thoroughness, and timeliness. On a weekly basis, OGE holds a staff meeting to review current matters, anticipate future matters, deal with any difficulties encountered by staff in meeting assignment requirements, and plan for upcoming Ethics Board meetings. On a monthly basis, staff members prepare for and make presentations to the Ethics Board, which has the opportunity to comment on any improvements needed in both office-wide and individual performance. All of these measures are taken to ensure that problems that arise concerning individual performance will be noticed and addressed promptly.

5. Please list all employees detailed to or from your agency, if any. Please provide the reason for the detail, the detailed employee's date of detail, and the detailed employee's projected date of return.

Response:

There are no employee details.

6. Please provide the Committee with:

- a. A list of all employees who receive cellphones, personal digital assistants, or similar communications devices at agency expense
- b. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned
- c. A list of employee bonuses or special award pay granted in FY13 and FY14, to date
- d. A list of travel expenses, arranged by employee
- e. A list of the total overtime and workman's compensation payments paid in FY13 and FY14, to date

Response:

- (a) The following employees have cellphones at the Agency's expense: Board members Laura Richards and Deborah Lathen; Directors Darrin Sobin and Traci Hughes, and General Counsel Stacie Pittell.
- (b) The Agency has no leased or owned vehicles. The Agency participates in the Fleet Share (DPW) program, and Ronald Cook, Sr., and Eric Younger are authorized drivers.
- (c) There have been no bonuses or special award pay granted.
- (d) Travel Expenses: Sandra Peterson (\$183.65 - Training), and Clara Olawunmi (\$639.50 - Training (Auditor Certification)).
- (e) There have been no overtime or workman's compensation payments.

7. Has all of your staff participated in ethics training?

Response:

Yes, all staff have participated in ethics training.

8. Please provide a chart showing your agency's approved budget and actual spending, by division, for FY13 and FY14, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures.

Response:

Please see 'BEGA (AG0) Approved Budget and Actual Spending' as *Exhibit 3*. There is a variance between FY'13 and FY'14 because all FTEs were appropriated within the Office of Open Government; however, they should have been appropriated within the BEGA.

9. Please list any reprogramming, in or out, which occurred in FY13 or FY14, to date. For each reprogramming, please list the total amount of the reprogramming, the original purposes for which the funds were dedicated, and the reprogrammed use of funds.

Response:

Please see '*BEGA (AG0) Reprogramming*' as *Exhibit 4*.

10. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY13 or FY14, to date.

Response:

Please see '*BEGA (AG0) Intra-District Transfers*' as *Exhibit 5*.

11. Please identify any special purpose revenue accounts maintained by, used by, or available for use by your agency during FY13 or FY14, to date. For each account, please list the following:

- a. The revenue source name and code
- b. The source of funding
- c. A description of the program that generates the funds.
- d. The amount of funds generated by each source or program in FY13 and FY14, to date
- e. Expenditures of funds, including the purpose of each expenditure, for FY13 and FY14, to date

Response:

Please see '*BEGA (AG0) Special Purpose Revenue Accounts*' as *Exhibit 6*.

12. Please provide a complete accounting of all federal grants received for FY13 and FY14, to date

Response:

There are no federal grants.

13. What steps were taken during FY13 to reduce the following within the agency:

- a. Space utilization
- b. Communication costs
- c. Energy use

Response:

- (a) To resolve an office space issue, i.e., number of employees versus available work areas, the Agency obtained five (5) surplus cubicles from another District agency and had them reinstalled in the BEGA suite. The space now accommodates full time employees, as well as interns.
- (b) There were no communication costs, other than, the cell phones listed above and the regular costs of land lines provide by OCTO.
- (c) To conserve energy, the Agency shut downs all computers and ensures all lights are turned off at the end of the work day.

14. Please identify any legislative requirements that the agency lacks sufficient resources to properly implement.

Response:

The Office of Government Ethics lacks sufficient resources to implement properly several of its legislative requirements.

(1) The Office of Government Ethics is responsible for annual Lobbyist Registrations and the filing of Lobbyist Activity Reports twice a year. Currently, our receptionist and one of our attorney-advisors have been handling both the clerical and substantive tasks involved in this requirement. These tasks include: issuing the login information so that lobbyists can file electronically; dealing with our vendor on electronic issues that have arisen; assisting lobbyists who have difficulties filing electronically; inputting data from lobbyists who submit paper filings; processing payments; determining which lobbyists failed to pay the required registration fee and sending letters requiring payment; calculating late filing fees for lobbyists who filed their Lobbyist Activity Reports late and sending out appropriate letters; tracking the payment of late filing fees; referring matters to the Office of the Attorney General for civil enforcement of the failure to pay lobbyist registration fees and/or late filing fees; and answering questions regarding what is required to be disclosed. In addition, one of our investigators conducted the substantive review of the lobbyist filings. We note that the Office of Campaign Finance, which previously had responsibility for annual Lobbyist Registrations and the filing of Lobbyist Activity Reports twice a year, had a staff of people who handled all of these matters;

(2) The Office of Government Ethics is responsible for the annual public Financial Disclosure Statement ("FDS") filings of all District government public filers. Last year, this function overwhelmed our staff in part because of the large number of public filers and in part because all public filers file within a very short period (the two to three week period leading up to the filing date of May 15th). Tasks associated with FDS filing include: obtaining lists of public filers from all of the District government agencies; providing login information to all public filers; assisting public filers with technical difficulties regarding electronic filing; and answering substantive questions regarding

what is required to be disclosed. Again, the Office of Campaign Finance, which handled this function previously, had an administrative staff sufficient to handle these tasks;

(3) The Office of Government Ethics is responsible for conducting investigations of Code of Conduct violations by District government employees, public officials, elected officials, and members of Boards and Commissions. Currently, we have two investigators, which is insufficient to thoroughly investigate all of the matters we should be investigating. In FY 2013, we opened 57 investigations, closed 40 investigations, had 8 negotiated dispositions, and held 2 hearings. Clearly, 2 investigators cannot conduct 57 investigations in one year. To supplement this staffing shortfall, the 2 Attorney-Advisors, the General Counsel, and the Director of Government Ethics all conducted (and continue to conduct) investigations. This has created two problems. First, having staff members who are supposed to perform other functions doing investigative work puts a strain on our ability to timely perform our other statutory functions. Second, having our two Attorney-Advisors and our General Counsel perform investigative work has the potential to create problems when those investigations go to an adversarial hearing because the attorneys may be needed as witnesses in the hearings they are prosecuting.

We point out that the Office of the Inspector General (“OIG”) is staffed for 27 people in its Investigations Division alone, and has support from its Legal Unit, which consists of 4 attorneys and 1 paralegal. (The Investigations Division has an Assistant Inspector General for Investigations, a Deputy Assistant Inspector General for Investigations, 3 supervisors, 17 investigators, an investigative analyst, and 4 support staff). It was anticipated when BEGA was created that BEGA would utilize the investigatory work done by OIG investigators and could focus resources on the actual enforcement proceedings. Unfortunately, that has not been the case. To date, BEGA has received referrals of only 7 cases from the OIG in the 16 months BEGA has been in existence. Of those 7 cases, 6 concerned the misuse of a disability parking placard by a District government employee. The 7th case, which concerned a different issue, was dismissed by the Ethics Board because there was insufficient evidence to establish a reason to believe a Code of Conduct violation had occurred. In short, given the unanticipated high number of ethics complaints that have come to BEGA from sources other than the OIG, as well as the disappointingly small number of referrals of completed investigations received from OIG, BEGA’s staff of 2 investigators is insufficient.

The Office of Open Government lacks sufficient resources to meet statutory obligations.

(1) D.C. Official Code §2-593(c) authorizes the Office of Open Government to issue advisory opinions on implementation of the Freedom of Information Act. Currently, the Office of Open Government is staffed with a director and does not have the requisite staff (i.e., attorney advisor(s) to issue advisory opinions).

(2) D.C. Official Code §2-593(a)(2)(3)(4) authorizes the Office of Open Government to issue advisory opinions on compliance with the Open Meetings Act (OMA); provide training to public bodies, officials, and employees on the Open Meetings Act; and issue rules to implement the Open Meetings Act. Currently, the Director conducts all trainings

and issues opinions and rules to implement the OMA. The Office of Open Government is understaffed to train and regulate compliance with the OMA, and currently has no staffing to enforce compliance in the event a public body fails to abide by the OMA.

15. Please list all regulations for which the agency is responsible for oversight or implementation. Please list by chapter and subject heading, including the date of the most recent revision.

Response:

- The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 (2012 Supp.)).

Section 219 was amended by B20-0588, enacted December 27, 2013.

Section 221(a)(4) was amended by B20-0588, enacted December 27, 2013.

Section 225(a) was amended by B20-0458, effective December 13, 2013.

Section 225(b) was added by B20-0458, effective December 13, 2013.

- The Code of Official Conduct of the Council of the District of Columbia, as adopted by the Council in Resolution 20-1, on January 2, 2013; The Code of Official Conduct Amendment Resolution of 2013, as adopted by the Council on February 4, 2014.
- D.C. Official Code, Chapter 7 of Title 2 (Official Mail);
- D.C. Official Code Section 2-354.16 (Contingent Fees);
- Chapter 18 of Title 6B of the District of Columbia Municipal Regulations (Responsibilities of Employees); and
- “Prohibition on Government Employee Engagement in Political Activity Act of 2010”, effective March 31, 2011 (D.C. Law 18-335; 58 DCR 599), as amended by the “Prohibition on Government Employee Engagement in Political Activity Temporary Amendment Act of 2013” (D.C. Law 20-4, effective May 18, 2013) (the “Local Hatch Act”).

16. Please list each new initiative implemented by the agency during FY 2013. For each initiative please provide:

- a. A description of the initiative
- b. The funding required to implement the initiative

- c. Any documented results of the initiative
- d. The number of FTE's assigned to the initiative

Response:

OGE Initiative 1: In FY 2013, the Office of Government Ethics sought and received the authority, through legislation, to enter into Negotiated Dispositions, where appropriate, to resolve investigations. The Director of Government Ethics and General Counsel worked closely with the D.C. Council to express the urgency of the need for such legislation and what it should encompass. Once the legislation was enacted, Office of Government Ethics staff members began to negotiate dispositions, where appropriate, to resolve investigations. The documented results of this initiative are the Negotiated Dispositions posted on our website. No additional funding was needed to implement this initiative. BEGA used existing staff members to implement and conduct the initiative.

OGE Initiative 2: In FY 2013, the Office of Government Ethics developed and implemented a plan to review lobbyist filings to determine whether there were any material misrepresentations or omissions. Two staff members developed the plan, one staff member reviewed the lobbyist filings, and two staff members sought, obtained, and reviewed explanations from the lobbyists, and oversaw the filing of amended reports, where appropriate. The initiative revealed that sometimes lobbyists make campaign contributions on their own, but not on behalf of or attributable to a particular client. In the past, before BEGA existed and had jurisdiction over lobbyist filings, some lobbyists did not report such campaign contributions. BEGA, however, requires the reporting of such contributions. Therefore, as a result of the initiative, two BEGA staff members developed an additional lobbyist form to be used in FY 2014, on which lobbyists can, without attribution to a particular client, disclose campaign contributions made on their own. No additional funding was required to implement this initiative. BEGA used existing staff members to implement and conduct the initiative.

OGE Initiative 3: In FY 2013, the Office of Government Ethics updated its training materials, including the Ethics Manual, to reflect changes in the law and best practices in the field of government ethics. This was in response to requests from District government employees for clarifications on various ethics issues. The documented results of this initiative, which include the updated Ethics Manual, updated ethics training materials, and Hatch Act training materials, are posted on our website and widely distributed to agencies and agency ethics counselors. No additional funding was required to implement this initiative. All Office of Government Ethics investigators and attorneys (7 staff members in total) participated in this initiative.

OOG Initiative 1: In FY 2013 The Office of Open Government undertook the responsibility of ensuring the District put in place a Freedom of Information Act processing and tracking system to ease agency burdens of processing thousands of FOIA requests with limited personnel and in within the 15-25 business day time frame to comply the FOIA. The Director of OOG researched best practices for FOIA tracking, and reviewed similar systems implemented at the federal level and by cities across the

country. The OOG offered its findings to the Executive Office of the Mayor (EOM) and recommended the EOM implement FOIAXpress city-wide. The EOM determined it would implement FOIAXpress. Therefore, there were no budgetary costs to the OGE. There were not FTE's assigned. The EOM is supervising full implementation.

OOG Initiative 2: At the urging of the OOG, the EOM announced in October its *Transparency and Open Government Initiative* as a means to meet the objectives laid out in Mayor Gray Memorandum 2011-01 calling for agencies to submit plans to improve transparency. The EOM is implementing. There is no budgetary cost to the Office of Open Government. There are no FTE's assigned to the initiative. The OOG cannot document the results of the initiative as the EOM has assumed full coordination.

- 17. Please provide a list of all studies, research papers, and analyses ("studies") the agency requested, prepared, or contracted for during FY13. Please state the status and purpose of each study.**

Response:

Each year, the agency conducts a study of best practices in government ethics. We review changes in legislation and practices in the federal government, as well as state and local governments. We analyze the results of our research to determine what is applicable to District government ethics and open government and make recommendations in our annual Best Practices Report. Our most recent Best Practices Report was released, on time, on December 31, 2013.

- 18. Please explain the impact on your agency of any legislation passed at the federal level during FY13, to date that significantly affect agency operations. If regulations the shared responsibility of multiple agencies, please note.**

Response:

None.

- 19. Please provide a list of all MOUs currently in place, all MOUs entered into within the last year, and any MOUs planned for the coming year.**

Response:

Please see 'BEGA (AG0) MOUs' as *Exhibit 7*.

- 20. Please list each contract, procurement, lease, and grant ("contract") awarded, entered into, extended and option years exercised, by your agency during FY13 and FY14, to date. For each contract, please provide the following information, where applicable:**
- a. The name of the contracting party
 - b. The nature of the contract, including the end product or service

- c. The dollar amount of the contract, including budgeted amount and actually spent
- d. The term of the contract
- e. Whether the contract was competitively bid or not
- f. The name of the agency's contract monitor and the results of any monitoring activity
- g. Funding source

Response:

Please see 'BEGA (AG0) Purchase Order/Contract Report' as Exhibit 8.

21. Please list and describe any ongoing investigations, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY13 or FY14, to date.

Response:

None.

22. Please identify all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years. Please provide an update on what actions have been taken to address these recommendations.

Response:

None.

23. Please identify all electronic databases maintained by your agency, including the following:

- a. A detailed description of the information tracked within each system
- b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system\
- c. Identification of persons who have access to each system, and whether the public can be granted access to all or part of each system

Response:

- a. BEGA has two e-filing systems, one for lobbyists and one for financial disclosures. Lobbyists, lobbying entities, and clients can all use the e-filing system to electronically file their Lobbyist Registration Forms or Lobbyist

Activity Reports. The Lobbyist e-filing system tracks those forms. Those forms include the following information: registrant contact information, lobbyist contact information, client contact information, terms of compensation, nature of business they lobby for, matters on which they expect to lobby in the coming year, any officials who have business or professional relationships with the registrant, all communications with officials the registrant had related to lobbying activities, compensation paid, lobbyist expenditures, and other lobbying related expenditures the registrant had (like campaign contributions).

Public officials, government employees, and ANCs can all use the Financial Disclosure e-filing system to file their requisite FDS forms. The FDS e-filing system tracks those forms. Those forms include the following information: Filer's position; agency and contact information; any business in which the filer or their spouse, domestic partner, or dependent children has a beneficial interest, exceeding in the aggregate \$1,000, or that produced income of \$200; any business from which the registrant receives honoraria and income earned for services rendered in excess of \$200 during a calendar year, as well as the identity of any client for whom the official performed a service in connection with the official's outside income if the client has a contract with the government of the District of Columbia or the client stands to gain a direct financial benefit from legislation that was pending before the Council during the calendar year; any business where the registrant serves as an officer, director, partner, employee, consultant, contractor, volunteer, or in any other formal capacity or affiliation; or has an agreement or arrangement for a leave of absence, future employment, including date of agreement, or continuation of payment by a former employer; any outstanding individual liability in excess of \$1,000 for borrowing by the registrant or their spouse, domestic partner, or dependent children from anyone other than a federal or state insured or regulated financial institution, including any revolving credit and installment accounts from any business enterprise regularly engaged in the business of providing revolving credit or installment accounts, or a member of the person's immediate family; all real property located in the District (and its actual location) in which the public official or his or her spouse, domestic partner, or dependent children, has an interest with a fair market value in excess of \$1,000, or that produced income of \$200; all professional or occupational licenses issued by the District of Columbia government held by the registrant or their spouse, domestic partner, or dependent children; all gifts received by a registrant from a prohibited source in an aggregate value of \$100 in a calendar year. Registrants also certify that they have filed and paid income and property taxes; diligently safeguarded the assets of the taxpayers and the District; reported known illegal activity, including attempted bribes, to the appropriate authorities; not been offered or accepted any bribes; not directly or indirectly received government funds through illegal or improper means; not raised or received funds in violation of federal or District law; and not received or been given anything of value, including a gift, favor, service, loan gratuity, discount, hospitality, political contribution, or promise of future employment, based on any understanding that the public official's official actions or judgment or vote would be influenced.

BEGA also uses ProLaw, an electronic database system to manage and track all incoming cases. The system provides online document storage and sharing, court docketing, email, legal calendaring, document assembly and contacts.

- b. The e-Filing system was developed in 2013, and upgrades to improve the system are ongoing, but not substantial. The ProLaw Case Management system was installed in 2013, and no upgrades have been made or are available from the vendor.
- c. Employees Eric Younger and Cristina Patzelt have access to the e-Filing system. The public has full viewing rights to access the public information contained in the system, but cannot edit/change the information contained therein. The publicly available information includes all filings submitted by lobbyists (registration statements and activity reports) which are posted and searchable on the BEGA website, as are the public financial disclosure forms. The ProLaw Case Management system is used by all staff, and the public cannot be granted access due to confidential case matters.

24. What has the agency done in the past year to make the activities of the agency more transparent to the public? In addition, please identify ways in which the activities of the agency and information retained by the agency could be made more transparent.

Response:

The Ethics Board holds monthly meetings, which are open to the public. At those meetings, the Office of Government Ethics provides updates on operations, including budget, training, non-confidential investigations, advisory opinions, lobbyist matters, legislation, and any other issues that may be relevant in a given month. Meeting minutes are posted on our website and recordings of the public portions of the meeting are available for members of the public to come to BEGA to listen to them, upon request.

In addition, the agency's website contains a wealth of information on its operations. Postings on its website include Advisory Opinions issued, a quarterly chart of complaints received and the status of the investigations, Negotiated Dispositions, Final Decisions and Orders of the Ethics Board, the Best Practices Report, the Code of Conduct, pertinent legislation and rulemakings, and training materials. Finally, the agency has an active twitter account under the twitter handle, @dcopengov. The agency tweets its interesting activities.

BEGA has recently received funds to upgrade its Hearing Room with audio and visual features that will permit recording of all open BEGA meetings and hearings. Members of the public who cannot attend a meeting will be able to later view BEGA meetings from an archive on the BEGA website.

25. Please identify any statutory or regulatory impediments to your agency's operations.

Response:

Currently, there is no requirement that District employees cooperate with BEGA, have an affirmative obligation to report to BEGA conduct that they know or reasonably should know involves a violation of the Code of Conduct, and no specific statute or regulation gives BEGA access to all government records and facilities (except to the extent prohibited by law). (There is a more complete discussion of this in BEGA's first annual Best Practices Report issued in April 2013). It is imperative to BEGA's continued operations that BEGA have access to District government records and facilities and that District government employees be required to cooperate with BEGA and make reports of potential Code of Conduct violations to BEGA.

D.C. Official Code §2-593(c) authorizes the Office of Open Government to issue advisory opinions on implementation of the Freedom of Information Act. Although the Office of Open Government must offer formal and informal advice to agencies on compliance with FOIA, it has not means to enforce or monitor compliance; nor does the Office of Open Government have a role in agency annual FOIA reporting which is funneled through the Office of the Secretary to the Mayor and the Council.

26. How does the agency solicit feedback from customers? Please describe.

- a. **What has the agency learned from this feedback?**
- b. **How has the agency changed its practices as a result of such feedback?**

Response:

The agency solicits feedback from customers in a number of ways. The Ethics Board holds monthly Ethics Board meetings, which are open to the public. Members of the public, as well as other District government employees, are welcome to attend and address the Ethics Board. In addition, the Ethics Board holds an annual symposium in the fall of each year, to solicit comments and suggestions from attendees in preparation for its annual Best Practices Report. Further, in connection with Best Practices Report, people may make comments in writing, to the Ethics Board. In connection with the annual Financial Disclosure Statement ("FDS") filing in May 2013, the agency conducted a "Monkey Survey" to solicit comments and feedback from a sampling of FDS filers. Finally, members of the public and District government employees are always welcome to call our main number or email the BEGA mailbox with suggestions, comments, and feedback on any of our operations.

The agency has obtained valuable information from the feedback received from members of the public and District government employees. For example, in the areas of lobbyist and FDS filings, users have made many helpful comments concerning how the electronic systems operate, and the clarity of the questions they were required to answer. The agency revised its trainings and posted FAQs in these areas to reflect and address the

suggestions made. In addition, comments received in connection with the Best Practices Report, both at the symposium and in written form, were discussed to consider whether they should be included in the Best Practices Report.

The agency also has received many questions and comments from Board & Commission members, as well as from agencies that have a Board or Commission, expressing confusion as to what District ethics rules and regulations apply to them. The agency has addressed these questions and comments by conducting trainings that are tailored to the Boards and Commissions.

Most recently, BEGA launched a new website which allows members of the public to submit comments to be considered during public meetings of the Board of Ethics and Government Accountability.

27. Please describe the Office's efforts to minimize waste, fraud and abuse within your office and within the District government.

Response:

Within the Office of Government Ethics and Office of Open Government, staff members seek, on a daily basis, to use District government time and resources efficiently. We conduct as much of our work as possible electronically, to limit our printing, copying, and paper use. We track assignments to ensure that the time of each staff member is well spent and there is no unnecessary duplication of efforts.

In terms of the District government in general, it is the mission of the Office of Government Ethics to deter and uncover ethical misconduct, some of which many involve waste, fraud, and abuse. We conduct trainings and provide training materials to District government employees to deter such conduct and conduct investigations and enforcement actions to uncover and civilly sanction such conduct.

28. Please provide the amount of advisory opinion requests your office received during FY13 and FY14 to date.

Response:

For FY 2013, the Office of Government Ethics received 23 written Advisory Opinion requests. In addition, during FY 2013 (for the period March 2013 through September 30, 2013), the Office of Government Ethics received and responded to 186 requests for informal advice.

For FY 2014, to date, the Office of Government Ethics has received 3 written Advisory Opinion requests. In addition, for FY 2014 to present, the Office of Government Ethics received and responded to 163 requests for informal advice.

For FY 2013, the Office of Government Ethics did not receive any requests for written Advisory Opinions.

For FY 2014, the Office of Open Government received one written Advisory Opinion requests.

29. Please provide the quantity of advisory opinions your office has completed during FY13 and FY14, to date.

Response:

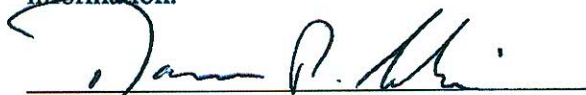
For FY 2013, the **Office of Government Ethics** completed 24 written Advisory Opinions (22 based on requests, and 2 on its own initiative. The 23rd written Advisory Opinion request came in at the end of FY 2013, and was issued at the beginning of FY 2014). In addition, during FY 2013 (for the period March 26, 2013, through September 30, 2013), the Office of Government Ethics received and responded to 186 requests for informal advice.

For FY 2014, to date, the **Office of Government Ethics** has completed all 4 of the written Advisory Opinions requested. In addition, FY 2014 to date, the Office of Government Ethics received and responded to 163 requests for informal advice.

For FY 2014, to date, the **Office of Open Government** has completed 1 written Advisory Opinion.

Informal advice is routinely given by the **Office of Open Government** to FOIA Officers seeking guidance on processing requests, and by boards and commissions seeking guidance on compliance with the Open Meetings Act.

Thank you, and please let me know if you have any questions or require any additional information.



DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government
Accountability



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

Enclosures

**Board of Ethics and
Government
Accountability
Organizational Chart**

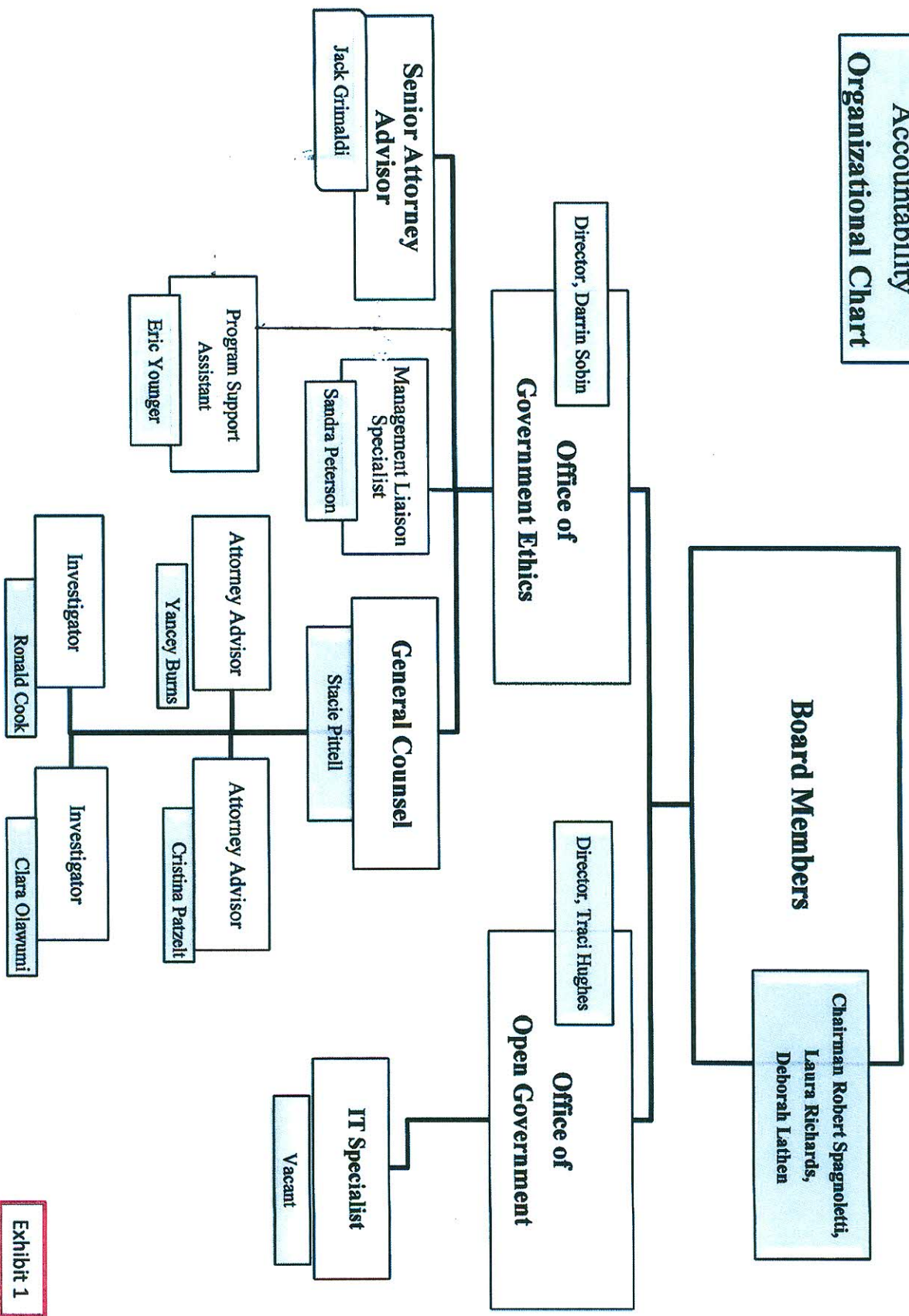


Exhibit 1

BEGA (AG0) Position Listing

Exhibit 2

No	Title	Name	Hire Date	Grade	Step	Salary	Fringe Benefits	Job Status
1	Director of Open Government	Hughes, Traci L Vacant for 4	4/22/2013	10	0	142,140.00	29,849.40	Reg
2	IT Spec (Data Management)	months/funded		9	0	43,181.00	9,068.01	Reg
3	Director of Government Ethics	Sobin, Darrin P	11/5/2012	10	0	154,500.00	32,445.00	Reg
4	Management Liaison Specialist	Peterson, Sandra	12/17/2012	12	4	70,369.00	14,777.49	Reg
5	General Counsel	Pittell, Stacie	12/31/2012	9	0	135,960.00	28,551.60	Reg
6	Investigator	Olawunmi, Clara	1/28/2013	11	3	55,370.00	11,627.70	Term
7	Investigator	Cook Sr., Ronald J	2/11/2013	9	6	50,081.00	10,517.01	Term
8	Attorney Advisor	Patzelt, Cristina T	10/21/2013	6	0	70,040.00	14,708.40	Reg
9	Attorney Advisor	Burns, Yancey W.	2/11/2013	6	0	70,040.00	14,708.40	Reg
10	Program Support Assistant	Younger, Eric B	3/25/2013	7	5	40,716.00	8,550.36	Reg
11	Senior Attorney Advisor	Grimaldi, John J	7/15/2013	2	0	150,380.00	31,579.80	Reg

BEGA (AG0) Approved Budget and Actual Spending - Exhibit 3

Program Code 3	Title	Comp Source Group	Comp Source Group Title	Comp Object Title	FY2013 Budget	FY2013 Expenditure	FY2014 Budget	FY2014 Expenditure				
1100	OFFICE OF OPEN GOVERNMENT ENT	0011 0014	REGULAR PAY - CONT FULL TIME FRINGE BENEFITS - CURR PERSONNEL	CONTINUING FULL TIME	351000	63650.8	197500	40220.68				
				DC HEALTH BENEFIT FEES	0	115.91	0					
				DENTAL PLAN	0	89.11	0					
				GROUP LIFE INSURANCE	0	32.35	0					
				HEALTH BENEFITS	0	2173.19	0					
				MEDICARE CONTRIBUTION	0	899.82	0					
				MISC FRINGE BENEFITS	104623.75	0	39360	8042.34				
				OPTICAL PLAN	0	33.13	0					
				RETIREMENT	0	3182.59	0					
				RETIREMENT CONTRIBUTION - FICA	0	3847.49	0					
				OFFICE SUPPLIES	12500	10000	2500	2500				
				0020	SUPPLIES AND MATERIALS							
				0031	TELEPHONE, TELEGRAPH, TELEGRAM, ETC							
				0032	RENTALS - LAND AND STRUCTURES							
0040	OTHER SERVICES AND CHARGES											
0070	EQUIPMENT & EQUIPMENT RENTAL											
					831000	421893.37	309803.22	106204.69				
1100 Total												
2010	BOARD OF ETHICS	0011 0012	REGULAR PAY - CONT FULL TIME REGULAR PAY - OTHER	CONTINUING FULL TIME	170000	482224.64	811443	217538.53				
				TEMPORARY FULL-TIME	4000	0	0					
				TEMPORARY PART-TIME	0	3072	0					
				TERMINAL LEAVE	0	1079.87	0					
				DC HEALTH BENEFIT FEES	0	1423.67	0					
				DENTAL PLAN	0	1098.41	0					
0013	ADDITIONAL GROSS PAY											
0014	FRINGE BENEFITS - CURR PERSONNEL											

2010	BOARD OF	0014	FRINGE BENEFITS - CURR PERSONNEL	GROUP LIFE INSURANCE	0	179.95	0	
			HEALTH BENEFITS	0	28466.33	0		
			MEDICARE CONTRIBUTION	0	6625.95	0		
			MISC FRINGE BENEFITS	24000	4032.09	161784.98	37977.13	
			OPTICAL PLAN	0	382.99	0		
			RETIREMENT	0	16946.75	0		
			RETIREMENT CONTRIBUTION - FICA	0	27604.71	0		
	0040		OTHER SERVICES AND CHARGES	0	4291.65	0		
			COMP BD MEMBERS AND COMMISSION	0	42090	0		
			OFFICE SUPPORT	0				
			PROF SERVICE FEES AND CONTR	110000	0	60000	25238.49	
2010 Total				308000	619519.01	1033227.98	280754.15	
Grand Total				1,139,000.00	1,041,412.38	1,343,031.20	386,958.84	

BEGA (AG0) Reprogramming - Exhibit 4

FY 2013 Reprogramming List

From	Amount	To	Amount	DESCRIPTION
0011	200,000.00	0408	120,000.00	Operational Cost within the agency
			80,000.00	Operational Cost within the agency
0011	81,000.00	0201	10,000.00	Rep-IT and Operation Support
0014	19,000.00	0408	90,000.00	Rep-IT and Operation Support
0040	4,000.00	0121	4,000.00	Reprog-Summer Intern
0507	100,000.00	0111	50,000.00	This was reprogrammed from budget office from
		0408	50,000.00	Office of Non-Public Tuition(GNO) for BEGA operation

FY 2014 Reprogramming List

From	Amount	To	Amount	DESCRIPTION
506	76,685.00	0410	76,685.00	Reprogrammed by Budget Office from TK0

BEGA (AG0) Intra-District Transfers - Exhibit 5

FY 2013 MOU LIST

AMOUNT	FROM	TO	DESCRIPTION
75,000.00	AG0	T00	Video Teleconference
5,000.00	AG0	T00	Video Teleconference
14,350.00	AG0	T00	Server OPS E-Filing
3,790.00	AG0	T00	Server , Backup, Disk SP,Pro
18,300.00	AG0	T00	Pro-Law App-Service

FY 2014 MOU LIST

AMOUNT	FROM	TO	DESCRIPTION
60.00	AG0	KT0	Fleet Management
76,685.00	AG0	T00	Video Teleconference

BEGA (AG0) Special Purpose Revenue - **Exhibit 6**

FY 2013

Fund/Code	Description	Amount	Expenditure
601	Fines/Lobbyist Penalty	8,235.00	0
602	Lobbyist Registration	52,300.00	0

FY 2014

Fund/Code	Description	Amount	Expenditure
601	Fines/Lobbyist Penalty	9,930.00	50.00
602	Lobbyist Registration	30,700.00	25,188.49

BEGA (AG0) MOU - **Exhibit 7**

FY 2013 MOU LIST

FROM	TO	DESCRIPTION
5,000.00	T00	Video Teleconference
75,000.00	T00	Video Teleconference
14,350.00	T00	Server OPS E-Filing
3,790.00	T00	Server , Backup, Disk SP,Pro
18,300.00	T00	Pro-Law App-Service

FY 2014 MOU LIST

FROM	TO	DESCRIPTION
60.00	KT0	Fleet Management
76,685.00	T00	Video Teleconference

Purchase Order/Contract Report FY 2013
BEGA (AG0) - Exhibit 8

APPR FUND = 0100

P.O. number	Agy Fund	Index Code	Vendor Name	Description	Competitively Bid (Yes/ No)	Agency Contract Monitor	P.O. AMT	P.O. ADJ AMT	Payment	PO BAL
PO449469	0100	20001	WEST PUBLISHING CORP	ProLaw Case Mgmt System	Yes	Sandra Peterson	33,978	(10,547.35)	23,430.65	0
PO449901	0100	20001	HI-TECH SOLUTION, INC.	Xerox copier plus maintenance contract	No	Sandra Peterson	5,795	(142.5)	5,652.5	0
PO452069	0100	20001	THIHA, INC	Renovations to Suite 830S	Yes	Sandra Peterson	28,760	0	28,760	0
PO452627	0100	20001	DATA NET SYSTEMS CORP	IT developers of the e-Filing System	Yes	Sandra Peterson	42,227.1	20,751.66	62,978.76	0
PO453306	0100	20001	ORION SYSTEMS GROUP	Installation of intercom	No	Sandra Peterson	1,650	0	1,650	0
PO455709	0100	20001	REED ELSVIER, INC.	Lexis/Nexis Research	No	Sandra Peterson	9,300	(3,815.22)	5,484.78	0
PO466686	0100	20001	DELL COMPUTER CORP	Desk top computers	No	Sandra Peterson	5,856.3	1,550.65	7,406.95	0
PO469769	0100	20001	OLENDER REPORTING, INC.	Desk Reporting	No	Sandra Peterson	3,300	700	4,000	0
PO469962	0100	20001	INQBATION LLC	IT development of new website	Yes	Sandra Peterson	21,103	(15,933.3)	5,169.7	0
PO481167	0100	20001	HI-TECH SOLUTION, INC.	Xerox copier	No	Sandra Peterson	5,440	0	5,440	0

APPR FUND = 0600

P.O. number	Agy Fund	Index Code	Vendor Name	Description	Competitively Bid (Yes/No)	Agency Contract Monitor	P.O. AMT	P.O. ADJ AMT	Payment	PO BAL
PO466341	0602	201LF	DATA NET SYSTEMS CORP	e-Filing System - maintenance support	No	Sandra Peterson	3,000	0	3,000	0
PO480842	0602	201LF	DATA NET SYSTEMS CORP	e-Filing System - upgrades	Yes	Sandra Peterson	15,000	(9,702.85)	5,297.15	0
Summary							175,409.	(17,139)	158,270.09	0.

Purchase Order/Contract Report FY 2014
District of Columbia Board of Ethics and Government Accountability (AG0)

APPR FUND = 0100

P.O. number	Agy Fund	Index Code	Vendor Name	Description	Competitively Bid (Yes/No)	Agency Contract Monitor	P.O. AMT	P.O. ADJ AMT	Payment	PO BAL
PO484160	0100	20001	INQBATION LLC	IT development of new website	Yes	Sandra Peterson	16,033	0	15,995.3	37.7
PO485689	0100	20001	OLENDER REPORTING, INC.	Court Reporting	No	Sandra Peterson	8,000	0	1,035.65	6,964.35
PO487231	0100	20001	HI-TECH SOLUTION, INC.	Xerox copier - maintenance support	No	Sandra Peterson	1,698		309	1,389

APPR FUND = 0600

P.O. number	Agy Fund	Index Code	Vendor Name				P.O. AMT	P.O. ADJ AMT	Payment	PO BAL
PO485054	0602	201LF	DATA NET SYSTEMS CORP	e-Filing System - upgrades	No		7,547.05	0	0	7,547.05
PO488551	0602	201LF	DATA NET SYSTEMS CORP	e-Filing System - upgrades	Yes		12,751.44	0	0	12,751.44
PO490571	0602	201LF	INQBATION LLC	New website - maintenance support	Yes		4,890	0	0	4,890
Summary							50,919.49	0	17,030.95	33,888.54