

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
OFFICE OF OPEN GOVERNMENT



July 21, 2021

VIA ELECTRONIC MAIL

Shelton, [REDACTED]
[REDACTED]@gmail.com

RE: #OOG-0006-2021-M__ Resolution of Complaint_Board of Professional Counseling

Dear Dr. Shelton:

Thank you for your interest in government transparency. The complaint you submitted to the Board of Ethics and Government Accountability (“BEGA”) Office of Open Government on July 15, 2021, alleges violations by the Board of Professional Counseling of the Open Meetings Act (“OMA”)(D.C. Official Code § 2-571 *et seq.*). The Office of Open Government (“OOG”) has no authority to decide on the allegations you raise since those matters are outside of the OOG’s statutory jurisdiction.

The OOG’s review of the complaint, assigned file number OOG_0006_7.15.21-M, was undertaken pursuant to 3 DCMR § 10400 *et seq.* Where the OOG does not have statutory jurisdiction, 3 DCMR § 10403.1(a) mandates dismissal¹ of the complaint. In relevant part 3 DCMR § 10403.1(a) states:

The Director may dismiss a complaint on one or more of the following grounds:
(a) The complaint does not raise issues within the Director’s authority under the Open Meetings Act

The OOG’s dismissal of your OMA complaint does not indicate that your allegations are without merit. As stated earlier, the OOG does not have the statutory authority to investigate the allegations and enforce corrective measures against the Board of Professional Counseling. The District of Columbia Health Occupations Revision Act of 1985, effective January 28, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.13 *et seq.*), governs the conduct of the Board of Professional Counseling and not the OMA. Therefore, you may wish to inform Frank Meyers, Associate Director, Health Regulation and Licensing Administration, Office of Health Professional Licensing Boards of this matter. You may email Mr. Meyers at frank.meyers@dc.gov.

¹ 3 DCMR § 10403.2 states, “[T]he Director will return the dismissed complaint to the Complainant with an explanation of the reason(s) for the dismissal.”

Sincerely,

/s/

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

Enclosure: Copy of Complaint