



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



October 1, 2025

VIA ELECTRONIC MAIL

[REDACTED]
[REDACTED]

**RE: Resolution of Complaint Concerning SEED Public Charter School
Board's Compliance with the Open Meetings Act
(#OOG-2025-0052)**

Dear [REDACTED]:

On May 31, 2025, the Office of Open Government (“OOG”) received your complaint (#OOG-2025-0052) (“Complaint”) alleging that the SEED Public Charter School Board (“SEED PCSB,” “PCSB,” or the “Board”) failed to provide the public with access to an emergency meeting held by the Board on May 31, 2025.¹

The Office of Open Government has the statutory charge to ensure that public bodies adhere to the Open Meetings Act.² The OMA reiterates the District of Columbia’s long-standing public policy that “all persons are entitled to full and complete information regarding the affairs of [the] government and the actions of those who represent them.”³ To support this policy, the OMA requires that its provisions be construed broadly to increase public access to public bodies’ meetings.⁴

Pursuant to 3 DCMR § 10400 *et seq.*,⁵ I reviewed and assessed your Complaint. OOG’s legal staff also reviewed SEED Public Charter School’s (“SEED PCS” or the “PCS”) and District of Columbia Public Charter School Board’s (“DC PCSB”) websites. OOG has not received a response to the Complaint to date from SEED PCSB, after providing the Board with the Complaint and an explanation concerning conciliation of the Complaint, pursuant to 3 DCMR § 10404 . OOG’s legal staff has sent reminders and inquiries twice to the Chairpersons of SEED PCSB. The Director may issue an Advisory Opinion based on the information from the Complaint and any other relevant sources, in the face of the lack of response from the public body, pursuant to 3 DCMR § 10405.2.

¹ Email from [REDACTED] to Office of Open Government (OOG) and Desa Sealy, (then) Chairperson of SEED Public Charter School Board on May 31, 2025.

² D.C. Official Code § 2-571, *et seq.*

³ D.C. Official Code § 2-572.

⁴ D.C. Official Code § 2-573.

⁵ D.C. Municipal Regulations Section 3-10400 – Filing and Presentation of Complaints.

Upon consideration of the detailed background below, and OOG's investigation results, I find that SEED PCSB violated the OMA by failing to provide a complete meeting notice for its emergency meeting held on May 31, 2025. SEED PCSB failed to provide a valid dial in number and access code or valid weblink and login information as required by D.C. Official Code § 2-576(5) and 3 DCMR § 10409.7. SEED PCSB also failed to provide the meeting location. D.C. Official Code § 2-576(4) extends this notice requirement to a public body's emergency meetings. Furthermore, considering SEED has not responded to the Complaint and the draft agenda of the meeting in issue has "Emergency Closed Meeting"⁶ as a part of the subject heading, I find it necessary to discuss the procedure for entering closed or executive session of public body meetings. Pursuant to D.C. Official Code § 2-575(c), a public body must start its meeting in an open session where a meeting or a portion of a meeting will be held in closure.

The Advisory Opinion begins with the facts, then a discussion of the OMA's Notice of meetings and Open meetings provisions and an examination of the issues. The Advisory Opinion concludes with directives for SEED PCSB's compliance with the OMA.

I. BACKGROUND

A. The Complaint

On May 31, 2025, you submitted the Complaint via email to OOG and the then chairperson of SEED PCSB. Your Complaint, in part, states:

... the SEED DC Board has failed to comply with the Public Meetings Act. This morning I attempted to join the 'Emergency Meeting' via their website but was not able to.

Unfortunately, this concern is the second time this body and Board Chair Desa Sealy has failed to allow members of the public to observe normal order. The first one was documented with OMA in 2024. OMA Complaint Number: OOG-2024-0004. Since then the SEED DC Board has been generally compliant, though very little of their meeting business has been done in public.

Below please see screenshots and relevant documentation. Please also note that I attempted to support Board Chair Ms. Sealy last evening prior to the meeting commencing by letting her know the meeting ID was expired, but she had not responded leaving me to assume she is not interested in having an open meeting as required by law.

Screenshot of the School Transparency page on their website showing the meeting link and link to the agenda for the emergency board meeting.

⁶<https://static1.squarespace.com/static/576a95eccd0f685b12c17343/t/6839de1e4b3cde478ce2a143/1748622878544/Emergency+Board+of+Trustees+Closed+Meeting+5-31-2025+.pdf>.

Screenshot of my attempt to go into the meeting but the meeting ID was expired, demonstrating that the meeting did not occur in an open public forum. Attached is the meeting agenda which confirms that there were votes to go on record prior to the meeting going into executive session. It is also required that the meeting be open prior to being voted into executive session.⁷

The following is a summary of OOG's efforts to facilitate SEED PCSB's response to the Complaint.

B. Summary of OOG's emails to SEED PCSB Chairpersons Desa Sealy and Robin Chait for a response to the Complaint.

OOG provided Desa Sealy, the (then) chairperson of SEED PCSB, with a copy of the Complaint, thereby availing the chairperson of the opportunity to respond to the Complaint.⁸ Chairperson Sealy acknowledged receipt of the Complaint and stated as follows: "... we will respond to the letter within the allotted time frame."⁹

In an email on July 30, 2025, a member of OOG's staff reminded Chairperson Sealy of the Board's overdue response to the Complaint and provided the Board with an extension of five days to respond to the Complaint, noting that pursuant to 3 DCMR § 10405.3, OOG's Director is authorized to extend the time within which a public body responds to a complaint to a maximum of five (5) business days.¹⁰ Chairperson Sealy responded via email on the same day and informed the OOG's staff member that she has been replaced by Chairperson Robin Chait. Chairperson Sealy stated as follows in her email: "I am certain that the School wishes to respond to the complaint and that it was lost in the leadership transition. If you would direct any future communication to Robin or Dr. Hinderlie Smith, that would be appreciated."¹¹

A member of OOG's staff responded to Chairperson Sealy's email, thanked her for the information, congratulated Chairperson Chait and Dr. Hinderlie on their new positions as Board Chair and interim Head of School, respectively. The OOG's member of staff also informed Chairperson Chait and Dr. Hinderlie that she was looking forward to the response to the Complaint. OOG's staff has not received any further correspondence from SEED PCSB to date.

I now move to discuss the Complaint, commencing with SEED's failure to provide a complete meeting notice (location - valid dial in number and access code or valid weblink and login information) for its emergency meeting held on May 31, 2025, in accordance with the

⁷ Email from [REDACTED] to Office of Open Government (OOG) and Desa Sealy, (then) Chairperson of SEED Public Charter School Board on May 31, 2025.

⁸ Email from Attorney Advisor Joan Lelma (OOG) to (the then) Chairperson Desa Sealy on June 18, 2025.

⁹ Email from (the then) Chairperson Desa Sealy to Attorney Advisor Joan Lelma (OOG) on June 18, 2025.

¹⁰ Email from Attorney Advisor Joan Lelma (OOG) to (the then) Chairperson Desa Sealy on July 30, 2025.

¹¹ Email from (the then) Chairperson Desa Sealy to Attorney Advisor Joan Lelma (OOG), and Chairperson Robin and Chait and Dr. Keith Hinderlie copied on July 30, 2025.

OMA.¹² This is followed by a discussion on how to enter closed or executive session and the conclusion with directives for SEED PCSB to comply with the OMA.

II. DISCUSSION

A. The OMA requires that the meeting notice of a public body include the date, time, location, and a planned agenda to be covered at the meeting, and such notice requirement extends to emergency meetings.

All meetings properly constituted to conduct public business, as defined under the OMA,¹³ unless specifically and legally exempted,¹⁴ are presumed to be open to the public, and the public must receive advanced notice of the date, time, location and draft agenda.¹⁵ Also, pursuant to D.C. Official Code § 2-576(1), the public must be given notice of the change of schedule of a meeting, as soon as possible, or at least forty-eight (48) hours or two (2) business days, whichever is greater, before a meeting. If one of the requirements of the notice is absent (date, time, location, and draft agenda) pursuant to D.C. Official Code § 2-576(5), a proper meeting notice has not been provided.

The “Open Meetings Clarification Temporary Amendment Act of 2025,” has amended certain sections of the OMA, and the amendments will be in effect until March 29, 2026. The temporary legislation has amended Section 406 of the OMA (D.C. Official Code § 2-576(1)), the timely notice requirement exception for emergency meetings. To emphasize the same notice requirement for emergency meetings as required for non-emergency meetings, the temporary legislation amended Section 406 of the OMA (D.C. Official Code § 2-576(4)) to include “notwithstanding paragraphs (1) and (3) of this subsection.” The paragraph in its entirety evidencing the notice requirement for a public body’s emergency meeting is as follows: “When a public body finds it necessary to call an emergency meeting to address an urgent matter, and notwithstanding paragraphs (1) and (3) of this subsection, notice shall be provided at the same time notice is provided to members and may be provided pursuant to any method in paragraph (2) of this subsection.”¹⁶ The methods are posting the meeting notice at the office of the public body or a location that is readily accessible to the public and the website of the public body or OOG’s Central Meeting Calendar. Notwithstanding, SEED PCSB’s partial notice posted on its website that provided the date and time of the emergency meeting and its planned agenda, the absence of location (valid dial in number and access code or valid weblink and login information) amounted to an incomplete meeting notice.

The District of Columbia’s Open Meetings Regulation instructions on how to conduct electronic meetings demonstrates that the means of access to electronic meetings is included in “location” in the OMA.¹⁷ 3 § DCMR 10409.7 states, “[a] Public Body conducting a meeting by electronic means shall ensure the meeting complies with the Open Meetings Act and take the

¹² D.C. Official Code § 2-576(5); 3 DCMR § 10409.7

¹³ D.C. Official Code § 2-574(1).

¹⁴ D.C. Official Code § 2-575(b).

¹⁵ D.C. Official Code § 2-576(5).

¹⁶ D.C. Official Code § 2-576(4).

¹⁷ 3 DCMR 10409.7, D.C. Official Code § 2-576(5).

following actions: (a) Provide a dial-in number for the public to participate in the meeting if the meeting is held by teleconference; (b) Provide login information if the meeting is held by web-conference.” Furthermore, OOG has provided clarification through one of its issued Guidance on electronic public body meetings. When taken with the OMA and the Regulation shows that for virtual or hybrid meetings, “location” includes valid login information and website link, if the meeting is held by web-conference, and if the meeting is held by teleconference, valid dial-in number and access code to the meeting.¹⁸

You state in your Complaint that “... I attempted to join the ‘Emergency Meeting’ via their website but was not able to.”¹⁹ You have also provided the screenshots showing your inability to access SEED’s emergency meeting on the day in issue and state as follows: “Screenshot of my attempt to go into the meeting but the meeting ID was expired, demonstrating that the meeting did not occur in an open public forum.”²⁰

OOG notes that at the time of one segment of its investigation on September 4, 2025, the link you used to access the emergency meeting in issue was different from the link provided to access all the Board’s meetings. In addition, a dial-in number has been provided. SEED’s website, on the day in issue, had the following statement: “All Board meetings are open to the public and are held virtually via Zoom,” with the respective weblinks below them. The same statement was present at the time of OOG’s investigation. It is inconclusive whether SEED has sought to remedy the expired meeting ID and link that you provided via screenshot after the emergency meeting since OOG never received SEED’s response to the Complaint. Furthermore, it is not in dispute whether the emergency meeting was held since OOG’s staff has located a copy of the Board’s approved meeting minutes on SEED PCS’ website.²¹

Based on the preceding, SEED PCSB has violated the OMA by not providing a full meeting notice for its emergency meeting held on May 31, 2025. If a public body’s meeting is held at a physical location, it must be stated and the address clearly written on the meeting notice. Where the meeting is virtual or hybrid, valid login information and website links must be provided for a web-conference meeting. If the meeting is held by teleconference, valid dial-in number and access code to the meeting must be on the meeting notice. The Complaint and OOG’s investigation show that SEED has not adhered to these statutory requirements.

I now move to discuss the OMA requirements for a public body to enter closed or executive session.

B. The OMA requires that a public body meeting is open to the public, except in sixteen (16) circumstances provided by the statute for closed or executive

¹⁸ OOG’s *Guidance for Conducting Electronic Meetings After the COVID-19 Public Health Emergency* (Amended October 17, 2023).

¹⁹ Email from [REDACTED] to Office of Open Government (OOG) and Desa Sealy, (then) Chairperson of SEED Public Charter School Board on May 31, 2025.

²⁰ Ibid.

²¹ <https://static1.squarespace.com/static/576a95eccd0f685b12c17343/t/68a2a5d08d60626071e554cd/1755489744865/Approved+BOT+Meeting+Minutes+May+31+2025.pdf>.

sessions, and there must be an open session with a majority vote of the body's members present for entering closed session.

The OMA requires public body meetings to be open to the public and closed or executive sessions are permitted under specific circumstances in the statute.²² D.C. Official Code § 2-575(c)(1) states, “Before a meeting or portion of a meeting may be closed, the public body shall meet in public session at which a majority of the members of the public body present vote in favor of closure.” The statute requires that the presiding officer makes a statement providing the reason for the closure, including the relevant citation/(s) from D.C. Official Code § 2-575(b), and the subjects to be discussed. A copy of the roll call vote and the statement must be provided in writing and made available to the public. Also, a public body that meets in closed session must not discuss or consider matters other than those matters listed under D.C. Official Code § 2-575(b).²³ Furthermore concerning an emergency meeting, the OMA (D.C. Official Code § 2-577(d)) requires that the presiding officer must open the meeting with a statement explaining the subject of the meeting, the nature of the emergency, and how public notice was provided.

You state the following in your Complaint. “Attached is the meeting agenda which confirms that there were votes to go on record prior to the meeting going into executive session. It is also required that the meeting be open prior to being voted into executive session.” OOG’s staff has located the draft agenda and approved or final meeting minutes on SEED PCS’ website.²⁴ However, I am unable to determine whether SEED PCSB’s reason for not providing a viable weblink or login information and dial-in number with access code to its emergency meeting in issue was because of a misunderstanding on how to enter closed or executive session or for any other reason. As mentioned previously, OOG has not received a response from the Board to the Complaint that could address this issue. Also, it is unlikely that a public body (SEED) that has shown efforts in the past to adhere to the OMA would intentionally provide an unworkable weblink or login information to one of its meetings to prevent access to the meeting. However, SEED’s approved or final meeting minutes and draft agenda show the correct procedure for entering closed or executive session. They include the citation of one of the reasons to enter closed or executive session - D.C. Code § 2-575(b)(10). Based on these facts, it appears that there was a statutorily proper closed meeting, but the public was unable to view the vote to enter into closed session prior to the closed meeting. Notwithstanding, I have discussed the requirements for entering closed or executive sessions under the OMA, so SEED will be mindful of adhering to all the provisions of the OMA.

²² D.C. Official Code § 2-575.

²³ D.C. Official Code § 2-575(c-d).

²⁴<https://static1.squarespace.com/static/576a95eccd0f685b12c17343/t/6839de1e4b3cde478ce2a143/1748622878544/Emergency+Board+of+Trustees+Closed+Meeting+5-31-2025+.pdf>;
<https://static1.squarespace.com/static/576a95eccd0f685b12c17343/t/68a2a5d08d60626071e554cd/1755489744865/Approved+BOT+Meeting+Minutes+May+31+2025.pdf>.

As discussed in the preceding, OOG's consistent guidance has been "that the OMA mandates that a public body meet first in an open session where it must follow the OMA protocol for entering into closed/executive session. The public body must then return to an open session to put on the record any official action that was taken during the closure if it is appropriate to do so."²⁵ OOG has also consistently advised that "D.C. Official Code § 2-575(c) does not preclude a public body from holding an entire meeting in closure, only that prior to doing so the public body first meet in an open session which it resumes after meeting in closure. Plainly stated, the closed session must be part of a single meeting."²⁶

A representative of SEED PCSB has contacted OOG's staff on more than one occasion prior to your Complaint for clarification of other unrelated OMA issues, and hence my regard in the preceding to SEED's efforts in the past to adhere to the OMA. However, such actions do not obviate the need for the Board to be informed of the correct procedures concerning other Open meetings issues. Hence, the preceding discussion on how to enter closed or executive session, even though it is inconclusive if this area presented the inaccessible meeting issue on May 31, 2025.

III. CONCLUSION AND COMPLIANCE DIRECTIVE

A. Conclusion

I find that SEED PCSB has violated the OMA by not posting a complete meeting notice for its emergency meeting held on May 31, 2025 - the location (valid dial in number and access code or valid weblink and login information) on its website and/or Central Meeting Calendar ("CMC"). I advise that when the Board holds virtual or hybrid meetings, the Board conducts a test using the weblink and login information and dial-in number and access code before the meeting to ensure that the meetings are accessible to the public.

B. Compliance Directive – Training Required

I am empowered to seek injunctive or declaratory relief when certain OMA violations have occurred.²⁷ However, in this instance, I am issuing the following directive to SEED PCSB. The Board must immediately ensure its current meeting guidelines conform to the Open meetings (D.C. Official Code § 2-575) and Notice of meeting (D.C. Official Code § 2-576) provisions.

In like manner to all District's public bodies subject to the OMA, SEED PCSB must fulfill the OMA's training requirements. I find that SEED Public Charter School Board is due for, and must retake, OMA training offered by OOG. The Office of Open Government has an ongoing OMA training series for Boards of Trustees for DC Public Charter Schools. The training schedule has been published, and the training invites are sent to the chairpersons and vice

²⁵ OOG-0007_10.25.17_AO, page 2; *See also* OOG-2024-003_AO.

²⁶ *Ibid.*

²⁷ *See* D.C. Official Code § 2-579.

chairpersons approximately two weeks before each scheduled training, with a reminder closer to the respective training sessions.

The most recent training session was on September 10, 2025, and OOG staff notes that Ms. Linda Gebric, Chief of Staff of SEED Foundation attended the session. Also, representatives of SEED PCSB attended the District of Columbia Public Charter School Board's training session conducted on September 17, 2025, at which OOG's Attorney Advisor Anthony Scerbo presented on the OMA's meeting minutes requirements. Since SEED PCSB members have not attended any of the trainings in OOG's series and Ms. Gebric is not a Board member, also, the training session at which Attorney Scerbo presented was tailored to meeting minutes requirements, and the Board violated the Open Meetings Act and has not responded to the Complaint, SEED PCSB must contact Attorney Advisor Joan Lelma at joan.lelma@dc.gov to schedule a training session for its members. The Board's members must complete OMA training within sixty (60) days of receipt of this Advisory Opinion.

Sincerely,

/s/

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