



BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
OFFICE OF OPEN GOVERNMENT



April 11, 2019

VIA ELECTRONIC MAIL

 Tamang
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RE: OOG-2019-0001-M

Dear Ms. Tamang:

The Office of Open Government (OOG), pursuant to the authority set forth in 3 DCMR § 10400 *et seq.*, has reviewed the complaint in which you allege violations by the Department of Veterans Affairs Central Internal Review Board of the Open Meetings Act (D.C. Official Code § 2-571 *et seq.*) (OMA).

The OOG's enforcement authority under the OMA, extends only to violations of the Act by District of Columbia public bodies. As you know, the Department of Veterans Affairs Central Internal Review Board is a federal agency not a District government public body. Therefore, the OOG does not have jurisdiction over the alleged violations you raise and must dismiss and close your complaint.

The Government in Sunshine Act, 5 U.S. Code § 552b. ("Sunshine Act") governs open meetings for covered federal government entities, contains the remedies for violations and may apply to meetings of the Department of Veterans Affairs Central Internal Review Board. For your convenience I have attached the Sunshine Act. You will find the remedies for violations of the Sunshine Act in subsections (g) through (i).

When the OOG does not have statutory jurisdiction of an OMA complaint, 3 DCMR § 10402.1(a) mandates dismissal of the complaint. In relevant part 3 DCMR § 10402.1(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 a federal government agency.

Therefore, I must advise you to pursue this matter under the applicable law.

Sincerely,

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NIQUELLE M. ALLEN, ESQ.
Director, Office of Open Government
Board of Ethics and Government Accountability

Enclosure