

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

**DRAFT MEETING MINUTES – JANUARY 5, 2023**

The District of Columbia Board of Ethics and Government Accountability held a meeting on January 5, 2023, at 12:00 p.m. The meeting was held remotely via WebEx. The Board’s Chairperson Norma Hutcheson participated as well as Board Members Charles Nottingham, Felice Smith, Darren Sobin and Melissa Tucker. These draft minutes must be approved by the Board. Full meeting minutes will be posted after the next Board meeting. Questions about the meeting may be directed to [bega@dc.gov](mailto:bega@dc.gov).

Members of the public were welcome to attend, and a recording of the meeting will be made available on open-dc.gov and BEGA’s YouTube channel.

**I. Call to Order**

The meeting was called to order at 12:01p.m.

**II. Ascertainment of Quorum**

A quorum was established with all Board members present for the meeting.

**III. Adoption of the Agenda/Approval of Minutes**

The Board voted unanimously to adopt the agenda and approve the minutes from the December 1, 2022 meeting.

**IV. Report by the Director of Open Government**

Good afternoon, Chairperson Hutcheson and Members of the Board. I am Niquelle Allen, Director of Open Government. Happy New Year! I am pleased to present this first report of 2023 on the activities of the Office of Open Government (“OOG”). Since the last Board meeting, OOG has continued to fulfill its mission of ensuring that all persons receive full and complete information regarding the affairs of the District of Columbia government and the actions of those who represent them.

**A. Open Meetings Act (“OMA”) and Freedom of Information Act (“FOIA”) Advice**

1. Advisory Opinions

I have not issued an advisory opinion since the Board’s last meeting.

2. Informal OMA/FOIA Advice

Since the last Board meeting, OOG has responded informally, via e-mail or telephone, to requests for assistance as follows:

OOG responded to ten (10) requests for OMA advice.  
OOG responded to seven (7) requests for FOIA advice; and  
OOG responded to twenty-three (23) requests for technical assistance with open-dc.gov.

**B. Remote Meeting Monitoring**

OOG attorneys attend remote public meetings to ensure compliance with the OMA and inspect public body websites and the OOG's central meeting calendar for public meeting notices and records. We provide legal advice on OMA compliance and take corrective action if necessary.

During December 2022, OOG attended fifteen (15) remote public body meetings. As a result of the monitoring, one (1) instance of a written corrective measure was taken. The public body posted an incomplete agenda in violation of the OMA. The OMA requires each meeting notice to include the date, time, location, and planned agenda to be covered at the meeting. *D.C. Official Code § 2-576(5)*.

In 2021, there were 15 documents in the *D.C. Register* that contained the OMA regulatory statement, "*This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).*" In 2022, there were 124 documents that contained the statement. This increase is a direct effect of OMA training and monitoring of public bodies.

**C. Training/Outreach**

1. 44<sup>th</sup> Annual Council on Governmental Ethics Laws (COGEL) Conference

On December 4-7, 2022, Attorney Weil and Paralegal Brown attended COGEL's 44th Annual Conference, in Montreal, Quebec, Canada. The conference included plenary and educational sessions that focused on elections, campaign finance, governmental ethics, lobbying, and freedom of information. Attorney Weil and Paralegal Brown attended the following sessions: From NYC's Madison Avenue to Montréal's "La Main": Adapting Branding Best Practices To Serve The Public; Table Topics; Preventing Corruption And Collusion in Public Contracts: Québec's Charbonneau Commission; Freedom of Information Is a COVID Long-Hauler; Power and Perspective: My Life in Politics and Beyond; Giving Guidance in an Age of Shamelessness; And You Call That a Thorough Search?; Privacy and Public Records: A Look at the Tension Between Privacy Concerns and the Transparency Imperative for Public Agencies; Freedom Of Information Legislation And Litigation Update; Annual Business Meeting; Freedom of Information Roundtable; Ethics Update; Investigations and Audits: Best Practices for New Challenges; Quebec's Lobbyist Registry and the OECD Model: An Inside Look; Crypto Cool or Kryptonite? Regulating Cryptocurrency Contributions to Political Campaigns; Freedom of Information Round Table.

2. Mandatory Cybersecurity Training

On December 6, 2022, Chief Counsel Barton completed the mandatory Cybersecurity training course. I also completed the training on December 23, 2022, and Attorney Scerbo completed the training on December 29, 2022. Cybersecurity training is a mandatory requirement for all District government employees and District government contractors. The deadline to complete the training course was December 30, 2022.

3. OMA Training for New Board Members and Staff

On December 7, 2022, I conducted an OMA training for new board members and their staff. The training was conducted via WebEx and focused on OMA compliance and common issues public bodies may face. The training was well attended and members of the OOG staff were in attendance.

4. Robert's Rules of Order Parliamentary Procedure Training

On December 7, 2022, Susan Leahy of Robert's Rules Made Simple, presented a parliamentary procedure training for Public Charter School Boards of Trustees and their staff via WebEx. The training was informative and well received by the attendees. The OOG legal staff also attended the training.

5. FOIA Training Office of Unified Communications ("OUC")

On December 12, 2022, I conducted an extensive FOIA training for the OUC. The FOIA training focused on the following topics: How to Respond to FOIA Requests; Conducting Searches for Records; and Producing Records. The presentation concluded with a discussion on Decision Letters. The training was well received by the OUC staff. The OOG staff was also in attendance.

6. Mayor Bowser's December Cabinet Meeting

On December 14, 2022, Director Cooks and I attended Mayor Bowser's Cabinet meeting and holiday party. The meeting consisted of reports from several agency directors and included a DC One Fund presentation. Several members of the Bowser Administration announced that they were retiring.

7. D.C. Mayor's Inaugural Gala

On December 31, 2022, I attended Mayor Bowser's Inaugural Gala. The event featured a speech by the Mayor and musical performances. It was held at the Anthem in S.W. Washington, D.C. and was free to the public.

8. D.C. Government Swearing-In Ceremony

On January 2, 2022, I viewed the swearing-in ceremony for District of Columbia government elected officials, remotely. The Mayor, Attorney General, Council of the District of Columbia members ("D.C. Councilmembers), Advisory

Neighborhood Commissioners, State Board of Education Members, and D.C. Shadow Representatives took the oath of office for their respective offices. Mayor Bowser, D.C. Councilmembers, and the Attorney General gave speeches. The Judicial Branch was also present and conducted the oaths of office.

## **D. Litigation and Legislative Update**

### **1. Litigation**

#### **a. Washington Post FOIA lawsuit re: records arising out of Capitol insurrection (Case No. 2021 CA 002114 B (Super. Ct. D.C.))**

I have reported on this case, in which *The Washington Post*'s legal entity seeks certain records relating to the Capitol insurrection. The Superior Court dismissed, in part, *The Post*'s Claim 1 (concerning the Mayor's e-mail messages), but the balance of Claim 1 (concerning the Mayor's WhatsApp messages) and the other claims remain contested.

On December 5, 2022, the District filed its motion for summary judgment and statement of undisputed material facts. The District argues that the "withholding of 911 calls . . . and . . . of the autopsy report of Capitol Police Officer Brian Sicknick . . . were proper because the 911 calls are law enforcement records whose public release would interfere with enforcement proceedings, and Officer Sicknick's family has an overwhelming privacy interest in his autopsy report." (Mot. Summ. J. at 1, 2, 6–10, 11 & nn.4, 5.)

The case is set for mediation in July 2023.

The District's motion and attachments are in Dropbox.

#### **b. Campaign Legal Ctr. lawsuit re: records surrounding citizenship question on 2020 Census (Case No. 1:18-cv-01771-TSC (D.D.C.))**

This federal FOIA case arose out of a proposal to ask respondents about their citizenship status on the 2020 Census. The case remains in the summary judgment stage in District court on remand.

The United States Department of Justice's (DOJ) November 29, 2022 opposition memorandum supplies further argument about federal Exemption 5. DOJ argued that Exemption 5 protects the decision making processes of federal government agencies' by withholding documents that reflect the federal government agencies' advisory opinions, recommendations and deliberations that are part of the governmental decision-making process. (Memo. in Opp. at 8 (citation omitted).)

The available new documents, including an updated docket sheet, are in the Dropbox.

## 2. Legislation

- a. Board of Ethics and Government Accountability Delinquent Debt Recovery Amendment Act of 2022 (D.C. Act 24-215)

This law took effect on December 21, 2022.

- b. Revised Criminal Code Act of 2022 (Bill 24-0416)

The Mayor returned this measure with her veto to the Council on January 4, 2023.

- c. Medical Examiner Records Privacy Amendment Act of 2022 (D.C. Act 24-720)

The Mayor signed this measure on January 4, 2023. It must now go through Congressional review.

- d. Comprehensive Policing and Justice Reform Amendment Act of 2022 (Bill 24-0320)

On December 20, 2022, the D.C. Council passed the Comprehensive Policing and Justice Reform Amendment Act of 2022, which would have public-records implications.

One of the bill's subtitles would "[a]mend[] the Body-Worn Camera Regulation and Reporting Requirements Act of 2015 and the District of Columbia Municipal Regulations to expand public access to body worn camera ("BWC") footage[;] to prohibit officers from reviewing their BWC recordings and BWC recordings that have been shared with them to assist in writing initial reports[;] to establish a process for the subjects of a serious use of force, or their next of kin, to object to the release of BWC footage regarding the incident[;] to require that the [Metropolitan Police Department ("MPD")] report out [cost and speed-of-processing] data related to FOIA requests for BWC[ records;] to prohibit redacting the likeness[es] of . . . local, county, state, or federal government employees acting in their professional capacities, other than those acting undercover[;] to clarify the process for MPD notifying the next of kin before releasing footage[;] to clarify that the BWC footage of officers 'directly involved' in the use of force be disclosed[; and] to require that MPD consult with an organization specializing in grief and trauma on ways to notify the next of kin, and to require that the notification process incorporate the organization's feedback." (*See* Jud. & Pub. Safety Comm., Rpt., at 141 (section-by-section analysis) & attach. Z at 4 l.139 to 8 l.338 (comm. print, Title I, Subtitle B) (Nov. 30, 2022).)

Another of the bill's subtitles would (1) amend D.C. FOIA to clarify that "agencies shall not categorically treat law enforcement disciplinary records as falling within any exemption"; and (2) "require that [the Office of Police Complaints (a)] establish and maintain a publicly accessible database that

contains the information related to certain sustained allegations of misconduct, and” (b) “establish and consult with an advisory group” for “policies regarding the database and FOIA disclosures [of] disciplinary records.” (*Id.* at 121 (section-by-section analysis) & attach. Z at 33 l.1469 to 36 l.1589 (comm. print, Title I, Subtitle X); Amdt. No. 1 at 66 l.1492 to 71 (Allen, C.M.) (Dec. 20, 2022).)

Upon final reading, Councilmember Allen offered amendments to, “clarify that FOIA requests for law-enforcement disciplinary records cannot be categorically denied” and “require that an advisory group on public disclosure of disciplinary records consider standards for determining when . . . records should be provided at no or reduced cost because the request is in the public interest . . . . [The amendment] will help the bill achieve its goals of improving the transparency with which police operate and the accountability they face if they misuse their extraordinary powers.”

(Councilmember Allen’s amendments passed through unanimous consent, and the underlying bill passed on final reading by a unanimous roll-call.)

The report of the Committee on the Judiciary & Public Safety, including its draft of the bill; Councilmember Allen’s first-degree amendment; and the enrolled version, are in Dropbox.

e. Organization of the 25th Council Period

On Tuesday, the D.C. Council adopted its rules for Council Period 25. BEGA is now under the scope of a newly formed Committee on Executive Administration and Labor, consisting of Councilmembers Bonds (Chair), Frumin, Lewis George, McDuffie, Mendelson, and Trayon White. (Chairman Mendelson is a “voting member of all committees and subcommittees” and “may be counted for purposes of a quorum but shall not increase the quorum *requirement*” (emphasis added).)

Also, Chairman Mendelson offered an amendment to the rules to clarify that virtual/remote meetings must comply with not just the Council’s internal open-meetings rules but also the Open Meetings *Act*. The amendment was adopted *en bloc* with the underlying resolution (roll-call vote: 12–1).

The final printed rules will appear as an attachment to the final (enrolled) version of Resolution 25-1. The as-introduced version is in Dropbox.

f. National Conference of Commissioners on Uniform State Laws (“ULC”)

i. Model Public Meetings During Emergencies Act

The Model Public Meetings During Emergencies Act received final approval from the ULC’s Style Committee on December 5, 2022. The national enactment materials, including the recommendations for adoption, a summary of the statute, and the statute itself, are in Dropbox.

ii. Redaction of Personal Information from Public Records

The ULC's Study Committee on Redaction of Personal Information from Public Records will meet again on January 30, 2023. The committee is considering the feasibility and scope of a possible uniform act.

g. Michigan: IT Policy (2021 Reg. Sess., Act 114 (and the implementing Technical Standard))

Last year's advisory opinion on text messaging cited a new Michigan statute that required the state's Department of Technology, Management, and Budget ("DTMB") to promulgate a directive about instant-messaging applications that do not retain content that could qualify as "public record."

DTMB has now issued a technical standard on the Acceptable Use of Information Technology that prohibits state employees or contractors from "[u]s[ing] any app, software, or other technology on an electronic device that prevents it from maintaining or preserving a public record as required by law."

The public law and the technical standard are in Dropbox. (The relevant directive is on pages 2 and 3 of the technical standards.)

h. Protection of Federal Judges' Privacy

I previously reported on the Daniel Anderl Judicial Security and Privacy Act of 2021. This language is now law (as Subtitle D of Title LIX of Division D of Public Law 117-263). It passed the House of Representatives on December 8, 2022, and the Senate on December 16, 2022; and the President signed it on December 23, 2022.

The enrolled version is in Dropbox. The Daniel Anderl Judicial Security and Privacy Act of 2022 appears on pages 1064-75.

i. Issuance of Memorandum M-23-07, "Update to Transition to Electronic Records."

On December 23, 2022, the Director of the Office of Management and Budget and the Acting Archivist of the United States, National Archives and Records Administration ("NARA"), issued a Memorandum to update to the heads of federal government executive departments and agencies to the transition to electronic records. The update was issued for delays of implementing Memorandum M-19-21, Transition to Electronic Records, due to the COVID-19 pandemic. The update memorandum lists the following key dates and requirements for the federal government's move to fully electronic environment where appropriate:

(1) "By June 30, 2024, federal agencies must manage all permanent records in an electronic format."

- (2) “After June 30, 2024, federal agencies must transfer all permanent Records in an electronic format and with appropriate metadata.”
- (3) “By June 30, 2024, federal agencies must manage all temporary records in an electronic format or store them in commercial records storage facilities.”
- (4) “After June 30, 2024, NARA will no longer accept transfers of permanent or temporary records in analog formats and will accept records only in an electronic format with appropriate metadata.”
- (5) “No later than December 31, 2023, and June 30, 2024, respectively, “NARA will issue records management regulations and guidance to support federal agencies’ transition to fully electronic recordkeeping.”
- (6) “No later than December 31, 2023, “NARA will establish Electronic Records Management (ERM) standards and requirements for federal agencies procuring ERM solutions and services.”

According to the District’s Archivist, the District government is moving in towards a fully electronic environment which includes building a digital preservation infrastructure to retain electronic records.

Copies of the memoranda are in Dropbox for your review.

OOG will continue to monitor legislation.

**D. Administrative Matters**

1. BEGA 1030 15<sup>th</sup> Street, NW Relocation

On December 14, 2022, December 19, 2022, and January 4, 2023, I, along with Director Cooks, Chief of Staff Mitchell, and Administrative Officer Dow met with the Department of General Services to discuss the progress of the agency’s relocation to its new facility at 1030 15<sup>th</sup> Street, NW. The first meeting was a visit to furniture vendors to select the office furniture. The second meeting was to discuss the choices. The third meeting concerned IT Infrastructure. We are scheduled to meet again this Friday. The target date for completion of the project is July/August 2023.

2. New Office of Open Government Attorney:

I am pleased to announce that Anthony Scerbo began working with the OOG as an Attorney Advisor on December 5, 2022. Attorney Scerbo is a graduate of the University of the District of Columbia (UDC) David A. Clarke School of Law. In the summer of 2019, during law school, he served with the Office of Open Government as a Rauh Fellow. Since joining the D.C. Bar, he has worked both at the Office of the Attorney General as a Pro Bono Attorney, and the D.C. Council as a Legislative Director. He lives in the District and is a proud Army veteran. He is very happy returning to OOG and looks forward to supporting BEGA and serving the citizens and government of the District.

**This concludes the Office of Open Government’s January 5, 2023, report. I am happy to answer any questions the Board may have at this time.**

**V. Report by the Director of Government Ethics**

Good afternoon, Chairperson Hutcheson and Members of the Board. I am Ashley Cooks, the Director of Government Ethics. I am pleased to present this report on the activities of the Office of Government Ethics (OGE).

**A. Update on Status of OGE Operations**

The information reported today regarding OGE’s cases will not reflect any status changes that may occur as a result of actions taken by the Board during today’s meeting.

<b>OPEN INVESTIGATIONS BY STATUS</b>	
Open	51
Open - Negotiations	2
Open - Show Cause Hearing	1
Grand Total	54

<b>OPEN "UNDOCKETED MATTERS"</b>	
Grand Total	0

<b>PENDING/STAYED INVESTIGATIONS BY STATUS</b>	
Closed - Pending Collection	27
Stayed - Pending DC Superior Court Case	5
Stayed - OAG False Claims Act Case	6
Stayed - OIG Investigation	5
Stayed - US District Court Case	1
Grand Total	44

<b>REGULATORY MATTERS BY STATUS</b>	
Closed - Pending Collection	27
Open	5
Grand Total	32

	<b>Current</b>	<b>Last month</b>	<b>October</b>
Investigations Open	54	55	57
Investigations Stayed	17	17	16

The number of open preliminary and formal investigations includes 6 new matters. The investigative team resolved 7 investigations since the Board last met. This total does not reflect the number of complaints that were dismissed for a lack of jurisdiction. The Quarterly Complaint Report for the first quarter of Fiscal Year 2023

is in progress and will be posted within the next week.

## **B. Trainings/Outreach**

### **1. Professional Development Trainings Attended by staff**

During the month of December, General Raj, Senior Attorney Tran, Attorney Advisors Jones and Echols, Chairperson Hutcheson, and I attended the 44th Annual Conference of the Council on Governmental Ethics Laws (COGEL), which took place in Montreal, Canada, on December 4th through the 7th. Some of the most interesting, substantive sessions were:

Pay-to-Play Laws: Development, Trends, and Enforcement; But I'm An Advocate, Not a Lobbyist!; Regulating Lobbying By the Non-Profit Community; The Gifts That Keep on Giving: Regulating Cash, Coffee, and Contracts; and the standard Lobbying Update, Ethics Update, and Enforcement Update. Some of the other session gave our Attorneys a chance to refine public speaking skills for presentations. These included the Training & Outreach Roundtable; Mastering Public Speaking; and Adults In The Room – Strategies To Keep Your Compliance Audiences Engaged. OGE staff left COGEL encouraged and interested in presenting at next year's conference.

Several OGE staff members completed the mandatory DC Government Cybersecurity Training course. The training sessions are E-Place Phishing Training; Cyber Essentials Series - Working Remotely; and Security Awareness Fundamentals.

Program Specialist Stan Kosick completed an online training with the Office of the Chief Technology Officer and the Data Science Team entitled, "SQL For Data Analysis." Auditor Amanueil Tujuba took the following trainings: Preparing and Implementing a Business Plan; Developing an Effective Business Case; Knowing When to Take Strategic Risks; and Managing with a Cost-control Mindset.

Investigator Ronald Cook completed the following training courses: Establishing Effective Virtual Teams; Confronting Workplace Conflict; Leading through Inspiration; Leading by Motivating; and Influencing through Positive Leadership. Lastly, Investigator Ileana Corrales completed: How to Successfully Make the Transition to Supervisor, which was hosted by Skillpath.

### **2. Conducted by staff**

Since the December Board meeting, OGE conducted 2 trainings: the December Monthly Ethics Training, and the second of two specific ethics trainings for the Office of the Deputy Mayor for Planning and Economic Development.

Supervisory Attorney Stewart-Mitchell created a schedule for the 2023 ethics trainings. It is available in the Drop Box. Upcoming trainings include the January

Monthly Ethics Training, the Quarterly Boards and Commissions Training, and our next Ethics Counselor Brown Bag Session on Monday, January 30<sup>th</sup>. The topic will be the Latest Advisory Opinions and Dispositions.

During December, sixteen employees completed our online ethics training via PeopleSoft. Since the launch of the Learning Management System in April 2022, 365 employees have registered and completed training modules. In December, there was an increase in the number of Advisory Neighborhood Commissioners who completed training using the on-demand session BGA 920 Advisory Neighborhood Commissioners Ethics Training. We continue to meet with our LRN program manager to discuss ways to optimize the system and increase employee registration.

3. Outreach

OGE and OOG continue to meet with the Office of the Chief Technology Officer's website development staff to coordinate the BEGA website refresh. We are currently working on changes to the website's design, so that information is readily available with minimal search efforts. We submitted an updated site map of the website in early October and approved the mock-up of the website design. OCTO has imaged our current website and we are working on language and images for each new webpage.

4. BEGA Newsletter

On December 16<sup>th</sup>, OGE published volume seven, issue six of its newsletter, "Ethically Speaking." This issue contained ethics information regarding the holiday season, upcoming events, information on the House of Representative Judiciary Committee's recent hearing, and state and local ethics matters, such as the Alabama Attorney General's lawsuit against the state's ethics Commission for the position that the Commission has no responsibility to disclose exculpatory information to individuals under investigation. The newsletter also contained a "Meet the Team" section which introduced the OGE Attorneys and provided insight into their professional and personal preferences.

C. Advisory Opinions/Advice

1. Informal Advice

OGE's legal staff provided advice for approximately 25 ethics inquiries, which is 16 less than the 41 reported at the last Board meeting. This number does not include responses we have provided to questions regarding the Lobbyist and FDS e-filing systems. OGE has not issued any formal advisory opinions since the last board meeting.

2. Annual Best Practices Report

On December 29, 2022, BEGA transmitted its Annual Best Practices Report to the

Council and the Office of the Mayor, per D.C. Official Code § 1-1162.02(b). The report highlights the activities of OGE and OOG and provides recommendations for actions to be taken by the Council and/or the Mayor to further strengthen the District's public integrity and transparency laws. Regarding ethics, the report provides an assessment of ethical guidelines and requirements for public employees and officials, including a synopsis of the outside employment and private representation rule and associated negotiated dispositions; a discussion of the jurisdictional overlap between BEGA, the Office of the Inspector General, and the Office of the Attorney General; information on issues with the current nepotism regulation; and information on annual ethics training requirements adopted by other jurisdictions. The ethics recommendation consists of the passage of a comprehensive code of conduct, which would: (1) streamline the financial disclosure reporting system to use a bright line salary threshold for determining filers; (2) increase the limits under the gifts rule; (3) implement restrictions on providing professional services for compensation; (4) add an outside employment notification requirement for all financial disclosure filers; and (5) include language to clarify the provisions of the nepotism statute.

**D. Legislation Updates**

1. B24-0706 Board of Ethics and Government Accountability Delinquent Debt Recovery Amendment Act of 2022

On December 21<sup>st</sup>, the 30-day Congressional review ended, and the Act was assigned D.C. Law 24-215. This law allows BEGA to discretionarily transfer delinquent debts associated with settlements and judgements for ethics and Open Meeting Act violations to the District's Central Collection Unit, and for the funds collected on BEGA's behalf to be deposited into the Ethics Fund or OMA Fund instead of the General Fund. A copy of the congressional review notice was placed in the drop box for your review.

**E. OGE Administrative Matters**

1. OGE Staffing

OGE's auditor position became vacant on this past Monday and the vacancy announcement will be posted on DCHR's website. After reviewing resumes and interviewing candidates, OGE has selected a candidate to fill its Attorney Advisor vacancy. The administrative team is in the process of interviewing candidates for the Program Support Assistant vacancy. Our HR Specialist will begin the certification process for the Supervisory Investigator position with the goal of posting the vacancy announcement this month.

2. Office Relocation

Our office relocation is still underway! We continue our weekly meetings with the Department of General Services, and the project management team to discuss the build-out of the space, furniture, and finishes. We recently visited the showrooms of three furniture vendors that provided displays of office and

conference room furniture. We ultimately chose furniture that is sufficient for our daily needs and budget. Davis Construction has been chosen as the firm to complete the build-out. The proposed move-in date remains July 2023.

**F. Financial Disclosure Statement (FDS)**

On October 14<sup>th</sup>, the FDS Team sent notices to all DC Councilmember reminding them of their bi-annual Financial Disclosure Statement which was due on November 15. To date, all Council members have filed their November financial statements. The FDS team is gearing up for the 2023 financial disclosure period.

**G. Lobbying Registration and Reporting (LRR)**

The calendar year 2023 registrations and 2022 Quarter 4 Activity Reports are due Tuesday, January 17, 2023. On December 29, the LRR team sent a reminder notice to 550 active Lobbyists and their clients. In order to assist with the understanding the lobbying laws and e-filing system, Attorney Echols and Program Specialist Kosick will conduct an Introduction to Lobbying in DC and How to File training on January 11<sup>th</sup>.

**Thank you. This concludes the Office of Government Ethics' January 5, 2023, report.**

**VI. Public Comment – if received**

No public comments.

**VII. Executive Session (nonpublic)**

The Board voted unanimously to enter into Executive Session to discuss ongoing, confidential investigations pursuant to D.C. Official Code § 2-575(b)(14), to consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body pursuant to D.C. Official Code § 2-575(b)(4)(A), to discuss personnel matters including the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials pursuant to D.C. Official Code § 2-575(b)(10), and to deliberate on a decision in which the Ethics Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13).

**VIII. Resumption of Public Meeting**

The Board resumed the public meeting at 12:51 p.m.

The Board approved a negotiated disposition in **22-0078-P In re J. Smith**.

**IX. Adjournment**

The Board will next meet on February 2, 2023 at 12:00 p.m.