

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
OFFICE OF OPEN GOVERNMENT



February 15, 2017

***VIA ELECTRONIC MAIL AND HAND DELIVERY***

Chairman Charles Allen  
c/o: [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us)  
Council of the District of Columbia  
Committee on the Judiciary & Public Safety  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dear Chairman Allen:

Enclosed, please find the responses of the Office of Open Government (OOG) to the performance hearing questions posed by the Committee. As the OOG is an independent office within the Board of Ethics and Government Accountability (BEGA), the OOG is submitting its responses separate from that of the Office of Government Ethics and BEGA Chairman, Robert Spagnoletti.

When budget agency information is required, the Committee will note that full BEGA-related financials are supplied. The OOG answered all other questions in a manner specific to the OOG. For ease of review, the OOG has included within the body of the responses screen shots of relevant records, which are also submitted in hard copy under numbered tabs.

Please feel free to contact me should you have any questions. Thank you for the opportunity to submit responses regarding the performance of the Office of Open Government during Fiscal Years 2016 and 2017.

Sincerely,

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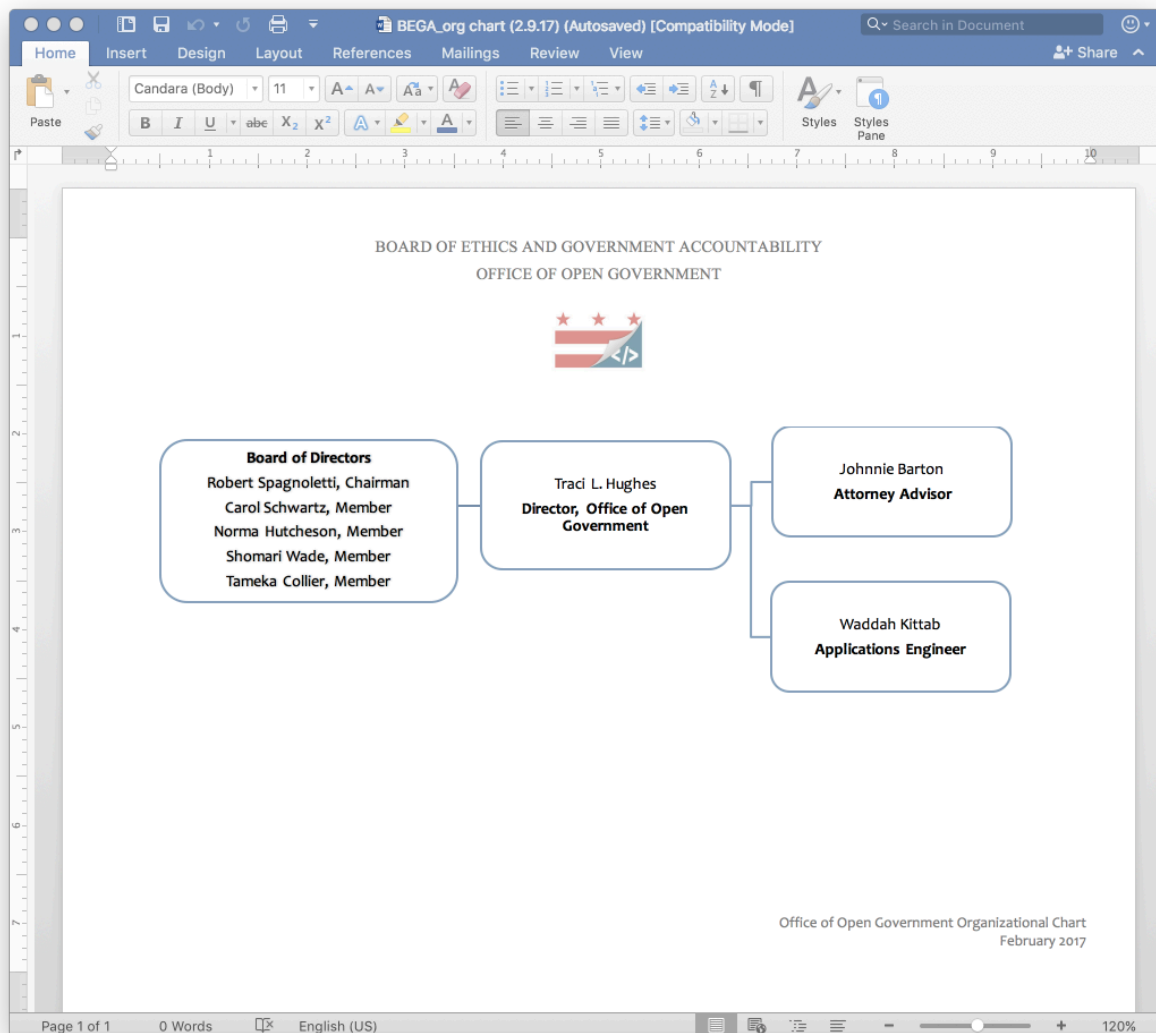
TRACI L. HUGHES, ESQ.  
Director, Office of Open Government  
Board of Ethics and Government Accountability

**Council of the District of Columbia**  
**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

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General Questions/Responses

1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled FTEs in each division or subdivision. Include the names and titles of all senior personnel and provide the date that the information was collected on the chart.
  - a. Please provide an explanation of the roles and responsibilities for each division and subdivision.



- b. Please provide a narrative explanation of any changes made during the previous year.

The Office of Open Government hired an attorney advisory on February 8, 2016.

2. Please provide a current Schedule A for the agency which identifies all employees by title/position, current salaries, fringe benefits, and program. The Schedule A should also indicate if the positions are continuing/term/temporary/contract and whether they are vacant or frozen positions.

District of Columbia Board of Ethics and Government Accountability (AGO)																			
Posn Stat	Posn Nbr	Title	Name	EmpId	g/Temp/Ter	Hire Date	Vac Stat	Grade	Step	Salary	F.Benefit	Total	FTL x Dist %	Appr Year	Fund Code	Index	PCA		
A	00077797	Director of Open Government	Hughes, Traci L	00013689	Reg	4/22/13	F	10	0	163,086.21	34,248.10	197,334.31	1	17	0100	20001	20001		
A	00083174	IT Specialist (Data Mgmt)	Kittab, Waddah	0006381	Reg	6/15/15	F	12	5	79,077.00	16,606.17	95,683.17	1	17	0100	20001	20001		
A	00086144	Attorney Advisor	Barton, Johnnie	00090189	Reg	2/8/16	F	12	2	82,472.00	17,319.12	99,791.12	1	17	0100	20001	20001		
A	00077471	Director of Government Ethics	Sobin, Darrin P	00014181	Reg	12/1/03	F	10	0	173,891.00	36,517.11	210,408.11	1	17	0100	2010L	20100		
A	00077482	General Counsel	Flowers, Brian K	00014096	Reg	3/9/15	F	9	0	155,952.80	32,749.98	188,702.78	1	17	0100	2010L	20100		
A	00077612	Investigator	Olusunmi, Clara O	00071477	Reg	1/28/13	F	11	5	64,160.00	13,473.60	77,633.60	1	17	0100	2010L	20100		
A	00077614	Investigator	Cook Sr., Ronald J	00071555	Reg	2/11/13	F	9	9	59,249.00	12,442.29	71,691.29	1	17	0100	2010L	20100		
A	00077645	Attorney Advisor	Chouaoune, Rudy	00091025	Reg	5/16/16	F	12	8	98,444.00	20,673.24	119,117.24	1	17	0100	2010L	20100		
A	00077645	Attorney Advisor	Foster, Janet	00093088	Reg	9/6/16	F	12	10	103,728.00	21,782.88	125,510.88	1	17	0100	2010L	20100		
A	00077729	Program Support Assistant	Dow, Tyrell H	00071453	Reg	10/20/15	F	7	8	48,562.00	10,198.02	58,760.02	1	17	0100	2010L	20100		
A	00078130	Senior Attorney Advisor	Grimaldi, John J	00002565	Reg	3/1/99	F	2	0	170,705.81	35,848.22	206,554.03	1	17	0100	2010L	20100		
A	00085318	Program Analyst	Dillon, Jessica	00089748	Reg	12/28/15	F	11	1	56,852.00	11,938.92	68,790.92	1	17	0100	2010L	20100		
A	00085319	INVESTIGATOR	Corrales, Ileana C.	00037872	Reg	2/4/08	F	13	5	91,438.00	19,201.98	110,639.98	1	17	0100	2010L	20100		
A	00087514	Attorney Advisor	Cooks, Ashley	00088907	Reg	10/5/15	F	12	1	79,810.00	16,760.10	96,570.10	1	17	0100	2010L	20100		
A	00087567	Administrative Officer	Peterson, Sandra D.	00037339	Reg	11/26/07	F	13	3	86,244.00	18,111.24	104,355.24	1	17	0100	2010L	20100		
A	00091999	Attorney Advisor	Stewart-Mitchell, Asia	00095582	Temp	12/27/16	F	12	1	79,810.00	16,760.10	96,570.10	1	17	0100	2010L	20100		

- a. For each vacant position, please provide the status of the agency's efforts to fill the position, as well as the position number, title, program number, activity number, grade, salary, and fringe associated with each position. Separate salary and fringe. Please also indicate whether the position must be filled to comply with federal or local law.

The Office of Open Government has no vacant positions.

- b. For each filled position, please provide the employee's length of service with the agency.

Traci Hughes, Director – Hired 4/22/2013  
 Waddah Kittab, IT Specialist – Hired 6/15/2015  
 Johnnie Barton, Attorney Advisor – Hired 2/8/2016

3. Please list all employees detailed to or from your agency, if any. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

N/A

4. Please provide the Committee with:

- a. A list of all employees who received or retained cellphones, personal digital assistants, or similar communications devices at agency expense in FY16 and FY17, to date; The Office of Open Government supplies one cell phone to Director, Traci Hughes; and one iPad to Attorney Advisory, Johnnie Barton.
- b. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle accidents involving the agency's vehicles in FY16 and FY17, to date; N/A
- c. A list of employee bonuses or special award pay granted in FY16 and FY17, to date; N/A
- d. A list of travel expenses, arranged by employee for FY16 and FY17, to date, including the justification for travel; and

November 14, 2015 – November 20, 2015, the Director Traci Hughes attended the Smart City Expo World Conference in Barcelona, Spain (November 17-19). The purpose of the trip was to present a paper, authored by Director Hughes, regarding District of Columbia advances in open government and sustainable transparency practices. The total cost for travel: \$3,325.00.

- e. A list of the total overtime and workers' compensation payments paid in FY16 and FY17, to date, including the number of employees who received overtime and workers' compensation payments. N/A

5. Regarding the use of communication devices:

- a. What procedures are in place to track which individuals or units are assigned mobile devices (including, but not limited to smartphones, laptops, and tablet computers)? Please include how the usage of these devices is controlled.

The Office of Open Government does not set the procedures for controlled usage of mobile devices. Please refer to the response by the Board of Ethics and Government Accountability/Office of Government Ethics.

- b. How does your agency limit the costs associated with its mobile devices?

See response to 5a.

- c. For FY16 and FY17, to date, what was the total cost including, but not limited to, equipment and service plans for mobile communications and devices?

See response to 5a. The iPad purchased by the OOG on 1/4/2017 cost \$239.99.

6. For FY16 and FY17, to date, please list all intra-District transfers to or from the agency. N/A

7. For FY16 and FY17, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide: (1) the revenue source name and code; (2) the source of funding; (3) a description of the program that generates the funds; (4) the amount of funds generated by each source or program; (5) expenditures of funds, including the purpose of each expenditure; and (6) the current fund balance. N/A

8. For FY16 and FY17, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

The Office of Open Government did not receive an allocation to make PCard purchases prior to the FY 2017 budget.

#	Vendor Name	Employee Making Expenditure	Expenditure Amount	General Purpose for Expenditure
1	Apple desktop Computer	Waddah M. Kittab	1999.99	Replacement cdesktop computer
2	Apple iPad	Waddah M. Kittab	239.99	OMA and FOIA training. All training applications are web-based.
3	Mac Office	Waddah M. Kittab	229.99	Software
4	Protection Screen for Ipad	Waddah M. Kittab	49.99	Protect equipment
5	Parcslope For Macbook	Waddah M. Kittab	49.99	Stand for laptop

9. Please list all memoranda of understanding (“MOU”) entered into by your agency during FY16 and FY17, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date. N/A

10. Please list the ways, other than MOU, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY16 and FY17, to date. N/A

11. Please list all currently open capital projects, including an update on all capital projects

under the agency's purview in FY16 and FY17, to date, and the amount budgeted, actual dollars spent, and any remaining balances. In addition, please provide:

An update on all capital projects begun, in progress, or concluded in FY15, FY16, and FY17, to date, including the amount budgeted, actual dollars spent, and any remaining balances. [N/A](#)

- a. An update on all capital projects planned for FY17, FY18, FY19, FY20, FY21, and FY22. [N/A](#)
  - b. Do the capital projects begun, in progress, or concluded in FY15, FY16, or FY17, to date, have an impact on the operating budget of the agency? If so, please provide an accounting of such impact. [N/A](#)
12. Please provide a list of all budget enhancement requests (including, but not limited to, capital improvement needs) for FY16 and FY17, to date. For each, include a description of the need and the amount of funding requested.

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**FY 2018 PROGRAM ENHANCEMENT - FORM B**  
Agency Program Enhancement Request Details

**Agency Code:** Board of Ethics and Government accountability(AG0)  
**Agency Title:** BEGA, Office of Open Government  
**Enhancement Title:** NPS  
**Date:** 11/28/16 (REVISED WITH FINAL OGE EXPENDITURES SUBMITTED 1/18/2017)  
**Total Amount of Local Funds:** \$35,000.00  
**FTEs:**  
**Is this Enhancement a One-time Cost?:** No  
**Agency Point of Contact:** Traci L. Hughes -- Director

**Problem Statement**  
The Office of Open Government (OOG) is an independent office under the purview of BEGA. The OOG shares the BEGA budget with the Office of Government Ethics (OGE). As part of the FY 2017 budget, the Mayor agreed to provide an NPS allotment of \$43,000 for use by the OOG. Since OOG and OGE are separate operationally, the OGE is requiring that OOG cover all of its respective operating expenses. Currently, OOG has \$7,781.95 for Fiscal Year 2018 to cover expenditures. As a result, the OOG anticipates a shortfall in the amount of \$15,000 for NPS.

Please see the attached itemized costs provided by OGE Director Darrin Sobin on 1/18/17 indicating FY 2017 costs. Please see comments regarding adjusted amounts to be paid by OOG. The OOG has no way to determine exact costs for agency OCTO charges for Fiscal Year 2018.

Additionally, OOG requires additional PS funding in the amount of \$20,000 to cover salary increase for one Legal Service FTE.

**Proposed Solution**  
Provide an enhancement to cover the shortfall in the amount of \$15,000.00 for NPS, and \$20,000 for PS.

**Cost-Benefit Analysis**  
Not applicable. The OOG's responsibilities are mandated by statute.

**Other Benefits**  
Fully funding BEGA will allow the OOG carry out its statutory duties including Open Meetings Act enforcement, training, advice giving, as well as oversight of Freedom of Information Act compliance of all District government agencies.

**Legislative Analysis**

**OBP ASSESSMENT**

Confidential – Deliberative Process

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Office of Open Government - FY 2017 Expense Report		
Vendor	Expense	Details
DC Code	796	updated twice per year (\$1,592/2)
Comcast	783.72	(\$65.31x12=\$783.72)
LexisNexis	1248	(\$52x12=\$624) (x2=\$1,248)
Copier Maintenance	1500	(\$125x12=\$1,500)
Media Temple (website hosting)	500	T. HUGHES: The OOG will be responsible for web hosting of open-dc.gov, not bega-dc.gov. The cost is \$250.00
DOTGOV (website domain)	125	T. HUGHES: The OOG will pro-rate OCTO charges per 3 FTEs. The cost is \$6,000.00.
OCTO	15000	ne, cell phone, audio (IT, DCNET, PASS), etc.) \$30,000/2
VPN Access	420	
	\$20,373	Total
Purchase Orders		PASS Buyer System: Prepare annual OAPT summary report; Use DC Supply Schedule to get 3 quotes; Request vendor fee schedules, Enter Requisitions, Manage approval flow; Manage Purchase Orders by receiving invoices in system, approve, upload documents, prepare modifications, deobligations, etc.
P-Card		Quarterly CBE Compliance: Use Quickbase to record all transactions; Prepare quarterly reports and upload reports; Accept and/or amend Automatic Excetions; Add Exclusions, etc. Payment Net - Review, approve, upload receipts for each purchase; Complete transaction detail report for each purchase; Run required reports; Hold ART Meetings, Use PASS to complete record and upload ART Sign-in Sheet; Meet w/CM Orange's Office to verify CBE Goal was met, etc.
Office Supplies		Order office supplies, pay invoices
SmarTrip		Manage accounts by tracking travel, balance sand loading funds
DCHR		Manage Agency compliance; recruitment, personnel guidance, payroll, performance evaluations, FMLA & PFL procudures and requirements, OPRS T&L
Receptionist Services		Answer telephones, distributes mail, etc.

13. Please list, in chronological order, every reprogramming in FY16 and FY17, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, and within the agency. Include the revised, final budget for your agency after the reprogrammings for FY16 and FY17. For each reprogramming, list the date, amount, rationale, and reprogramming number. [N/A](#)
14. Please list each grant or sub-grant received by your agency in FY16 and FY17, to date. List the date, amount, and purpose of the grant or sub-grant received. [N/A](#)
15. How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans, if any, are in place to continue funding the FTEs? [N/A](#)
16. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District of Columbia to significant financial liability and/or will result in a change in agency practices, and the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.
 

**Matter:** [Office of Open Government v. Michael Yates/Mayor's Advisory Commission on Caribbean Community Affairs. Case. No.: 2016 CA 0007337 B.](#)

**Description:** [The Office of Open Government is seeking declaratory and injunctive relief, and fines against the public body for its failure to comply with the requirements of the Open Meetings Act. A hearing on motions to dismiss or summary judgement is scheduled for March 24, 2017.](#)

[This is the first enforcement at by the OOG under the Open Meetings Act, and a case of first impression for the Court. A ruling on this matter may set legal precedent for future interpretations of the Open Meetings Act.](#)
17. Please provide the total number of administrative complaints or grievances that the agency received in FY16 and FY17, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. [N/A](#)
18. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY16 and FY17, to date. [N/A](#)
19. Please describe any anticipated spending pressures for the remainder of FY17. Include a description of the pressure, the estimated amount, and any proposed solutions. [N/A](#)

20. Please provide a copy of the agency's FY16 performance plan. Please explain which performance plan objectives were completed in FY16 and whether they were completed on time and within budget. If they were not, please provide an explanation.

Pursuant to the authority set forth in § 503(a)(4) of the Open Government Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-593(a)(4)), as an independent agency under BEGA, the director of the Office of Open Government notified the City Administrator on 4/9/15 of the decision to opt out of the Executive's Performance Management Program (PMP). Upon careful review, Director Hughes determined that the Office of Open Government's voluntary participation in the PMP is not an effective measurement of agency performance. This is because Office of Open Government's statutory mandate to ensure compliance with the Open Meetings Act and the Freedom of Information Act comes in the form of agency trainings. Although public body member Open Meetings Act training is mandatory under D.C. Official Code § 2-593(a)(3), 3 DCMR § 10409.1, the Office of Open Government must rely on the cooperation of the Mayor's Office of Talent and Appointments (MOTA) to identify and schedule trainings of members. MOTA is the only agency which manages public bodies and coordinates member appointments.

As such, the Office of Open Government conducts independent public body trainings, and combined Open Meetings Act and ethics trainings facilitated by MOTA. During Fiscal Year 2016 to date, the Office of Open Government has conducted 11 combined trainings for MOTA, and 15 stand-alone trainings. As a result, 122 public bodies have been trained (more than 400 attendees). The additional stand-alone trainings are a result of direct requests by public bodies, or as a result of an Office of Open Government Advisory Opinion regarding compliance with the Open Meetings Act.

Although yearly FOIA training by the Office of Open Government is mandatory for all government agencies, the office does not have the authority to compel attendance. Accordingly, the Mayor's Office of Legal Counsel works with the Office of Open Government to conduct yearly FOIA trainings. Last year, 20 agencies attended the yearly training. Fiscal Year 2016 to date, the Office of Open Government has conducted an additional 11 FOIA trainings for agency personnel. These trainings are conducted upon direct request by the agencies, or as a result of an Office of Open Government Advisory Opinion regarding FOIA compliance.

21. Please provide a copy of your agency's FY17 performance plan as submitted to the Office of the City Administrator. [See response to 20.](#)
22. Please provide the number of FOIA requests for FY16 and FY17, to date, submitted to your agency. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance. There were 21 FOIA requests submitted to BEGA (both the Office of Open Government and the Office of Government Ethics) in FY 2016.

In FY 2017<sup>1</sup>, the Board of Ethics (Office of Open Government and Government Ethics) has processed six requests.

FY 2016 ANNUAL FOIA REPORT (BEGA) (page 1 of 2)
 Search

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**Agency Name**  
 Board of Ethics and Government Accountability

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**Annual Freedom of Information Act Report for Fiscal Year 2016**  
 October 1, 2015 through September 30, 2016

**FOIA Officer Reporting** Traci L. Hughes

PROCESSING OF FOIA REQUESTS	
1. Number of FOIA requests received during reporting period .....	21
2. Number of FOIA requests pending on October 1, 2015.....	0
3. Number of FOIA requests pending on September 30, 2016.....	1
4. The average number of days unfilled requests have been pending before each public body as of September 30, 2016 .....	4.5

DISPOSITION OF FOIA REQUESTS	
5. Number of requests granted, in whole.....	1
6. Number of requests granted, in part, denied, in part.....	2
7. Number of requests denied, in whole.....	1
8. Number of requests withdrawn.....	3
9. Number of requests referred or forwarded to other public bodies.....	0
10. Other disposition .....	13

NUMBER OF REQUESTS THAT RELIED UPON EACH FOIA EXEMPTION	
11. Exemption 1 - D.C. Official Code § 2-534(a)(1).....	0
12. Exemption 2 - D.C. Official Code § 2-534(a)(2).....	1
13. Exemption 3 - D.C. Official Code § 2-534(a)(3)	
Subcategory (A).....	1
Subcategory (B).....	0
Subcategory (C) .....	1
Subcategory (D) .....	0
Subcategory (E) .....	0
Subcategory (F) .....	0
14. Exemption 4 - D.C. Official Code § 2-534(a)(4) .....	2
15. Exemption 5 - D.C. Official Code § 2-534(a)(5).....	0

<sup>1</sup> Current FY FOIA numbers generated in FOIAXpress. BEGA reports under the OOG acronym as a user in FOIAXpress. The numbers include requests processed for the Office of Open Government and the Office of Government Ethics.

16. Exemption 6 - D.C. Official Code § 2-534(a)(6)	
Subcategory (A).....	2
Subcategory (B).....	0
17. Exemption 7 - D.C. Official Code § 2-534(a)(7).....	0
18. Exemption 8 - D.C. Official Code § 2-534(a)(8).....	0
19. Exemption 9 - D.C. Official Code § 2-534(a)(9).....	0
20. Exemption 10 - D.C. Official Code § 2-534(a)(10).....	0
21. Exemption 11 - D.C. Official Code § 2-534(a)(11).....	0
22. Exemption 12 - D.C. Official Code § 2-534(a)(12).....	0

#### TIME-FRAMES FOR PROCESSING FOIA REQUESTS

23. Number of FOIA requests processed within 15 days.....	19
24. Number of FOIA requests processed between 16 and 25 days.....	1
25. Number of FOIA requests processed in 26 days or more.....	1
26. Median number of days to process FOIA Requests.....	4

#### RESOURCES ALLOCATED TO PROCESSING FOIA REQUESTS

27. Number of staff hours devoted to processing FOIA requests.....	30
28. Total dollar amount expended by public body for processing FOIA requests.....	2,780.00

#### FEES FOR PROCESSING FOIA REQUESTS

29. Total amount of fees collected by public body.....	0
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#### PROSECUTIONS PURSUANT TO SECTION 207(d) OF THE D.C. FOIA

30. Number of employees found guilty of a misdemeanor for arbitrarily or capriciously violating any provision of the District of Columbia Freedom of Information Act .....	0
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#### QUALITATIVE DESCRIPTION OR SUMMARY STATEMENT

Pursuant to section 208(a)(9) of the D.C. FOIA, provide in the space below or as an attachment, "[a] qualitative description or summary statement, and conclusions drawn from the data regarding compliance [with the provisions of the Act]."

[illegible]

23. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during FY16 and FY17, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee. [N/A](#)

24. Please separately list each employee whose salary was \$100,000 or more in FY16 and FY17, to date. Provide the name, position number, position title, program number, activity number, salary, and fringe. In addition, state the amount of any overtime or bonus pay received by each employee on the list.

25. Please list in descending order the top 25 overtime earners in your agency in FY16 and FY17, to date, if applicable. For each, state the employee's name, position number, position title, program number, activity number, salary, fringe, and the aggregate amount of overtime pay earned. [N/A](#)
26. For FY16 and FY17, to date, please provide a list of employee bonuses or special award pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay. [N/A](#)
27. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. [N/A](#)
28. If there are any boards or commissions associated with your agency, please provide a chart listing the names, confirmation dates, terms, and wards of residence of each member. Include any vacancies. Please also attach agendas and minutes of each board or commission meeting in FY16 or FY17, to date, if minutes were prepared. Please inform the Committee if the board or commission did not convene during any month.

7 Commissioners													Related BOARD OR ...	
	First Name	Last Name	BOARD OR COMMISSION - B or C	Seat Designation (specific role)	Appointment Status	Appointee Designation	Appointment	Appointment Date	Reappointment Date	Name of Commissioner replacing	Term End 1	Term end	Commission Email Address	Ward of Residence
NEW	Robert	Spagnoletti	Board of Ethics and Government Accountability (BEGA)	Majority Member	Active / filled seat	Mayoral Appointee, Public Member	New Appointment	07-10-2012			07-01-2018	07-01-2018		Ward 4
NEW	Carol	Schwartz	Board of Ethics and Government Accountability (BEGA)	Non-majority Member	Active / filled seat	Mayoral Appointee, Public Member	New Appointment	01-05-2016			07-01-2020	07-01-2020		Ward 1
NEW	Norma	Hutcheson	Board of Ethics and Government Accountability (BEGA)	Majority Member	Active / filled seat	Mayoral Appointee, Public Member	New Appointment	03-15-2016		Vacant Seat	07-01-2022	07-01-2022		Ward 4
NEW	Shomari	Wade	Board of Ethics and Government Accountability (BEGA)	Majority Member	Active / filled seat	Mayoral Appointee, Public Member	New Appointment	07-18-2016		Deborah Lathen	07-01-2022	07-01-2022		Ward 1
NEW	Tameka	Collier	Board of Ethics and Government Accountability (BEGA)	Non-Majority Member	Active / filled seat	Mayoral Appointee, Public Member	New Appointment	09-09-2016		Vacant Seat	07-01-2020	07-01-2020		Ward 2
NEW	Deborah Ann	Lathen	Board of Ethics and Government Accountability (BEGA)	Majority Member	Resigned/Retired member	Mayoral Appointee, Public Member	New Appointment	07-10-2012			07-01-2016	07-01-2016		Ward 4
NEW	Laura	Richards	Board of Ethics and Government Accountability (BEGA)	Majority Member	Resigned/Retired member	Mayoral Appointee, Public Member					07-01-2014	07-01-2014		

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All monthly Board of Ethics and Government Accountability meeting dates, agendas, minutes and recording may be located on the Office of Open Government Central Calendar here: <http://www.open-dc.gov/public-bodies/board-ethics-and-government-accountability-bega>

29. Please list all reports or reporting currently required of the agency in the District of Columbia Code or Municipal Regulations. Provide a description of whether the agency is in compliance with these requirements, and if not, why not (e.g. the purpose behind the requirement is moot, etc.).

<sup>2</sup> Mayor's Office of Talent and Appointments, site last accessed 2/13/2017  
<https://octo.quickbase.com/db/bjngwr9pe?a=q&qid=-1045728>

D.C. Official Code § 2-593(a)(1) requires that the Office of Open Government shall report annually, on or before February 1 on its activities, including recommendations for changes in the law. The Office of Open Government reports monthly to the Board of Ethics and Government Accountability on its activities and any needed changes in legislation, regulation and policy.

30. Please list each contract, procurement, lease, and grant awarded, entered into, extended and option years exercised, by your agency during FY16 and FY17, 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;
- f. The name of the agency's contract monitor and the results of any monitoring activity; and
- g. Funding source.

See highlighted notation below. The Purchase Order was a continuation of services provided by a competitively bid proposal (in FY 2015) to create the BEGA and Office of Open Government websites. The costs incurred were for phase two development which included the creation of the Office of Open Government website, and the revamping and migration of the boards and commissions central calendar from BEGA-DC to OPEN-DC.

PO Details by Vendor for FY 2016

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**District of Columbia Board of Ethics and Government Accountability (AG0)**

**Purchase Order FY 16**

Agy Fund	P.O. number	Vendor Name	Payment	P.O. AMT	P.O. ADJ AMT	PO BAL
0100	PO536998	DELL COMPUTER CORP	0	673.68	0	673.68
0100	PO536998	DELL COMPUTER CORP	673.68	-	0	-673.68
0100	PO535336	INQBATION LLC	0	17,430.00	0	17,430
0100	PO535336	INQBATION LLC	17,430	-	0	-17,430
0100	PO537082	METROPOLITAN OFFICE PRODUCTS	0	2,000.00	0	2,000
0100	PO537082	METROPOLITAN OFFICE PRODUCTS	2,000	-	0	-2,000
0100	PO540612	THIHA, INC	29,853.8	29,853.80	0	0
0602	PO543167	ADVANCED EMPLOYEE INTELLIGENCE	845.5	3,040.00	-997.5	1,197
0602	PO543167	AEI TRAINING PARTNERS	1,197	-	0	-1,197
0602	PO542568	DATA NET SYSTEMS CORP	5,160	9,018.99	-3,858.99	0
0602	PO540718	PENDRAGWN PRODUCTIONS LLC	35,265	35,265.00	0	0
0602	PO539343	SEABERRY DESIGN & COMMUNICATIO	0	35,265.00	-35,265	0
<b>Summary</b>				#####	#####	0

Page1\_1

Ready 110%

31. Please provide a list of any additional training or continuing education opportunities made available to agency employees. For each additional training or continuing education program, please provide the subject of the training, as well as the number of agency employees that were trained.

- Traci Hughes - In Fiscal Year 2016, Director Hughes participated in the Executive Leadership Program administered by the DC Department of Human Resources in partnership with George Washington University.
- Waddah Kittab – In Fiscal Year 2016, Mr. Kittab attended the following trainings: Symantec Government Symposium - Cyber Security Conference; Cyber Security Brainstorm - Cyber Security Conference; PCard Management - Managing D.C. Government Purchase Card; Using PCard – How to use D.C. Government Purchase Card.
- Johnnie Barton – In Fiscal Year 2016, Mr. Barton attended OGIS (Office of Government and Information System) Training on federal FOIA; and FOIAXpress-training.

32. 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?

Yes, the Office of Open Government conducts annual employee evaluations. Director, Traci Hughes, conducts the evaluations. Director Hughes meets with staff biannually to discuss goals and objectives, and to modify when necessary. Additionally, since the staff size is so small, we are always working collaboratively. As a result, the director is immediately aware if staff are unable to meet job requirements. Such has not been the case.

### Agency Operations

1. Please describe any initiatives that the agency implemented in FY16 or FY17, to date, to improve the internal operations of the agency or the interaction of the agency with outside parties. Please describe the results, or expected results, of each initiative.

The Office of Open Government conducts Freedom of Information Act and Open Meetings Act trainings upon direct request of agencies and public bodies. As a result, agencies and public bodies regularly seek the advice of the Office regarding compliance the law. Fiscal Year 2016 to date, the Office of Open Government has fielded nearly 400 advice requests. This has led to greater communication between the Office of Open Government and the agencies and public bodies that it serves.

The Office of Open Government has created an electronic user guide for public body administrative points of contact to publish directly to the Central Meetings Calendar maintained by the Office of Open Government. This has resulted in greater compliance (166 out of 170 public bodies) are publishing meeting information on the Central Meeting Calendar and/or their respective website in compliance with the Open Meetings Act.

Additionally, the Office of Open Government has implemented a means of public outreach to nonprofits and civic associations to inform these entities of the Office of Open Government, and its role as an advocate on behalf of the public. As a result, the Office of Open Government has been asked to assist in the filing of numerous FOIA requests submitted by members of the public, and to intervene in lieu of administrative appeal.

In FY16 the OOG created an Advice Log to record requests for legal and technical advice on OMA and FOIA. Requestors for advice include the general public, representative of the private sector and government employees. During FY 16 the OOG provided responses to approximately 400 inquires. The majority of inquiries sought substantive advice on FOIA and the OMA. The OOG Advice was a prototype which has been developed in program with capabilities for public access via a Dash Board. To reduce costs, the OOG 's Application Manager created the professional Advice Log in-house.

2. What are the agency's top five priorities? Please explain how the agency expects to address these priorities in FY17.

The top five categories of priorities for the Office of Open Government are (1) Public Outreach; (2) Technology; (3) Marketing/Communications; (4) Development of Online Training Tools; and (5) Organizational Change Management

- Public Outreach -- The Office of Open Government's public outreach plans for Fiscal Year 2017 include the following: Advisory Neighborhood Commissions, civic groups, community associations, students, non-profit groups and the general public. The goal is to thoroughly educate these groups on the Open Meetings Act (OMA), government transparency, the Freedom of Information Act (FOIA) and the access to government records.

As a result of B21-0697, Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, the Office of Open Government will train all ANCs on the requirements of FOIA.

The Office of Open Government will reach civic groups and nonprofit entities, to conduct trainings and workshops on the OMA and FOIA; provide information for distribution to membership and staff; attend forums and request that the Office of Open Government be listed as a government resource tool on websites.

Additionally, the Office of Open Government will make contacts with local school and college administrators and offer to conduct seminars and trainings, on government transparency, civic engagement, FOIA and the OMA. These seminars and trainings will take place during social studies and government classes, career days and street law courses. This will ensure that students receive exposure at these levels to the OMA and FOIA. The goal is that once becoming familiar with the OMA and FOIA, these students will utilize what they learn both now and in future for the betterment of their communities.

- Technology – The Office of Open Government will design and develop a business intelligence dashboard which can inform the public about general information about the operations of the Office. The dashboard will be created and maintained entirely by the Office of Open Government, and allow the public to access information regarding the number of Open Meetings Act complaints, and the general nature of advice given to agencies and public bodies regarding compliance with the Freedom of Information Act and the Open Meetings Act, respectively.

Additionally, the Office of Open Government will continue to make improvements to the Central Calendar, by developing online technical tools to assist public bodies to process their meeting notices, minutes, and audio/video recordings.

- Online Training – the Office of Open Government will design and develop interactive online trainings on the OMA and FOIA. The trainings will include testing and certification components to very completion. The Office of Open Government will look to open source or moderately priced software that can be customized to meet this objective.
- Marketing/Communications — The Office of Open Government will developing marketing and collateral materials intended to support public outreach, and to inform the public on ways the Office of Open Government serves as an advocate for government transparency, specifically the ways in which the Office can work directly with the public on gaining access to government operation via the Open Meetings Act and the Freedom of Information Act. The Office of Open Government currently uses software which will allow staff to create collateral materials at no costs, other than printing.

Additionally, the Office of Open Government will create a simple *How To* guide geared to members of the media on how to submit FOA requests to District Government agencies, and what the law requires.

- Organizational Change Management -- Establish the Office of Open Government as a distinct entity separate and apart from the Office of Government Ethics. This will be done with the passage of legislation that will give the Office of Open Government budget authority, via the Board of Ethics and Government Accountability, to make financial decisions without the burden of adherence to onerous and untenable internal structures; the Office of Open Government will work with the Office of Government Ethics to ensure a smooth separation of all administrative and financial overlap.
3. Please list each new program implemented by the agency during FY16 and FY17, to date. For each initiative please provide:
- a. A description of the initiative;
  - b. The funding required to implement to the initiative; and
  - c. Any documented results of the initiative.

The statutory charge and operation of the Office of Open Government does not lend itself to the implementation of programs. The Office, has however, implemented several initiatives during Fiscal Years 2016 and 2017:

#### Creation of the OpenGovist Newsletter

On August 8, 2016 the OOG published the OpenGovist Newsletter. The Electronic newsletter is meant as tool to keep agencies and public bodies abreast of the latest in FOIA and the OMA. The first edition highlights, contains or addresses the following: (1) recent District and federal FOIA court decisions; (2) federal and District legislative

update; (3) a calendar of upcoming FOIA, OMA and Ethics trainings; (4) the OMA protocol to enter a closed/executive session pursuant to D.C. Official Code § 2-575(c)(1-2); (5) the Commission on Arts and the Humanities' public input session during its meetings; and (6) contact information for OOG staff.

While the OpenGovist was sent electronically to District agencies and public bodies citywide, the general public may access first edition and future newsletters on the Open-dc.gov. There was no additional funding necessary to implement this initiative. To reduce costs, the OOG has produced a professionally quality newsletter in-house. While the newsletter is instructional and informative it is difficult to document results at this time. However, the OOG has received favorable responses to the OpenGovist.

#### Preliminary Outreach to non-profits and Civic group

To gauge the potential success of future public outreach planned for FY 17; in FY16 the OOG began preliminary public outreach to the Washington Legal Clinic for the Homeless (WLCH), the Neighborhood Legal Services Program (NLSP), the Capitol Area Community Food Bank (CACFB), and the DC Federation of Civic Association (DC Federation). As a result of FOIA training, the OOG has provided assistance to the WLCH with (2) two FOIA requests and there was discussion about the OOG conducting future trainings with the larger consortium of legal providers of which WLCH is a member in FY17. The OOG was also able to provide significant information to two WLCH staff who also are members of public body subject to the OMA.

After conducting FOIA and OMA training with the DC Federation, the OOG responded to a litany of questions from the DC Federation's members in attendance. Subsequent to meeting with the DC Federation, the OOG fielded additional telephone calls in response to the trainings. There are plans for the OOG to return to future a DC Federation meeting. The DC Federation stated made inquiry about the OOG's availability to attend meetings its member civic associations. There was no funding requirement for this initiative.

The CACFB has invited the OOG to attend its Ward Collaborative Meetings to discuss the OMA and FOIA. The OOG will also be transmitting written materials to the CACFB where it may be obtained by representatives of the CACFB member agencies. To reduce costs, the OOG has produced a professionally quality brochure for dissemination at forums such as the CACFB.

After being made aware of what the OOG does, NLSP legal staff has contacted the OOG for assistance with two FOIA requests. The OOG has plans to conduct FOIA trainings with the NLSP in FY17.

#### Comprehensive Public Body Compliance Audit

In an effort to assist public body compliance with the OMA, during FY16 the OOG conducted a comprehensive audit of the approximately 175 public bodies subject to the OMA. The audit included a review of public body publishing to the Central Meeting Calendar and/or the public body's website. This was to ensure the public bodies were in compliance with, among other provisions, the OMA's "Notice of meeting" and "Recording of meeting" provisions. The audit found 16 agencies with compliance related

issues. The OOG was able to assist 12 of these public bodies to come into full and immediate compliance with the OMA. One public body was issued a binding advisory opinion in FY17. One public body is the defendant in an enforcement action in the D.C. Superior Court. The OOG is in process of issuing two (2) additional binding advisory opinions to two other non-compliant public bodies. While this initiative was quite labor intensive it did not require funding to implement.

#### Creation of an OOG Advice Log

In FY16 the OOG created an Advice Log to record requests for legal and technical advice on OMA and FOIA. Requestors for advice include the general public, representative of the private sector and government employees. During FY 16 the OOG provided responses to approximately 400 inquires. The majority of inquiries sought substantive advice on FOIA and the OMA.

4. How does the agency measure programmatic success? Please discuss any changes to outcomes measurement in FY16 and FY17, to date.

In February 2016, the Office of Open Government began tracking requests for formal and informal advice. Since that time, the Office has responded to nearly 400 advice requests regarding Open Meetings Act and Freedom of Information Act compliance. Advice requests come routinely from agencies and from members of the public. The Office of Open Government also receives inquiries from the legislative and executive arms of government, asking for recommendations and input on transparency policy. This is a clear sign that the Office of Open Government is viewed as a central resource for advocacy and legal advice on open records laws and improved access to government. Also, the Office of Open Government works directly with agency FOIA Officers who are in need of technical help to access and/or process requests through the FOIAXpress portal.

In August of 2016, the Office of Open Government conducted its first audit of Open Meetings Act Compliance among public bodies. In August of 2016, the Office of Open Government found that of the 170 public bodies listed on the Central Meetings Calendar, only three were found to be out of compliance with the requirements of the Open Meetings Act: the Commission of African-American Affairs; the Commission on African Affairs; the Advisory Board on Veteran's Affairs; and the Mayor's Advisory Commission on Caribbean Community Affairs. This is an indication that the robust training efforts, and availability of the office to handle Open Meeting Act inquiries is have a direct impact on Open Meetings Act Compliance.

5. Please list the task forces and organizations of which the agency is a member.

Director Hughes is a member of the Mayor's Open Government Advisory Group.

6. Please explain the impact on your agency of any legislation passed at the federal level during FY16 and FY17, to date, which significantly affected agency operations. If regulations are the shared responsibility of multiple agencies, please note. N/A

7. Please describe any steps the agency took in FY16 and FY17, to date, to improve the transparency of agency operations. Designed and developed OOG Advice System which records all legal advices and requests that has been provided to public, private sector or other government agencies. Also, this system will serve as log for requests management and performance measurement for internal use.

The Office of Open Government Designed and implemented OOG Dashboard for public access. The public can view the OOG activities and transaction with the public; upgraded and modified the OOG website to align with increased use by public bodies; launched OpenGovist – an online newsletter; designed a user guide which provides technical support for all public bodies that publish on the current central calendar.

8. 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; and
  - c. Whether the public can be granted access to all or part of each system.

The Office of Open Government continues to fully support and maintain both websites under the Board of Ethics and Government Accountability: OPEN-DC.GOV and BEGA-DC.GOV. Each website contains all advisory opinions, complaints, notices of violations, and required to be published online in accordance with D.C. Official Code § 2-536.

The OPEN-DC remains the District's only central repository of public body meeting dates, and all relevant meeting materials, including meeting agendas, minutes and recordings. Both the OPEN-DC and BEGA-DC sites are accessible by the public, and the Office of Open Government manages administrative access to the central calendar by providing user credentials to public body points of contact to public meeting dates and other records as required by the Open Meetings Act. BEGA-DC.gov will be migrated to OCTO control sometime during Fiscal Year 2017.

In Fiscal Year 2016, the Office of Open Government provided full technical support to the Office of Government Ethics by redesigning the Financial Disclosure system to meet ethics laws and to make the site more user friendly. This required Mr. Kittab, our IT expert, to re-write code and make significant changes to the back-end navigation of the system, resulting in a \$22,000.00 cost savings to BEGA until such time the agency is able to build another system. The technical support also included the design and development of a log database for use by agency staff. The public may access this site to submit financial disclosure statements.

In Fiscal Year 2016, the Office of Open Government provided full technical support to the Office of Government Ethics by redesigning the Lobbyist Registration system to meet compliance rules and to make the site more user friendly. The technical support also

included the design and development of a log database for use by agency staff. The public may access this site to submit lobbyist registrations.

9. Please provide a detailed description of any new technology acquired in FY16 and FY17, to date, including the cost, where it is used, and what it does. Please explain if there have been any issues with implementation.

The Office of Open Government will subscribe to Microsoft Azure to host the web-based advice log to track Open Meetings Act, FOIA and technical advice provided to agencies and the public. The cost has not been determined, as cost is based on data usage. Currently, the Office of Open Government utilizes a free trial-period while it troubleshoots and tests the log. The Office of Open Government will either enter into an MOU with OCTO, or purchase directly from Microsoft.

10. Please provide the Committee with a brief summary of advisory opinions issued during FY16 and FY17, to date, along with a notation as to whether the opinion was requested or issued *sua sponte*.

#### **1. OOG-001\_2.6.17 Department of Behavior Health Ombudsman Advisory Council**

This advisory opinion resolves the issue of whether an advisory council established pursuant to statute by the Department of Behavioral Health Ombudsman is a public body subject to the Open Meetings Act (OMA). The advisory council meets the OMA's statutory definition of a public body. This is made abundantly clear in the OMA's legislative history. Therefore, the advisory council is subject to the OMA. <http://www.open-dc.gov/documents/oog-0012617-dbh-ombudsman-advisory-council>

#### **2. OOG -007 OMA Cross Sector Collaboration Task Force OOG-007**

This advisory opinion resolves a complaint from a member of the public regarding the public's right to attend electronic meetings. The OOG findings were that the Cross-Sector Collaboration Task Force failed to timely include on its agenda conference call-in numbers for the public to attend electronic meetings as required by the OMA. <http://www.open-dc.gov/documents/oog-0007-oma-complaint-resolving-whether-cross-sector-collaboration-task-force-failed>

#### **3. OOG-006 12.12.16 Commission on African Affairs (COAA)**

After conducting a compliance audit of the Central Meetings Calendar and the COAA's website, the OOG determined that the COAA was in violation of the OMA as follows: (1) failing to record all meetings by electronic means; and, (2) failing to provide proper notice of meetings. [http://www.open-dc.gov/sites/default/files/COAA%20OOG-006\\_%2012.12.16\\_AO%20%28FINAL%29\\_0.pdf](http://www.open-dc.gov/sites/default/files/COAA%20OOG-006_%2012.12.16_AO%20%28FINAL%29_0.pdf)

#### **4. OOG-004\_9 7 16 OAH Advisory Opinion.2**

The OOG made the following three findings regarding the Commission on Selection and Tenure (COST): (1) COST members may not use telephone conferences to schedule meeting dates without providing public notice and making and publishing a record of such meetings; (2) the OMA's category of exceptions provide sufficient protections to ensure the confidentiality of matters COST would likely discuss in closed/executive session; and, (3) COST is capable of carrying out its statutory duties without being exempt for the OMA. [http://www.open-dc.gov/sites/default/files/OOG-004\\_9%207%2016%20OAH%20Advisory%20Opinion.corrected.pdf](http://www.open-dc.gov/sites/default/files/OOG-004_9%207%2016%20OAH%20Advisory%20Opinion.corrected.pdf)

**5. *OOG-0004\_1.07.16\_AO<sup>3</sup> D.C. Housing Authority Board of Commissioners***

The Housing Authority Board of Commissioners violations of the OMA were failing to timely publish meeting notices, agendas and meeting minutes detailing the reason for closed/executive sessions, and failing to record these meetings. <http://www.open-dc.gov/documents/41816-oma-complaint-resolving-whether-dc-housing-authority-board-violated-oma-failing>

**6. *OOG-0004\_1.07.16 DC Housing Authority Board of Commissioners Opinion and Demand***

The OOG's legal opinion was that the Board willfully and recklessly violated the "Record of meetings" requirements of the OMA by failing to timely make available on its website meeting minutes from, essentially from 2013 through February, 2016. The OOG also found the Board in violation of 2 DCMR § 10405.4, as it failed to address the complaint upon notification from the Director. <http://www.open-dc.gov/documents/3816-dc-housing-authority-board-commissions-opinion-and-demand>

**7. *OOG-0005\_1.07.16\_AO Board of Medicine***

This advisory opinion found that the Board of Medicine's violations of the OMA were as follows: (1) failure to timely publish all draft and final open meeting session minutes and all draft and final meeting agenda; (2) discussing improper subjects in closed/executive sessions; and (3) the failure to following the OMA's statutory regime for meeting in a closed/executive session. [http://www.open-dc.gov/sites/default/files/OOG%20.005\\_1%2007%2015%20AO-OMA%20signed%20pdf%20%28BD%20of%20Medicine%29\\_Redacted.pdf](http://www.open-dc.gov/sites/default/files/OOG%20.005_1%2007%2015%20AO-OMA%20signed%20pdf%20%28BD%20of%20Medicine%29_Redacted.pdf)

**8. *OOG-003\_3.2.16\_AO Sustained Energy Utility Board***

When a public body is able to hold a closed session to discuss documents which are exempt under District FOIA or which meet an OMA exception, the entity must follow the OMA's public notice requirements in D.C. Code Official Code § 2-576. The commercial confidential information privilege limits the time frame for which materials are exempt to coincide with the award of the contract. This is so the Board may operate effectively its

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<sup>3</sup> The OOG uses the letters "AO" in the numbering of opinions to indicate the Advisory Opinion was issued as a result of a complaint file by the public with the OOG.

review of RFP-related documents in closed session to fully consider and analyze draft proposals prior to issuing a final RFP for bid. <http://www.open-dc.gov/documents/oog-0033216-seuab-advisory-opinion>

**9. *OOG-002\_1.29.16\_AO Eckenwiler Advisory Opinion***

The OOG opined that DCRA was in violation of DC FOIA and D.C. Code § 2-536(b) for its failure to make pending applications for building permits and approved building permits available on the agency's website, without the need of a FOIA request. <http://www.open-dc.gov/documents/oog-00212916-eckenwiler-advisory-opinion>

**10. *OOG-001\_11.2.15 Burton FOIA Advisory Opinion***

The OOG advised the Executive Office of the Mayor (EOM) that it must provide specific links to the records sought by the requester; the EOM was also advised to conduct a reasonable search of all records, including meeting notes and drafts of documents upon receipt of specific date ranges and employee names from the FOP. <http://www.open-dc.gov/documents/oog-00111215-burton-foia-advisory-opinion>

**11. *OOG-0006\_6.28.16\_AO State Superintendent of Education Uniform Per Student Funding Formula Working Group (UPSFF)***

Due to the Office of the State Superintendent's failure to timely publish the draft meeting minutes of the June 29, 2016, the OOG's found the UPSFF in violation of the "Record of meetings" provisions of the OMA. The OOG encouraged the Office of the State Superintendent (OSSE) to publish all meeting dates, agendas, recordings and administrative materials on the OOG Central Calendar of public body meeting dates. <http://www.open-dc.gov/documents/71516-state-superintendent-education-uniform-pupil-student-funding-formula-working-group>

**12. *OOG-0006\_6.28.16 Notice of Violation and Demand\_ (UPSFF)***

This advisory opinion resolves the status of the UPSFF as a public body subject to the OMA. The OOG, in concluding its status as a public body, also found the OSSE in violation of 2 DCMR § 10405.4 for failing to address the complaint upon notification by the Director. [http://www.open-dc.gov/sites/default/files/7%2015%2016\\_OOG-0006\\_OSSE\\_OPINION%20DEMAND%20LETTER%20%28Executed%20Kang%29.pdf](http://www.open-dc.gov/sites/default/files/7%2015%2016_OOG-0006_OSSE_OPINION%20DEMAND%20LETTER%20%28Executed%20Kang%29.pdf)

**13. *OOG-0003\_10.19.15 DC Taxicab Commission***

The OOG's finding were: (1) the Commission did not violate the meeting or quorum requirements of the OMA with the participation of a Commissioner in the October 14, 2015, meeting by way of telephone; and, (2) the Commission's failure to timely publish the transcript of the meeting within 7 business days was in violation of the OMA's "Record of meeting" provisions. <http://www.open-dc.gov/sites/default/files/OOG-0003%20OMA%20Complaint%20Resolving%20Whether%20the%20DC%20Taxicab%20Commission%20Violated%20the%20OMA.pdf>

[20Commission%20Violated%20the%20Meeting%20and%20Quorum%20Requirement%20of%20the%20Open%20Meetings%20Act%20%E2%80%93%20December%2014%2C%202015.pdf](#)

11. Please inform the Committee whether BEGA received any complaints from the public alleging Open Meetings Act violations.

Yes, the Office of Open Government has received Fiscal year 2016 to date, seven Open Meetings Act Complaints. All complaints have been resolved as noted in Question #10 immediately above.

- a. Has your agency initiated any suits in Superior Court regarding the Open Meetings Act?

Yes, Office of Open Government v. Michael Yates/Mayor's Advisory Commission on Caribbean Community Affairs. Case. No.: 2016 CA 0007337 B.

- b. Has your agency provided any advisory opinions on the Open Meetings Act?

Yes, see response to #10 immediately above.

12. How many lobbyists are currently registered with BEGA? *N/A*

- a. Out of the total number of registered lobbyists, how many filed their bi-annual activity reports in January 2016, July 2016, and January 2017?  
b. Out of those who did not file, what penalties did BEGA assess?  
c. Of the total amount of penalties assessed, how much has been recovered?  
d. How much did BEGA receive in lobbyist registration fees in FY16 and FY17, to date?

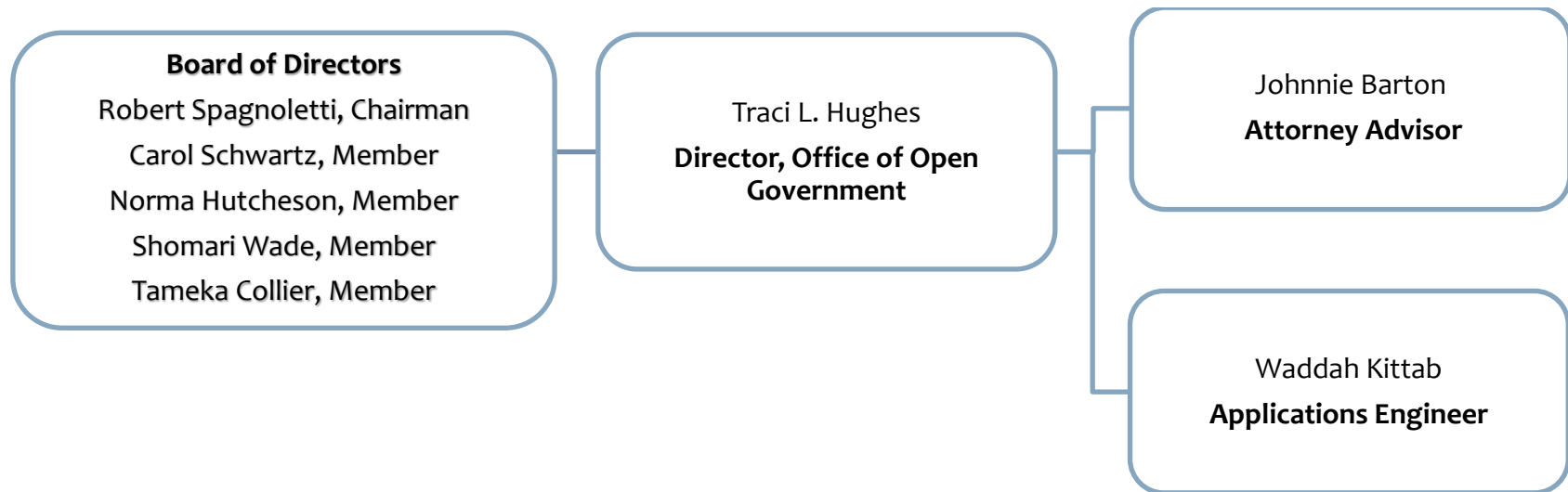
13. How many ethics trainings did BEGA conduct in FY16 and FY17, to date? How many FOIA and open government trainings?

During Fiscal Year 2016 to date, the Office of Open Government conducted 26 Open Meetings Act trainings and 31 Freedom of Information Act Trainings.

14. How many ethics complaints did the agency receive in FY16 and FY17, to date? Please break down the complaints by subject matter, if possible, as well as by time and outcome of any resolution. *N/A*

## TAB 1

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
OFFICE OF OPEN GOVERNMENT



## TAB 2

## District of Columbia Board of Ethics and Government Accountability (AG0)

Posn Stat	Posn Nbr	Title	Name	Emplid	g/Temp/Te	Hire Date	Vac Stat	Grade	Step	Salary	F.Benefit	Total	FTE x Dist %	Appr Year	Fund Code	Index	PCA
A	00077797	Director of Open Government	Hughes,Traci L	00013689	Reg	4/22/2013	F	10	0	163,086.21	34,248.10	197,334.31	1	17	0100	20001	20001
A	00083174	IT Specialist (Data Mgmt)	Kittab,Waddah	00086381	Reg	6/15/2015	F	12	5	79,077.00	16,606.17	95,683.17	1	17	0100	20001	20001
A	00086144	Attorney Advisor	Barton,Johnnie	00090189	Reg	2/8/2016	F	12	2	82,472.00	17,319.12	99,791.12	1	17	0100	20001	20001
A	00077471	Director of Government Ethics	Sobin,Darrin P	00014181	Reg	12/1/2003	F	10	0	173,891.00	36,517.11	210,408.11	1	17	0100	2010L	20100
A	00077482	General Counsel	Flowers,Brian K	00014096	Reg	3/9/2015	F	9	0	155,952.30	32,749.98	188,702.28	1	17	0100	2010L	20100
A	00077612	Investigator	Olawunmi,Clara O	00071477	Reg	1/28/2013	F	11	5	64,160.00	13,473.60	77,633.60	1	17	0100	2010L	20100
A	00077614	Investigator	Cook Sr.,Ronald J	00071555	Reg	2/11/2013	F	9	9	59,249.00	12,442.29	71,691.29	1	17	0100	2010L	20100
A	00077645	Attorney Advisor	Chounoune,Rudy	00091025	Reg	5/16/2016	F	12	8	98,444.00	20,673.24	119,117.24	1	17	0100	2010L	20100
A	00077645	Attorney Advisor	Foster,Janet	00093088	Reg	9/6/2016	F	12	10	103,728.00	21,782.88	125,510.88	1	17	0100	2010L	20100
A	00077729	Program Support Assistant	Dow,Tyrell H	00071453	Reg	10/20/2015	F	7	8	48,562.00	10,198.02	58,760.02	1	17	0100	2010L	20100
A	00078130	Senior Attorney Advisor	Grimaldi,John J	00002565	Reg	3/1/1999	F	2	0	170,705.81	35,848.22	206,554.03	1	17	0100	2010L	20100
A	00085318	Program Analyst	Dillion,Jessica	00089748	Reg	12/28/2015	F	11	1	56,852.00	11,938.92	68,790.92	1	17	0100	2010L	20100
A	00085319	INVESTIGATOR	Corrales,Ileana C.	00037872	Reg	2/4/2008	F	13	5	91,438.00	19,201.98	110,639.98	1	17	0100	2010L	20100
A	00087514	Attorney Advisor	Cooks,Ashley	00088807	Reg	10/5/2015	F	12	1	79,810.00	16,760.10	96,570.10	1	17	0100	2010L	20100
A	00087567	Administrative Officer	Peterson,Sandra D.	00037339	Reg	11/26/2007	F	13	3	86,244.00	18,111.24	104,355.24	1	17	0100	2010L	20100
A	00091999	Attorney Advisor	Stewart-Mitchell,Asia	00095582	Temp	12/27/2016	F	12	1	79,810.00	16,760.10	96,570.10	1	17	0100	2010L	20100

## TAB 3

#	Vendor Name	Employee Making Expenditure	Expenditure Amount	General Purpose for Expenditure
1	Apple desktp Computer	Waddah M. Kittab	1999.99	Replacement cdesktop computer
2	Apple iPad	Waddah M. Kittab	239.99	OMA and FOIA training. All training applications are web-
3	Mac Office	Waddah M. Kittab	229.99	Software
4	Protection Screen for Ipad	Waddah M. Kittab	49.99	Protect equipment
5	Parcslope For Macbook	Waddah M. Kittab	49.99	Stand for laptop
		Waddah M. Kittab		

## TAB 4

## **FY 2018 PROGRAM ENHANCEMENT - FORM B**

### **Agency Program Enhancement Request Details**

**Agency Code:** Board of Ethics and Government accountability(AG0)

**Agency Title:** BEGA, Office of Open Government

**Enhancement Title:** NPS

**Date:** 11/28/16 (REVISED WITH FINAL OGE EXPENDITURES SUBMITTED 1/18/2017)

**Total Amount of Local Funds:** \$398,276.88

**FTEs:** 3

**Is this Enhancement a One-time Cost?:** No

**Agency Point of Contact:** Traci L. Hughes -- Director

#### **Problem Statement**

The Office of Open Government (OOG) is an independent office under the purview of BEGA. The OOG shares the BEGA budget with the Office of Government Ethics (OGE). As part of the FY 2017 budget, the Mayor agreed to provide an NPS allotment of \$43,000 for use by the OOG. Since OOG and OGE are separate operationally, the OGE is requiring that OOG cover all of its respective operating expenses. Currently, OOG has \$7,781.95 for Fiscal Year 2018 to cover expenditures. As a result, the OOG anticipates a shortfall in the amount of \$15,000 for NPS.

Please see the attached itemized costs provided by OGE Director Darrin Sobin on 1/18/17 indicating FY 2017 costs. Please see comments regarding adjusted amounts to be paid by OOG. The OOG has no way to determine exact costs for agency OCTO charges for Fiscal Year 2018.

Additionally, OOG requires additional PS funding in the amount of \$40,000 to cover salary increase and fringe benefits for one Legal Service FTE.

#### **Proposed Solution**

Provide an enhancement to cover the shortfall in the amount of \$12,000.00 for NPS, and \$40,000 for PS.

#### **Cost-Benefit Analysis**

Not applicable. The OOG's responsibilities are mandated by statute.

#### **Other Benefits**

Fully funding BEGA will allow the OOG carry out its statutory duties including Open Meetings Act enforcement, training, advice giving, as well as oversight of Freedom of Information Act compliance of all District government agencies.

#### **Legislative Analysis**

#### **OBP ASSESSMENT**

**Office of Open Government - FY 2017 Expense Report**

<b>Vendor</b>	<b>Expense</b>	<b>Details</b>
DC Code	796	updated twice per year (\$1,592/2)
Comcast	783.72	(\$65.31x12=\$783.72)
LexisNexis	1248	(\$52x12=\$624) (x2=\$1,248)
Copier Maintenaance	1500	(\$125x12=\$1,500)
Media Temple (website hosting)	500	
DOTGOV (website domain)	125	
OCTO	15000	Agency's Services (computer, telephone, cell phone, audio conferencing instant meeting, RTS, [IT, DCNET, PASS], etc.) \$30,000/2
VPN Access	420	
	<b>\$20,373</b>	<b>Total</b>

Purchase Orders		PASS Buyer System: Prepare annual OAPT summary report; Use DC Supply Schedule to to get 3 quotes; Request vendor fee schedules, Enter Requisitions, Manage approval flow; Manage Purchase Orders by receiving invoices in system, approve, upload documents, prepare modifications, deobligations, etc.
P-Card		Quarterly CBE Compliance: Use Quickbase to record all transactions; Prepare quarterly reports and upload reports; Accept and/or amend Automatic Excetions; Add Exclusions, etc. Payment Net - Review, approve, upload receipts for each purchase; Complete transaction detail report for each purchase; Run required reports; Hold ART Meetings, Use PASS to complete record and upload ART Sign-in Sheet; Meet w/CM Orange's Office to verify CBE Goal was met, etc.
Office Supplies		Order office supplies, pay invoices
SmarTrip		Manage accounts by tracking travel, balance sand loading funds
DCHR		Manage Agency compliance; recruitment, personnel guidance, payroll, performance evaluations, FMLA & PFL procudures and requirements, OPRS T&L
Receptionist Services		Answer telephones, distributes mail, etc.

## TAB 5

**Agency Name**

Board of Ethics and Government Accountability

**Annual Freedom of Information Act Report for Fiscal Year 2016  
October 1, 2015 through September 30, 2016**

**FOIA Officer Reporting** Traci L Hughes

<b>PROCESSING OF FOIA REQUESTS</b>
------------------------------------

1. Number of FOIA requests received during reporting period .....	21
2. Number of FOIA requests pending on October 1, 2015.....	0
3. Number of FOIA requests pending on September 30, 2016.....	1
4. The average number of days unfilled requests have been pending before each public body as of September 30, 2016 .....	4.5

<b>DISPOSITION OF FOIA REQUESTS</b>
-------------------------------------

5. Number of requests granted, in whole.....	1
6. Number of requests granted, in part, denied, in part.....	2
7. Number of requests denied, in whole.....	1
8. Number of requests withdrawn.....	3
9. Number of requests referred or forwarded to other public bodies.....	0
10. Other disposition .....	13

<b>NUMBER OF REQUESTS THAT RELIED UPON EACH FOIA EXEMPTION</b>
--

11. Exemption 1 - D.C. Official Code § 2-534(a)(1).....	0
12. Exemption 2 - D.C. Official Code § 2-534(a)(2).....	1
13. Exemption 3 - D.C. Official Code § 2-534(a)(3)	
Subcategory (A).....	1
Subcategory (B).....	0
Subcategory (C) .....	1
Subcategory (D) .....	0
Subcategory (E) .....	0
Subcategory (F) .....	0
14. Exemption 4 - D.C. Official Code § 2-534(a)(4) .....	2
15. Exemption 5 - D.C. Official Code § 2-534(a)(5).....	0

16. Exemption 6 - D.C. Official Code § 2-534(a)(6)	
Subcategory (A).....	2
Subcategory (B).....	0
17. Exemption 7 - D.C. Official Code § 2-534(a)(7).....	0
18. Exemption 8 - D.C. Official Code § 2-534(a)(8).....	0
19. Exemption 9 - D.C. Official Code § 2-534(a)(9).....	0
20. Exemption 10 - D.C. Official Code § 2-534(a)(10).....	0
21. Exemption 11 - D.C. Official Code § 2-534(a)(11).....	0
22. Exemption 12 - D.C. Official Code § 2-534(a)(12).....	0

<b>TIME-FRAMES FOR PROCESSING FOIA REQUESTS</b>
---

23. Number of FOIA requests processed within 15 days.....	19
24. Number of FOIA requests processed between 16 and 25 days.....	1
25. Number of FOIA requests processed in 26 days or more.....	1
26. Median number of days to process FOIA Requests.....	4

<b>RESOURCES ALLOCATED TO PROCESSING FOIA REQUESTS</b>
--

27. Number of staff hours devoted to processing FOIA requests.....	30
28. Total dollar amount expended by public body for processing FOIA requests.....	2,780.00

<b>FEES FOR PROCESSING FOIA REQUESTS</b>
--

29. Total amount of fees collected by public body.....	0
--	---

<b>PROSECUTIONS PURSUANT TO SECTION 207(d) OF THE D.C. FOIA</b>
---

30. Number of employees found guilty of a misdemeanor for arbitrarily or capriciously violating any provision of the District of Columbia Freedom of Information Act .....	0
--	---

<b>QUALITATIVE DESCRIPTION OR SUMMARY STATEMENT</b>
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Pursuant to section 208(a)(9) of the D.C. FOIA, provide in the space below or as an attachment, “[a] qualitative description or summary statement, and conclusions drawn from the data regarding compliance [with the provisions of the Act].”

Wednesday, February 15, 2017

The following **Annual Freedom of Information Act** report covers the Period 10/01/2016, through 09/30/2017, as required by 5 U.S.C. 552.

## V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests				
	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
OOG	1	6	6	1

B.(1) Disposition of FOIA Requests All Processed Requests													
	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate request	Other *Explain in chart below	TOTAL
006	-	2	-	-	-	-	-	1	-	3	-	-	6

B.(2) Disposition of FOIA Requests Other Reasons for Full Denials Based on Reasons Other than Exemptions		
Component	Description of Other Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL

[illegible]

## **VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS**

A. Received, Processed and Pending Administrative Appeals					
	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year	
000	-	-	-	-	-

## **VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS**

A. Processed Requests Response Time for All Processed Perfected Requests												
	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
OOG	6	10.2	1	25	-	-	-	-	-	-	-	-

[illegible][illegible]

## TAB 6

## District of Columbia Board of Ethics and Government Accountability (AG0)

Posn Stat	Posn Nbr	Title	Name	Emplid	leg/Temp/Terr	Hire Date	Vac Stat	Grade	Step	Salary FY 16	Salary FY 17	FTE x Dist %	Appr Year	Fund Code	Index	PCA
A	00077797	Director of Open Government	Hughes,Traci L	00013689	Reg	4/22/2013	F	10	0	158,336.10	163,086.21	1	17	0100	20001	20001
A	00077471	Director of Government Ethics	Sobin,Darrin P	00014181	Reg	12/1/2003	F	10	0	172,104.60	173,891.00	1	17	0100	2010L	20100
A	00077482	General Counsel	Flowers,Brian K	00014096	Reg	3/9/2015	F	9	0	151,410.00	155,952.30	1	17	0100	2010L	20100
A	00077645	Attorney Advisor	Foster,Janet	00093088	Reg	9/6/2016	F	12	10	103,728.00	103,728.00	1	17	0100	2010L	20100
A	00078130	Senior Attorney Advisor	Grimaldi,John J	00002565	Reg	3/1/1999	F	2	0	159,538.10	170,705.81	1	17	0100	2010L	20100

## TAB 7

<div> <div>smart city world expo barcelona</div> <div>Boards, Commissions and Tas</div> <div>EOM - MOTA Dashboard - Rel</div> </div> <div>Traci</div>														
<div> <div>Secure</div> <div>https://octo.quickbase.com/db/bjngwr9pe?a=q&amp;qid=-1045728</div> </div>														
<div> <div>Records</div> <div>Related BOARD OR ...</div> <div>REPORTS &amp; CHARTS</div> </div> <div>Email More</div>														
<div> <div>FILTERS</div> <div> <div>Board or Commission - Board Status (Active or Inactive)</div> <div>Active</div> </div> <div> <div>Appointment Status</div> <div>Active / filled seat</div> <div>Resigned/Retired member</div> </div> <div> <div>Appointee Designation</div> <div>Mayoral Appointee, Public Member</div> </div> <div> <div>Last Name</div> <div>Collier</div> <div>Hutcheson</div> <div>Lathen</div> <div>Richards</div> <div>Schwartz</div> <div>Spagnoletti</div> <div>Wade</div> </div> </div>														
<div> <div>Search these commissioners</div> </div>														
<div> <div>7 Commissioners</div> <div>Related BOARD OR ...</div> </div>														
NEW	Robert	Spagnoletti	Board of Ethics and Government Accountability (BEGA)	Majority Member	Active / filled seat	Mayoral Appointee, Public Member	New Appointment	07-10-2012			07-01-2018	07-01-2018		Ward 4
NEW	Carol	Schwartz	Board of Ethics and Government Accountability (BEGA)	Non-majority Member	Active / filled seat	Mayoral Appointee, Public Member	New Appointment	01-05-2016			07-01-2020	07-01-2020		Ward 1
NEW	Norma	Hutcheson	Board of Ethics and Government Accountability (BEGA)	Majority Member	Active / filled seat	Mayoral Appointee, Public Member	New Appointment	03-15-2016		Vacant Seat	07-01-2022	07-01-2022		Ward 4
NEW	Shomari	Wade	Board of Ethics and Government Accountability (BEGA)	Majority Member	Active / filled seat	Mayoral Appointee, Public Member	New Appointment	07-18-2016		Deborah Lathen	07-01-2022	07-01-2022		Ward 1
NEW	Tameka	Collier	Board of Ethics and Government Accountability (BEGA)	Non-Majority Member	Active / filled seat	Mayoral Appointee, Public Member	New Appointment	09-09-2016		Vacant Seat	07-01-2020	07-01-2020		Ward 2
NEW	Deborah Ann	Lathen	Board of Ethics and Government Accountability (BEGA)	Majority Member	Resigned/Retired member	Mayoral Appointee, Public Member	New Appointment	07-10-2012			07-01-2016	07-01-2016		Ward 4
NEW	Laura	Richards	Board of Ethics and Government Accountability (BEGA)	Majority Member	Resigned/Retired member	Mayoral Appointee, Public Member					07-01-2014	07-01-2014		

## TAB 8

## District of Columbia Board of Ethics and Government Accountability (AG0)

### Purchase Order FY 16

Agy Fund	P.O. number	Vendor Name	Payment	P.O. AMT	P.O. ADJ AMT	PO BAL
0100	PO536998	DELL COMPUTER CORP	0	673.68	0	673.68
0100	PO536998	DELL COMPUTER CORP	673.68	-	0	-673.68
0100	PO535336	INQBATION LLC	0	17,430.00	0	17,430
0100	PO535336	INQBATION LLC	17,430	-	0	-17,430
0100	PO537082	METROPOLITAN OFFICE PRODUCTS	0	2,000.00	0	2,000
0100	PO537082	METROPOLITAN OFFICE PRODUCTS	2,000	-	0	-2,000
0100	PO540612	THIHA, INC	29,853.8	29,853.80	0	0
0602	PO543167	ADVANCED EMPLOYEE INTELLIGENCE	845.5	3,040.00	-997.5	1,197
0602	PO543167	AEI TRAINING PARTNERS	1,197	-	0	-1,197
0602	PO542568	DATA NET SYSTEMS CORP	5,160	9,018.99	-3,858.99	0
0602	PO540718	PENDRAGWN PRODUCTIONS LLC	35,265	35,265.00	0	0
0602	PO539343	SEABERRY DESIGN & COMMUNICATIO	0	35,265.00	-35,265	0
<b>Summary</b>				<b>132,546.47</b>	<b>-40,121.49</b>	<b>0</b>