

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
OFFICE OF OPEN GOVERNMENT



June 28, 2018

**VIA ELECTRONIC MAIL**

L [REDACTED] Richards  
[REDACTED]@gmail.com

**RE: # OOG-0008\_6.26.18 Resolution of Complaint\_DCPCSB**

Dear M [REDACTED]. Richards:

The complaint you orally submitted on June 26, 2018, to the Office of Open Government (OOG) alleges a violation by the District of Columbia Public Charter School Board (DCPCSB) of the Open Meetings Act (OMA)(D.C. Official Code § 2-571 *et seq.*). After reviewing this matter<sup>1</sup> the OOG as explained below must dismiss your complaint.

Specifically, you allege that the DCPCSB's failure to provide 30-day's notice to the ANC of their intent to consider a matter involving the Statesman Public Charter violates the OMA. Your allegation appears to fall under D.C. Official Code § 1-309.10(b) a provision of The Advisory Neighborhood Councils Act of 1975 (D.C. Official Code § 1-309.01 *et seq.*) (ANC Act) and not the OMA.

This is because D.C. Official Code § 1-309.10(b) requires a board to provide 30-day's written notice, excluding Saturdays, Sundays and legal holidays, of: (1) the intent to acquire an interest in real property, either through purchase or lease; or (2) the intent to change the use of property owned or leased by or on behalf of the government; to the OANC, each affected Commission, the Commissioner representing a single-member district affected by said actions. The OMA does not confer statutory authority to the OOG to enforce violations of the ANC Act.

For this reason, the OOG pursuant to 3 DCMR § 10402.2 is dismissing your OMA complaint. This does not mean your complaint does not have merit, only that the OOG does not have jurisdiction over the issue.

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<sup>1</sup> The OOG reviewed this complaint pursuant to the authority set forth in section 503(a)(2) of the District of Columbia Administrative Procedure Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-593(a)(2)), and 3 DCMR § 10400 *et seq.*,

Sincerely,  
/s/

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BRIAN K. FLOWERS, ESQ.  
Interim Director, Office of Open Government  
Board of Ethics and Government Accountability