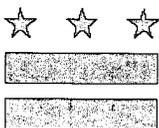


**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**



Office of Government Ethics

Office of Open Government

February 19, 2016

Honorable Kenyan McDuffie
Chairman, Committee on the Judiciary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W., Suite 506
Washington, D.C. 20004

**RE: Board of Ethics and Government Accountability
Responses to the Performance Oversight Questions**

Dear Chairman McDuffie:

Thank you for this opportunity to provide responses to the performance oversight questions contained in the Committee on the Judiciary's correspondence dated February 2, 2016. Board Chairman Robert Spagnoletti, Director of the Office of Government Ethics, Darrin Sobin, and Director of the Office of Open Government, Traci Hughes, look forward to providing testimony and answering these and any other questions you might have at the hearing scheduled on February 23, 2016. The questions and answers are set forth below:

1. Please provide, as an attachment to your answers, 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. Also provide the date that the information was collected on the chart.

See Tab 1 - BEGA Organization Chart

- a. Please provide an explanation of the roles and responsibilities for each division and subdivision.

The Board of Ethics and Government Accountability (BEGA) is responsible for overseeing the Office of Government Ethics (OGE) and the Office of Open Government (OOG). The Office of Government Ethics administers and enforces the District of Columbia Code of Conduct.

More specifically, OGE investigates alleged violations of the Code of Conduct; adjudicates violations of the Code of Conduct; provides mandatory ethics training; issues rules and regulations governing the ethical conduct of employees and public officials; oversees lobbyist registration and activity reporting; manages and oversees the financial disclosure filing requirements for District employees and officials; drafts an annual ethics Best Practices Report and an Ethics Manual; and provides for the anonymous and confidential receipt of information related to violations of the Code of Conduct or other information with regard to the administration or enforcement of the Code.

There are no subdivisions under OGE.

The OOG ensures city-wide compliance with the Open Meetings Act (OMA), which requires all public bodies gathered to consider, conduct or advise on public business to take all official action during public meetings and to provide proper notice and detailed records of meetings.

In addition to enforcement of the OMA, the OOG advocates for fair and efficient Freedom of Information Act (FOIA) processing. The director of the OOG serves as the city's chief FOIA Officer and provides formal and informal advice to agencies seeking guidance on compliance. The OOG also assists members of the public in filing FOIA requests with the proper District Government agency, and responds to formal requests by the public for advisory opinions on FOIA. OOG conducts yearly training of all agency FOIA officers to better ensure compliance and the consistent application of applicable exemptions under FOIA.

There are no subdivisions under OOG.

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

OGE – Pursuant to the Fiscal Year 2015 Budget Support Act of 2015 (D.C. Law 21-36), the size of the Ethics Board was increased from three to five members. Also, in February 2016, Carol Schwartz was confirmed and sworn in to replace founding Board member Laura Richards, who resigned in early 2015.

In October 2015, a new attorney advisor was hired to focus on the ethics training functions of the Office. This FTE will upgrade the Office's ability to deliver high quality training programs to the entire District government workforce. This role was formerly handled by the Director and by other attorneys on an as needed basis.

OOG – In January 2015, 3 DCMR §§ 10400, formalized the OOG complaint process. The regulation authorizes OOG to issue binding advisory opinions to public bodies regarding compliance with the OMA; and requires mandatory yearly training of all public bodies on the OMA. On February 8, 2016, the OOG hired an attorney advisor to assist with trainings, enforcement of the OMA and agency compliance with FOIA.

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

See Tab 2 – Schedule A.

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

See Tab 2 – Schedule A.

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.

Not applicable.

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 FY15 and FY16, to date;

The following employees have cellphones at the Agency's expense: Board member Deborah Lathen; Directors Darrin Sobin and Traci Hughes, and General Counsel Brian Flowers. Also, Board members Deborah Lathen and Carol Schwartz, and Director Darrin Sobin have iPads.

- 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 FY15 and FY16, to date;

The Agency has no leased or owned vehicles. The Agency participates in the DPW's Fleet Share program, and Ronald Cook, Sr., and Ileana Corrales are authorized drivers. There have been no vehicular accidents involving BEGA's use of government vehicles.

- c. A list of employee bonuses or special award pay granted in FY15 and FY16, to date;

There have been no bonuses or special award pay granted.

- d. A list of travel expenses, arranged by employee for FY15 and FY16, to date, including the justification for travel; and

FY 2015 Travel Expenses

Employee	Travel Expense	Justification
Traci Hughes, Director	\$1,875.56	Conference/Summit
Yancey Burns, Attorney-Advisor	\$740.77	Training
	Total: \$2,616.33	

FY 2016 Travel Expenses

Employee	Travel Expense	Justification
Deborah Lathen, Board member	\$869.87	Conference
Darrin Sobin, Director	\$1,771.36	Conference/Training
Traci Hughes, Director	\$1,445.00	Conference
Brian Flowers, General Counsel	\$890	Conference
	Total: \$4,976.23	

- e. A list of the total overtime and workers' compensation payments paid in FY15 and FY16, to date, including the number of employees who received overtime and workers' compensation payments.

There have been no overtime or workers' compensation payments.

- 5. With regard to 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.

BEGA maintains an up-to-date inventory log of all mobile communication devices, which log includes the employee's name, type of communication device, telephone number and equipment tracking number.

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

BEGA manages and limits its mobile communications and devices by using the FCMS System to view and track monthly costs. The Agency also reduces costs by limiting its communication device purchases for essential personnel only, and sharing cell phones for field appointments.

- c. For FY15 and FY16, to date, what was the total cost including, but not limited to, equipment and service plans for mobile communications and devices?

In FY 2015, \$4,651.87 was spent for service plans for mobile communications and one device (i-Pad). In FY 2016, \$1,437.70 was spent for mobile communications service plans.

6. Please provide a chart showing your agency's approved budget and actual spending, by division, for FY15 and FY16, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures

See Tab 3 – BEGA AGO.

7. For FY15 and FY16, to date, please list all intra-District transfers to or from the agency.

See Tab 4 – Intra-District Transfers.

8. For FY15 and FY16, 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; and (5) expenditures of funds, including the purpose of each expenditure

See Tab 5 – Special Purpose Revenue.

9. Please provide a complete accounting of all federal grants received for FY15 and FY16, to date.

Not applicable.

10. Please list each contract, procurement, lease, and grant awarded, entered into, extended, and option years exercised, by your agency during FY15 and FY16, to date. For each contract, please provide the following information, where applicable:

See Tab 6 – BEGA Procurement Reports in FYs 2015 and 2016.

- 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.
11. For FY15 and FY16, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

See Tab 7 – BEGA Purchase Card Reports FYs 2015 and 2016.

12. Please list all memoranda of understanding (MOU) entered into by your agency during FY15 and FY16, to date, as well as any memoranda of understanding currently in force. For each, indicate the date entered and the termination date.

See Tab 8 – Memoranda of Understanding FYs 2015 and 2016.

13. Please list the ways, other than memoranda of understanding, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY15 and FY16, to date.

OGE frequently collaborates with the federal Office of Government Ethics for ethics matters, the U.S. Office of Special Counsel for Hatch Act related matters, and the Council on Government Ethics Laws, which is a private organization the membership of which is comprised of government employees from all 50 States and the District of Columbia. OGE also collaborates with the D.C. Office of the Inspector General and MPD, as well as with the United States Attorney’s Office and the FBI.

OOG coordinates with the Mayor’s General Counsel and MOTA to schedule OMA trainings of public body members. Although not mandatory, the training also includes ethics training conducted by OGE. The trainings are scheduled twice monthly.

OOG continues to collaborate with private sector advocates such as the Sunlight Foundation, the Open Government Coalition, and the OpenGov Foundation on

open policy, legislation, and civic engagement. Additionally, OOG is called upon regularly via the Department of State to advise officials about open government best practices. In FY 2015, OOG Director Hughes met with international delegations from Thailand and Sao Paulo, Brazil; The Department of State also arranged an interview with Director Hughes and 24 News Macedonia for a documentary on open government best practices. Additionally Director Hughes met with transparency advocates from the Ukraine, and corporate executives from Japan seeking to learn more about OOG.

Ms. Hughes regularly participates on transparency panels, and delivered the closing keynote address at the Sunlight Foundation T-Camp last summer.

14. Please describe any anticipated spending pressures for FY16. Include a description of the pressure, the estimated amount, and any proposed solutions.

None.

15. Please list all currently open capital projects, including an update on all capital projects under the agency's purview in FY15 and FY16, to date, including the amount budgeted, actual dollars spent, and any remaining balances. In addition, please provide:

- a. An update on all capital projects begun, in progress, or concluded in FY14, FY15, and FY16, to date, including the amount budgeted, actual dollars spent, and any remaining balances.

None.

- b. An update on all capital projects planned for FY16, FY17, FY18, FY19, FY20, and FY21.

None.

- c. Do the capital projects begun, in progress, or concluded in FY14, FY15, or FY16, to date, have an impact on the operating budget of the agency? If so, please provide an accounting of such impact.

None.

16. Please provide a list of all budget enhancement requests (including, but not limited to, capital improvement needs), for FY15 and FY16, to date. For each, include a description of the need and the amount of funding requested.

See Tab 9 - Budget Enhancement Requests in FYs 2015 and 2016.

17. Please list, in chronological order, every reprogramming in FY15 and FY16, 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 FY15 and FY16. For each reprogramming, list the date, the amount, the rationale, and the reprogramming number.

See Tab 10 – BEGA Reprogramming in FYs 2015 and 2016.

18. Please list each grant or sub-grant received by your agency in FY15 and FY16, to date. List the date, amount, and purpose of the grant or sub-grant received.

None.

19. 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?

None.

20. Please list all pending lawsuits that name the agency as a party. Please identify which cases on the list are lawsuits that potentially expose the city 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.

None.

21. Please provide the total number of administrative complaints or grievances that the agency received in FY15 and FY16, 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.

None.

22. 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 FY15 and FY16, to date, along with the agency's compliance or non-compliance with any recommendations.

In 2016, the Office of Procurement Integrity & Compliance (OPIC) conducted a Purchase Card Audit for the period of October 21, 2015 through November 20, 2015. BEGA complied with the Audit; no recommendations were requested by OPIC.

To our knowledge, neither BEGA nor any of its employees are the subject of any ongoing investigations or audits.

23. Please provide a copy of the agency's FY15 performance plan. Please explain which performance plan objectives were completed in FY15 and whether or not they were completed on time and within budget. If they were not, please provide an explanation.

See Tab 11 – BEGA FY 2015 Performance Plan.

OGE completed all objectives on time and within budget.

OOG - Pursuant to the authority set forth in § 503(a)(4) of the District of Columbia Administrative Procedure Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-592 (2015)), as an independent agency under BEGA, the director of OOG notified the City Administration on 4/9/15 of the agency's decision to opt out of the Executive's Performance Management Program (PMP). Upon careful review, Director Hughes determined that OOG's voluntary participation in the PMP is not an effective measurement of agency performance. This is because OOG's statutory mandate to ensure compliance with the OMA and FOIA comes in the form of agency trainings. Although public body member OMA training is mandatory under 3 DCMR §§ 10400, OOG 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.

Although yearly FOIA training by OOG is mandatory for all government agencies, attendance cannot be compelled by OOG.

OOG continues to track the training numbers internally. In FY 2015 and 2016 to date, OOG has trained 64 of 158 known public bodies on the requirements of the OMA; and 37 District Government agencies.

24. Please provide a copy of your agency's FY16 performance plan as submitted to the Office of the City Administrator.

See Tab 12 – BEGA FY 2016 Performance Plan (OOG FY 2016 Partial Performance Plan)

25. Please provide the number of FOIA requests received for FY15 and FY16, to date. 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, and the estimated number of hours spent responding to these requests. If possible, please categorize the source of each request.

See Tab 13 – FOIA Reports.

26. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared, or contracted for, during FY15 and FY16, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee.

OOG – Director Traci Hughes was chosen to present her paper entitled, *District of Columbia Advancements in Government Transparency and Recommendations for a*

Sustainable Shift to Openness, at the Smart City Expo World Congress (SCEWC) in November of 2015. The SCEWC is a yearly gathering of the world leaders in innovation and open government.

See Tab 14 – *District of Columbia Advancements in Government Transparency and Recommendations for a Sustainable Shift to Openness.*

OGE - Since the beginning of FY 2015, the Ethics Board has completed two Best Practices Reports (Reports). Both Reports were completed in timely fashion – by December 31 of each year, 2014 and 2015 – and were prepared pursuant to the Ethics Act requirement that the Board conduct an annual assessment of ethical standards for public employees and officials, including a review of national best practices of government ethics, and present recommendations for amending the Code of Conduct. See section 202(b) of the Ethics Act (D.C. Official Code § 1-1162.02(b)). While not required to do so, OOG contributed to the FY 2015 Report, providing recommendations on best practices to make District government operations more transparent and accessible, but opted not to contribute to the FY 2016 Report.

On September 11, 2015, OGE provided guidance on those activities that should be followed, as well as those that must be avoided, during the DC One Fund campaign.

See Tab 15 – Best Practices Report and One Fund guidance.

See Tab 16 – FYs 2015 and 2016 Complaint Reports.

See Tab 17 – FYs 2015 and 2016 Advisory Opinions.

Personnel

1. Please separately list each employee whose salary was \$100,000 or more in FY15 and FY16, 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.

BEGA's Employees' Salary Over \$100,000 in FY 2015 and FY 2016

Employee	Position No.	Title	Program No.	Activity No.	Salary	Fringe
Darrin P. Sobin	77471	Director of Government Ethics	2010	2010	\$172,104	\$ 33,198.86
Traci L. Hughes	77797	Director of Open Government	1100	1100	\$158,336	\$ 30,543.01
John J. Grimaldi	78130	Senior Attorney Advisor	2010	2010	\$159,538	\$ 30,774.88
Brian K. Flowers	77482	General Counsel	2010	2010	\$151,410	\$ 29,206.99

There were no overtime or bonuses paid for the listed employees.

2. Please list in descending order the top 25 overtime earners in your agency in FY15 and FY16, to date. 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.

Not applicable.

3. 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.

Not applicable.

4. 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. OGE/OOG – All employees undergo annual personnel evaluations using the PeopleSoft evaluation system. This includes individual performance plans for every employee, mid-year reviews and as needed consultations to ensure that personal goals and initiatives are being achieved. Director Darrin Sobin and General Counsel Brian Flowers conduct the evaluations for OGE. Director Traci Hughes conducts evaluations for OOG personnel.

Agency Operations

1. Please list each new program implemented by the agency during FY15 and FY16, 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.

None.

2. Please explain the impact on your agency of any legislation passed at the federal level during FY15 and FY16, to date, which significantly affected agency operations. If regulations are the shared responsibility of multiple agencies, please note.

None.

3. Please list all regulations for which the agency is responsible for oversight or implementation. Please list by chapter and subject heading, including the date of the most recent revision.

OGE - Under D.C. Official Code §§ 1-1162.02, and 1162.09, BEGA is responsible for issuing rules and regulations governing the ethical conduct of employees and public officials, the administration of preliminary investigations, formal investigations and hearings related to violations of the Code of Conduct, or the Ethics Act. This would include the responsibility to issue rules governing financial disclosure and lobbyists.

The most recent rulemaking that implemented the statutory requirement that Lobbyist Activity Reports include all bundled contributions was published on August 28, 2015 at 62 DCR 11870. Previously, we have published rules on the following subjects that are codified in Title 3, Chapters 51 – 59 of the D.C. Municipal Regulations.

TITLE 3. ELECTIONS AND ETHICS

Chapter 51. Board of Ethics and Government Accountability

Chapter 52. Political and Ethical Conduct of the Board of Ethics and Government Accountability

Chapter 53. Board of Ethics and Government Accountability: Investigations

Chapter 54. Board of Ethics and Government Accountability: Adversarial Hearings, Appeals, and Advisory Opinions

Chapter 55. Board of Ethics and Government Accountability: Hearing Procedures

Chapter 57. Financial Disclosures and Honoraria

Chapter 58. Registration of Lobbyists

Chapter 59. Non-Public Admonitions and Negotiated Dispositions

OOG - D.C. Official Code §§ 2-571 *et seq.* (2015) – Open Meetings Act; D.C. Official Code § 2-593 *et seq.* (2015), issue advisory opinions on implementation of Subchapter II, D.C. Official Code § 2-531 *et seq.* (2015) Freedom of Information Act; 3 DCMR §§ 10400 *et seq.* (2015) OMA Complaint Processing and Public Body Mandatory Training.

4. Please identify any statutory or regulatory impediments to your agency's operations, including any outstanding legislative requirements of the agency (e.g. implementation of rulemakings).

OGE - As noted in the 2015 Best Practices Report, there are at least six bills now pending before this Committee and the Committee of the Whole that would either amend the Ethics Act or operate to impact BEGA operations. Not the least of those measures are Bill 21-124, the "Ethics Reform Amendment Act of 2015," which incorporates a number of recommendations made in the 2014 Best Practices Report, and Bill 21-250, the "Comprehensive Code of Conduct of the District of Columbia Establishment and BEGA Amendment Act of 2015." The latter bill was introduced by the Ethics Board at the direction of the Council and would operate to further the Council's longstanding intent to create an independent and unified ethics scheme by consolidating the District's government ethics laws in one place and by standardizing practices across the legislative and executive branches. Passage of these two bills alone would mark a major advance in ethics reform in the District.

OGE is also currently undertaking a comprehensive review of all the rules and regulations for which it is responsible, with an eye toward making necessary amendments to conform to statutory changes and operational needs.

OOG - On January 19, 2016, Councilmember David Grosso and Councilmember Mary Cheh introduced B21-0577 *Strengthening Transparency and Open Access to Government Amendment Act of 2016*. The legislation is needed to give OOG the authority to fully enforce the Open Meetings Act, and to issue binding opinions regarding agency compliance with FOIA. Additionally, the measure requires all public bodies to comply with the OMA by publishing all meetings notices, including agendas, records, etc. on the central calendar maintained by OOG. The legislation is before the Committee on the Judiciary. Absent the authorities outlined in the legislation, OOG will continue to be limited in its ability to oversee compliance of both the OMA and FOIA.

5. 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.

OGE oversees three electronic databases – the BEGA website, the Lobbyist Registration and Activity Report filing system, and the Public Official Financial Disclosure Statement filing system.

The BEGA website is the central location for information concerning BEGA/OGE. It contains all Formal Advisory Opinions issued by the Office of Government Ethics, Board decisions with respect to enforcement actions, the quarterly complaint report and announcements such as news, trainings and other events. The BEGA website also provides instructions and forms for filing ethics complaints, and, importantly, links to the Lobbyist and FDS databases. The website is also where the Ethics Manual, the Code of Conduct and the several Best Practices Reports reside.

The Lobbyist Registration and Activity Report Filing system is a database that is managed by OGE with assistance from a private vendor as well as IT support from OOG. The system allows Lobbyists to electronically register, pay the accompanying registration fee and, every 6 months, file the required activity reports. Upgrades have been made to the system to increase convenience to filers and to reduce administrative costs to the agency. A comprehensive upgrade is planned before the end of FY 2016 with the goal of further advancing ease of use of the database for both Lobbyists and members of the general public who frequently seek information concerning lobbyist activities.

The Financial Disclosure Filing system is the repository for all Financial Disclosure filings by public officials (certain high level employees as well as elected officials). It

was recently upgraded to allow filers to more easily comply with financial disclosure filing requirements. This included a complete redesign of the Financial Disclosure standard form and the questions contained therein. Questions were rephrased and simplified, and excess verbiage deleted, without losing required information. Initial testing has been very positive. Importantly, because the entire project was conducted in-house with BEGA attorneys in collaboration with IT assistance from OOG, the agency was able to save significant funds that would otherwise have been expended on a vendor.

OOG maintains the websites for both OOG and OGE. The website dedicated to OOG, www.open-dc.gov, includes all opinions, complaints, testimonies, trainings provided by OOG. The website also includes OMA complaint forms and a complete reference to the OMA, OMA regulations and to FOIA; and provides a contact listing of agency FOIA officers. The website, open-dc.gov was launched in November 2014.

Additionally, OOG administers the BEGA central calendar of boards and commissions found at www.bega-dc.gov. The calendar is the only central listing of boards and commissions meeting dates, and is provided as a service to the public and District Government. The calendar contains all meeting notices, agenda, meeting recordings and any documents reviewed by public bodies during open sessions. The calendar has been in place since January of 2014. OOG plans to significantly upgrade the central and migrate all data to www.open-dc.gov, but requires a complete listing of public bodies, corresponding enabling statutes/orders, public body member contacts and board expiration dates from MOTA. OOG has placed several requests with MOTA for the information, and was able to access a listing of public bodies recently published on the MOA website. Members of the public may access both the website and administrative points of contact for public bodies that contribute to the central calendar. These administrative points of contact have administrative access to the boards and commissions listings enabling them to directly upload meeting information.

6. Please provide a detailed description about any new technology acquired in FY15 and FY16, to date, including the cost, where it is used, and what it does. Please explain if there have there been any issues with implementation.

None.

7. What are your top five priorities for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in FY16.

OGE:

1) Adoption and implementation of the pending Comprehensive Code of Conduct (CCC) legislation. This is the agency's top priority this year. Once the CCC is passed by the Council and signed into law by the Mayor, BEGA will immediately

begin implementation. The implementation plan will include training all ethics counselors of the government on the revisions to the ethics code, revising and republishing the Ethics Manual, and modifying the BEGA database of Formal Advice Opinions to ensure consistency with the new code.

2) **Improving all aspects of Ethics Training.** The agency will put special emphasis on increasing its training capacity, especially with the expected implementation of the CCC. This will include producing a training video for government employees, developing remote access training modules, further increasing the library of ethics presentations to include specialty topics such as post-employment and outside activities, and focusing on train-the-trainer efforts intended to allow ethics counselors to provide ethics training directly to agency personnel. The agency will also continue to publish its monthly newsletter -- "Ethically Speaking" -- which provides updates on ethics law, enforcement actions and advisory opinions. It is distributed to agency ethics counselors, who are encouraged to redistribute to all agency employees.

3) **Lobbyist Activity Report Auditing.** The agency currently has over 250 registered lobbyists under its purview. To date, the agency has not had an auditor to conduct audits of lobbyist activity reports. Nonetheless, the agency has made efforts to have one of its investigators trained in auditing techniques. This employee has designed and implemented auditing protocols in the previous fiscal year and has tested those protocols with respect to three audits. In the new fiscal year these audits will be increased to at least ten.

4) **Increasing Financial Disclosure Statement Compliance.** Since the passage of the Ethics Act, which created BEGA, and the resulting assumption of employee Financial Disclosure Statement filing responsibility from the Office of Campaign Finance, there has been confusion among agency personnel concerning who must be designated as a filer. BEGA has made significant progress in helping agencies correctly identify and designate required filers during the last two filing cycles; however, some agencies still struggle with compliance efforts. This year the agency will aggressively enlist the assistance of agency officials to further increase compliance and consider auditing those agencies thought to be deficient in their designation and reporting obligations.

5) **Informal Advice Database.** The agency routinely handles hundreds of ethics advice requests each month. Most of these requests can be answered by agency attorneys via email or phone call without the need for a formal opinion. As the OGE legal staff of the agency expands and turnover occurs, it is important to have a centralized searchable database of past advice so that ethics advice may be provided quickly and consistently. Because informal advice does not provide safe-harbor protection like formal advice, the database will be internal and accessible only to BEGA attorneys.

OOG will begin enforcement proceedings against public bodies for violations of OMA. Since 2013, OOG has been focused on providing all public bodies with the necessary tools to comply with the OMA (central calendar), and educating members on the requirements of the OMA. OOG's Director and Attorney Advisor will now conduct random audits of public body meetings, and initiate enforcement actions without the necessity of a complaint by a member of the public.

8. Please provide the Committee with a brief summary of advisory opinions issued during FY15 and FY16, to date, along with a notation as to whether the opinion was requested or issued sua sponte.

See Tab 17 – FYs 2015 and 2016 Advisory Opinions.

9. Please inform the Committee whether your office received any notifications or complaints from the public regarding the Open Meetings Act violations.

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

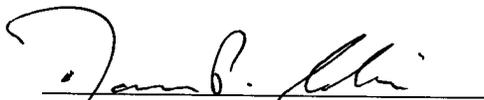
No.

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

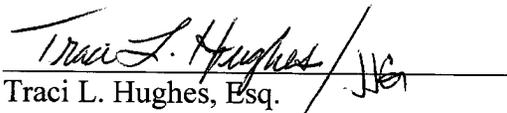
Yes. OOG has received five complaints since January 2015 alleging violations of the OMA. OOG has resolved three complaints, and is processing two others (as of February 12, 2016). All resolved complaints are published on the OOG website: <http://www.open-dc.gov/documents/complaints-resolved>. To date, complaints have been filed and resolved against: The Department of General Services; Cross-Sector Collaboration Task Force; DC Taxicab Commission.

Thank you, and please let either of us know if you have any questions or require any additional information. We may be contacted by telephone (202) 481-3411, or by email darrin.sobin@dc.gov, traci.hughes@dc.gov.

Sincerely,



Darrin P. Sobin
Director, Office of Government Ethics
Board of Ethics and Government Accountability



Traci L. Hughes, Esq.
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Enclosures