

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

**DRAFT MEETING MINUTES – February 3, 2022**

The District of Columbia Board of Ethics and Government Accountability held a meeting on February 3, 2022 at 12:00 p.m. The meeting was held remotely via WebEx. The Board’s Chairperson Norma Hutcheson participated as well as Board Members Charles Nottingham, Felice Smith, Darren Sobin and Melissa Tucker. These draft minutes must be approved by the Board. Full meeting minutes will be posted after the next Board meeting. Questions about the meeting may be directed to [bega@dc.gov](mailto:bega@dc.gov).

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

**I. Call to Order**

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

**II. Ascertainment of Quorum**

A quorum was established with four Members present at the start of the meeting – Chairperson Hutcheson and Board Members Felice Smith, Darren Sobin and Melissa Tucker.

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

The Board Members present voted unanimously to adopt the agenda and approve the Minutes for the January 6, 2022 Meeting.

Board Member Charles Nottingham joined the meeting after the adopt of the agenda and approval of the minutes but prior to the Report by the Director of Open Government.

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

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

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

**1. Advisory Opinions**

On February 2, 2022, I issued an Advisory Opinion resolving an Open Meetings Act complaint concerning the District of Columbia Housing Authority Board of Commissioners, Complaint #OOG-2021-0003-M (“Complaint”). The Complaint

alleged that the DC Housing Authority Board of Commissioners (DCHA) violated the OMA by improperly following emergency meeting procedures and meeting in closed session without providing the proper public notice. The Complaint concerned an emergency meeting held on May 27, 2021. OOG's legal staff investigated the matter, and based on their findings and analysis I concluded that DCHA's May 27, 2021 Emergency Meeting notice violated the OMA because: (1) it failed to state that DCHA would enter a closed session; and (2) the meeting notice did not state the reason for closure under D.C. Official Code § 2-575(b). I found that DCHA's Emergency Meeting did not comply with D.C. Official Code § 2-577(d), which requires the public body's chairperson to make certain statements about the emergency meeting because: (1) the DCHA Chairman did not state how the emergency meeting notice was circulated to the public; and (2) the DCHA Chairman also failed to state the nature of the emergency in the beginning of the meeting. Last, I found that DCHA's primary reason for its closed session was statutorily permissible under the OMA's "personnel exemption," so DCHA did not violate the OMA when it met in closed session to appoint an interim Director and form a committee to search for its new executive director.

## 2. Informal OMA/FOIA Advice

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

OOG responded to twelve (12) requests for OMA advice;  
OOG responded to nine (9) requests for FOIA advice; and  
OOG responded to twenty-nine (29) requests for technical assistance with open-dc.gov.

## **B. Training/ Outreach**

### 1. Office of Attorney General ("OAG") Training

On January 7, 2022, Attorney DeBerry and Attorney Orji attended the Human Trafficking Awareness Training presented by the OAG. The training discussed the types of trafficking most prevalent in the District of Columbia, how to spot potential trafficking concerns, what to do if trafficking concerns arise, and what the OAG is doing to combat human trafficking. The training offered participants an opportunity to learn ways to combat this horrific crime at work and in the community.

### 2. DC Commission on the Arts and Humanities ("CAH") OMA Meeting

On January 12, 2022, Chief Counsel Barton, and Attorney DeBerry met remotely with members of the CAH to discuss applicability of the OMA to a specific commission event. The meeting included instruction on the OMA's "Opening meeting," "Notice of meeting," and "Record of meeting" provisions.

3. Open Government Coalition Meeting

On January 12, 2022, Chief Counsel Barton and I met remotely with the leadership of the Open Government Coalition to discuss open government issues. We heard from them regarding the organization's legislative priorities respecting FOIA. We also discussed FOIA, Virtual meetings, and Sunshine Week 2022.

4. Lawrite Consulting – Legal Writing Solutions

On January 14, 2022, I, along with the OOG staff, and members of the OGE staff, attended a legal writing workshop. The workshop trained attorneys to produce work product that serve the needs of busy, easily distracted, and skeptical readers. The workshop discussed the primary principles that guide the process of thinking and writing in a lawyerly manner.

5. Conflict of Laws – Washington University

On January 18, 2022, Attorney Weil began a Conflict of Laws class at Washington University in St. Louis, Missouri. The Conflict of Laws class considers the following three questions: What law applies to cases connected to more than one state or country (choice of law); What courts have the authority to decide such cases (jurisdiction); What is the effect elsewhere of a court's decision in such cases (recognition of judgments)? Attorney Weil will be attending the class virtually through April 2022.

6. District Employees & Student Loans: Navigating Public Service Loan Forgiveness and Managing Repayment

On January 20, 2022, Attorney Orji, attended the OAG's Office of Consumer Protection training which provided information on the Public Service Loan Forgiveness and time-limited waiver program. The training provided support to student loan borrowers with tools and tips on how to navigate and adequately prepare for repayments. The training provided resources to District residents to prepare for the resumption of student loan payments in May 2022.

7. OAG Training – Virtual Trials

On January 26, 2022, Chief Counsel Barton attended the OAG "Virtual Trials: Best Practices on Preparation and Execution" training. The training provided the best practices on preparing and conducting trials and administrative hearings remotely and provided tips to improve the quality of all remote meetings.

8. FOIA Advisory Request Meeting

On January 27, 2022, I along with Senior Attorney Advisor Tran, Chief Counsel Barton, and Attorney Advisor DeBerry, met remotely with District of Columbia Department of Transportation (DDOT) FOIA officers to hear its response to a

request for a FOIA advisory opinion alleging a violation of FOIA's fee charging provisions by DDOT. The meeting was at DDOT's request to clarify the issue and provide an oral response to the complaint allegations. DDOT will provide the OOG with a written response for the record.

9. Meeting with D.C. Council on Human Services' Counsel

On January 28, 2022, I along with Senior Attorney Advisor Lynn Tran met with Nikita Easley, the D.C. Council Committee on Human Services' Counsel regarding the agency's Performance Oversight Hearing, which will occur on February 22, 2022. We discussed the Office of Open Government's legislative and budgetary priorities. Legislatively, we went over the recommendations the Board included in the Best Practices Report. Our key recommendation was to include Advisory Neighborhood Commission meetings in the OMA. From a budgetary standpoint we discussed our enhancement request for a paid legal fellow and provided an update on the office relocation.

10. DC Public Charter School Board ("DC PCSB") OMA Training

On January 28, 2022, Attorney Orji conducted an Open Meetings Act training as a resolution of Advisory Opinion, #OOG-2021-0001-M for the DC PCSB. One out of the four board members attended the meeting. This is the first training of a two-part training for DC PCSB. The next training for the remaining board members is scheduled for February 2022.

11. BEGA's Monthly Brown Bag Forum

On January 31, 2022, Attorney DeBerry participated in BEGA's Virtual Brown Bag Ethics Forum as a facilitator. Attorney DeBerry's presentation discussed OOG's role to advise and educate the public and public bodies on the OMA and D.C. FOIA.

**C. Litigation and Legislative Update**

1. Litigation

a. Tormell DuBose lawsuit re: Board of Dentistry resumes, experts, complaints, and decisions

On January 20, 2018, Tormell DuBose, D.D.S. sued the District under D.C. FOIA, seeking certain records from the Board of Dentistry and challenging the assessment of fees.

This matter remains in the Court of Appeals (Case No. 19-CV-1239). The court heard oral argument on November 30, 2021, and disposition is pending.

b. Washington Post lawsuit re: requests arising out of Capitol riot

On June 23, 2021, *The Washington Post's* legal entity, WP Company LLC (hereinafter "*Post*"), sued the District in Superior Court for declaratory and injunctive relief. (Case No. 2021 CA 002114 B.)

On January 21, 2022, the court conducted a status hearing and a hearing on the District's motion to dismiss. The court dismissed the *Post's* claim number I, because the District satisfied the *Post's* FOIA request with respect to e-mail records. The court declined to dismiss the claim with respect to WhatsApp messages, because the District's search and explanation of that search were inadequate to meet its burden under D.C. FOIA. There is a new status hearing set for April 8, 2022.

The complaint, the District's partial motion to dismiss, the parties' supporting memoranda, and the court's order partially granting the District's motion to dismiss, are uploaded to the Dropbox.

c. Judicial Watch lawsuits re: autopsy records

On March 19, 2021 (Case No. 2021 CA 000875 B) and May 24, 2021 (Case No. 2021 CA 001710 B), Judicial Watch, Inc., filed complaints in Superior Court seeking specific performance and appealing the denials of D.C. FOIA requests from the OCME and the MPD. The requested records relate to the breach of the Capitol on January 6, 2021.

On January 19, 2022, the parties filed a joint status report, and the District filed its answers to the consolidated complaints. In their joint status report, the parties stated: "[T]he District has produced records and indices describing 374 withheld and redacted records... As a result of these efforts, the Parties have successfully narrowed the issues to be addressed by the court. Judicial Watch does not challenge the reasonableness of the District's searches for records responsive to Judicial Watch's...requests. Judicial Watch also does not challenge all records being withheld in full or in part. Judicial Watch only challenges the 89 withheld and redacted records identified in [the accompanying exhibit]." The parties further agreed to a limit on attorneys' fees; and to a briefing schedule, subject to Judge Williams's approval, beginning with the District's motion for summary judgment to be due on March 4. A scheduling conference remains set for February 4.

c. Phillips lawsuit alleging MPD watchlist

On February 2, 2022, criminal-defense lawyer Amy Phillips sued the District in the United States District Court (Case No. 1:22-cv-00277) under section 1979 of the federal Revised Statutes (commonly called "section 1983," this statute contains a right of action for private citizens to sue for civil-rights violations, including breaches of constitutional rights).

Phillips alleges that the Metropolitan Police Department (MPD) has subjected her, and will subject her in the future, to “delays, burdens, and denial of [D.C.] FOIA requests” that are unique to her, because her work-product and anticipated work-product “ha[s] the potential to—and in fact did—embarrass MPD.” (*E.g.*, Compl. at 1, 18, 19.) Phillips alleges that the MPD maintains a watchlist of those who use D.C. FOIA requests to the detriment of the MPD: “Once on the list, the requesters face hurdles that the general public avoids: They may be charged money for public information that others get for free, they may have their requests delayed, or they may have their requests denied outright.” (*E.g.*, *id.* at 1.)

Phillips attached a declaration of former Freedom of Information Officer, Inspector Vendette T. Parker (retired), concerning “an unofficial, unwritten policy that required the [Freedom of Information O]fficer to notify [the] Chief[ of Police]...and [Chief Operating Officer (COO)] of any FOIA request originating from the media, certain identified individuals, or requests for certain records...[The COO] made it clear that I should bring to her attention any request coming from a person he [*sic*] has previously published a negative media article about Chief Newsham or MPD, if he uses the records for litigation if he is outspoken in City Council or community meetings in a negative way toward Chief Newsham or MPD, if the requester is the subject of a high profile incident, or if he repeatedly requests records that have the potential to be detrimental to Chief Newsham or MPD, regardless is [*sic*] of whether or not what is currently being requested is potentially detrimental.” (Ex. A. at 2, 3.) Inspector Parker’s declaration names Phillips as one of the affected individuals. (*See id.* at 3.)

Phillips asserts that the “watchlist” treatment unconstitutionally abridges her freedom of speech.

Phillips seeks:

- “An injunction requiring the District to cease its policy of unfavorable treatment of certain FOIA requests and requesters...and to instead treat all...requests in a materially identical fashion without regard to the content or viewpoint of the requesters’ prior or anticipated speech...;
- “A declaratory judgment that the District’s policy of unfavorable treatment of certain...requests and requesters...violates the United States Constitution;
- and fees, costs, and nominal damages. (*Id.* at 19.)

An article discussing this case, the complaint, and its exhibit are in the Dropbox for your information.

Director Allen noted that the allegation in the complaint were very troubling and that they were similar to prior allegations against the Department of Consumer and Regulatory Affairs several years back that led to the dismissal of the former DCRA Director. In response to a question from Board Member Sobin, Director Allen noted that the Plaintiff did not reach out to OOG prior to the complaint. She also noted the OOG is limited in its authority to investigate or take any action to remedy the type of FOIA abuses

alleged in this case. Director Allen noted that OOG will continue to monitor the lawsuit, any public statements from MPD, and will report any notable developments to the Board.

OOG staff will continue to monitor these cases.

## 2. Legislation

### a. Protection of Federal Judges' Privacy: Daniel Anderl Judicial Security and Privacy Act of 2021

On July 19, 2020, an assailant targeted the home of a United States District Judge. Impersonating a delivery driver, he apparently availed himself of personally identifying information (PII) from the internet, knocked on the judge's door, and, when the door opened, shot and killed the judge's son and wounded her husband.

On September 24 and October 13, 2020, in the United States Senate and House of Representatives respectively, members introduced the Daniel Anderl Judicial Security and Privacy Act of 2020. According to the Congressional Research Service's summary, "This bill addresses the security of...federal judges and their immediate families...Federal agencies may not publicly post a protected individual's [PII]. Furthermore, upon receiving a written request..., an agency must within 72 hours remove any such information...that has already been posted...[G]rants to state and local governments...help prevent the release of [PII]. Additionally, data brokers may not sell the [PII] of a protected individual. Upon receiving a written request from a protected individual, a private party (1) shall not publicly disclose [PII] relating to the individual, and (2) must remove any such information already posted on the internet."

The companion measure was reintroduced in this Congress. On December 2, 2021, the Senate Judiciary Committee considered its version and reported it out with an amendment in the nature of a substitute. The newest version of the measure (S. 2340, Calendar No. 190) is available in the Dropbox and contains considerable edits from the original version.

### b. Other Legislation

A committee of the national Uniform Law Commission is drafting a Public Meetings During Emergencies Act. The committee will next meet on April 22 and 23, 2022.

OOG staff will continue to monitor this and other legislative activity.

**D. Administrative Matters**

1. Paralegal Specialist Position

The Paralegal Specialist position vacancy has been forwarded to DCHR and will be posted on their website next week. The position vacancy will be advertised for 60 days.

**This concludes the Office of Open Government's February 3, 2022, report.**

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

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

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

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

<b>OPEN INVESTIGATIONS BY STATUS</b>	
Open	48
Open - Negotiations	1
Open - Show Cause Hearing	1
Grand Total	50

<b>OPEN "UNDOCKETED MATTERS"</b>	
Grand Total	2

<b>PENDING/STAYED INVESTIGATIONS BY STATUS</b>	
Closed - Pending Collection	25
Closed - Pending DC Superior Court Case	4
Stayed - OAG False Claims Act Case	5
Stayed - OIG Investigation	8
Stayed - US District Court Case	2
Grand Total	44

<b>REGULATORY MATTERS BY STATUS</b>	
Closed - Pending Collection	23
Open	22
Grand Total	45

	<b>Current</b>	<b>Last month</b>	<b>October</b>
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Investigations Currently	50	53	57
Investigations Stayed	15	14	14

The number of open preliminary and formal investigations includes 6 new matters opened since the Board last met. The investigative team resolved 9 investigations and dismissed 9 undocketed matters since the Board last met.

**B. Trainings/Outreach**

1. Professional Development Trainings Attended by staff

OGE staff took advantage of the following professional development trainings.

Attorney Advisor Echols completed: Human Trafficking Awareness Training, Legal Writing Skills Training, and Virtual Trials: Best Practices on Preparation and Execution presented by the Office of the Attorney General.

Administrative Officer Tyrell Dow completed Management Supervisory Service Time Entry and Management Supervisory Service Time Approval.

Auditor Tujuba completed: (1) Virtual Team Management & Team Building, which provided an overview of strategies to manage a virtual team effectively, including learning tactics for psychological secrets of persuasion & communication that influence team members behavior; (2) Fraud Updates, which provided information to auditors concerning the crucial role in their fiduciary responsibilities; (3) Internal Control for Businesses, which a key input provider in developing cost effective internal controls for businesses that increases efficiency of business; and (4) Understanding, Detecting & Preventing Cash, Credit Card, Inventory and Payroll Fraud, which explored the understanding of fraud and, cash and credit card frauds in detail.

Supervisory Attorney Stewart-Mitchell and Attorney Jones attended Virtual Trials: Best Practices on Preparation and Execution presented by the Office of the Attorney General.

Senior Attorney Tran and I attended the Campaign Legal Center’s webinar, “Fostering Public Trust: How to Make Ethics Commissions More Transparent, Accessible and Accountable in 2022”. We both attended the Bribery and Illegal Influence Crimes webinar, which is the second session of the D.C. Bar’s Anticorruption series. The session featured a panel discussion on prosecuting and defending bribery cases involving public officials. Panelists discussed the elements of a bribery offense, fact patterns associated with bribery of public officials in all three branches of government, as well as special considerations such as the speech and debate legislative privilege and judicial deliberative privilege.

Lastly, I was invited to join the DC Bar’s John Payton Leadership Academy, Class of 2022. The Leadership Academy is an intensive and interactive learning experience, designed and taught by lawyers, which focuses on the essential

leadership skills that resonate in the legal profession. The program covers a variety of leadership skills such as inspiring others, creating a vision, defining success, setting goals, building trust, communicating effectively, building relationships, and working with others to bring out the best in people and organizations. The academy will include several virtual meetings until May 2022.

## 2. Conducted by staff

Since the last Board meeting, OGE attorneys conducted 6 ethics trainings, which included the monthly training, Boards and Commissions training for the Developmental Disabilities Council, ethics training for the Office of the Attorney General's Ruff Fellows orientation, and two Hatch Act trainings. On January 12<sup>th</sup>, Attorney Advisor Echols and Program Specialist Kosick offered a virtual lobbying training entitled, "Lobbyist Code and Policy Review, LRR E-File Training". Mr. Kosick also conducted a training regarding how to complete filings using our Lobbyists e-filing system for the staff of Sibley Medical Center.

On this past Monday, we hosted our first Ethics Counselor virtual brown bag session of 2022. The topic was the BEGA Advice Process. Supervisory Attorney Stewart-Mitchell provided information on how and when to seek ethics advice, the types of ethics advice we offer, and OGE's internal processes for providing advice. Office of Open Government Attorney, Sheree DeBerry provided information on OOG's jurisdiction and advice-giving process.

56 employees completed our online ethics training via PeopleSoft.

## 3. Outreach

The Campaign Legal Center ("CLC") is a non-profit, nonpartisan organization that utilizes litigation, policy and advocacy, communications and partnerships to achieve results of a more transparent, accountable and inclusive democracy. CLC recently issued its Transparency Upgrades for Ethics Commissions report. The purpose of the report is to provide state and local ethics commissions with innovative transparency solutions to improve how they effectively implement their ethics programs. Specifically, the project highlights proven transparency upgrades that ethics commissions have used to better: educate and advise government officials, engage and inform the public, and enforce the law against the noncompliant. By interviewing nine ethics commissions, CLC identified 10 tools that ethics commissions can implement to promote those goals. The 10 tools are: a dashboard of public disclosures, heat map of enforcement actions, educational content for social media, a complaint portal, searchable and downloadable public disclosure, advanced search of advisory opinions, online ethics advice, public virtual hearings, E-newsletters, and a citizen-minded homepage. I am pleased to announce that we are currently implementing some of the tools outlined in the report. On February 4<sup>th</sup>, Senior Attorney Tran and I are scheduled to meet with the staff of CLC to discuss how we can implement the additional recommendations and how to improve our existing tools. A copy of the CLC report was uploaded to the Dropbox for your review.

**C. Advisory Opinions/Advice**

1. Informal Advice

OGE's legal staff provided advice for approximately 25 ethics inquires, which is 5 more than the 20 reported at the January meeting. This number does not include responses we have provided to questions regarding the Lobbyist and FDS e-filing systems. OGE has not drafted any Advisory Opinions since the last Board meeting.

**D. Legislation Updates**

The Central Collection Unit ("CCU"), within the Office of the Chief Financial Officer, recently informed OGE that pursuant to the Delinquent Debt Recovery Act of 2012 ("Debt Recovery Act"), D.C. Law 19-168; D.C. Official Code § 1-350.01 *et seq.* government agencies are required by law to forward any uncollected debt that is over 90 days to the CCU and that debts collected by the CCU on behalf of BEGA are to be deposited into the District's general fund. OGE asserts that the Council's intended for fines and delinquent debt resulting from ethics violations to be deposited into the Ethics Fund. OGE discussed this matter with Councilmember Nadeau's office and has recommended amending the Debt Recovery Act to include language that BEGA may, in its discretion, transfer and refer delinquent debts associated with settlements and judgments to the CCU for collection and funds collected shall be deposited into the Ethics Fund. A copy of the draft amendment was placed in the Dropbox for your review.

**E. OGE Administrative Matters**

1. OGE Staffing

I am pleased to announce that Millicent Jones is the newest Attorney Advisor to join OGE. She has an extensive career working in D.C. Government which began in 2013 when she served as the Consent Decree Compliance Specialist at the Department of Youth Rehabilitation Services where she successfully assisted agency departments to meet various legal compliance goals. In 2017, Ms. Jones joined D.C.'s Office of the Attorney General in the juvenile section of the Public Safety Division. There, she prosecuted misdemeanor and major felony cases from inception to disposition, evaluated the sufficiency of cases, and served as a mentor to junior attorneys in the office. Ms. Jones is a native Marylander who enjoys reading, traveling, and spending time with her family.

OGE is still working with the Department of Human Resources to post vacancy announcements for a Human Resources Specialist and Program Support Assistant.

## 2. Budget

On November 4, 2021, Director Allen and I submitted BEGA's 2023 Budget Submission to the Executive Office of the Mayor. The submission included budget enhancement requests for office relocation, legal fellows, a Supervisory Investigator, a Public Information Officer, and OOG reclassifications. There are no updates at this time.

## F. Financial Disclosure Statement (FDS)

The FDS Team is preparing for the 2022 filing season. OGE has issued the FDS Memorandum to Agency Heads, confirmed the list of Agency Ethics Counselors, and scheduled FDS trainings.

Financial Disclosure E-file System upgrades are still in progress. The FDS Team has met with contractor Abstract Evolutions at least once a week since January 1. These meetings are designed for the vendor to ask in-depth questions regarding the system's current functionality and how to achieve the desired outcomes. The upgrades will improve reporting for Advisory Neighborhood Commissioners, require an e-signature for all filers, and increase editing controls for OGE's staff.

The FDS Team continues to work on the Financial Disclosure Standard Operating Procedures Manual. Lastly, the Office of Pay and Retirement Services is processing the 2021 fines for those confidential filers who failed to timely submit their FDS form.

## G. Lobbying Registration and Reporting (LRR)

The 2022 Registrations and 2021 Quarter 4 Activity Reports were due January 18, 2022. OGE received 393 total registrations - 15 new, 378 renewals, and 12 terminations. In addition to the registrations and terminations, we received 467 activity reports.

On January 24, 2022, OGE sent three enforcement letters for 2 late activity reports and 1 late registration filing. Auditor Tujuba completed the Lobbyists and Registrant Reduced Fee Eligibility Audit, which reviews a registrants' eligibility to file as a 501(c)(3) entity and pay a reduced lobbying registration fee. The audit is under review by the LRR Team. Lastly, Program Specialist Kosick prepared a report detailing the lobbyist registration and activity report trends since the implementation of the e-filing system. A copy was placed in the draft box.

## H. Formal Investigations

1. **22-0002-F In re Neil Albert** – This matter is a formal investigation, pursuant to D.C. Official Code § 1-1162.12(b) and is based on allegations that the Respondent, former-Chairperson of the DC Housing Authority's Board of Commissioners, voted to award contracts to Moya Design Partners ("Moya Design") and failed to disclose a close personal relationship with the owner of Moya Design. OGE is continuing its efforts to investigate this matter by gathering evidence and interviewing witnesses.

In response to a question from Board Member Nottingham, Director Cooks noted that the team has conducted several interviews in the Albert matter and that she anticipated OGE would present either a negotiated disposition or a Notice of Violation for the Board's consideration at next month's meeting.

**Thank you. This concludes the Office of Government Ethics' February 3, 2022 report.**

#### **VI. Public Comment – if received**

The Board did not receive any public comments.

#### **VII. Executive Session (nonpublic)**

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

#### **VIII. Resumption of Public Meeting**

The Board resumed the public meeting at 1:08 p.m.

The Board dismissed **19-0001-F In re L. Moore** and closed the file

The Board approved a negotiated disposition in **20-0003-F In re H. Iida**.

#### **IX. Adjournment**

The Board will meet again on March 3, 2022 at 12:00 p.m.