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Statement of
Robert S. Becker

On behalf of the D.C. Open Government Coalition
February 23, 2017

Before the Committee on the Judiciary
Council of the District of Columbia

Performance Oversight Hearing – Board of Ethics and Government Accountability,
Office of Open Government

I am Robert Becker, the D.C. Open Government Coalition's government relations chair, and I want to thank you for inviting us to testify today regarding the Office of Open Government's (OOG) performance in the past year. In addition to apprising you of the excellent work the OOG has done, we feel compelled to highlight actions behind the scenes that threaten its effectiveness going forward. We ask the Judiciary Committee to protect the Office's independence and, in the coming budget process, to provide the resources the OOG needs to ensure D.C. government accountability through transparency.

In the past year, the OOG has made great strides to bolster D.C. residents' ability to engage with and oversee their government. It

- Established a centralized calendar to alert citizens about upcoming meetings of public bodies across the D.C. government;
- Advised public bodies informally on numerous occasions so they could fully comply with the Open Meetings Act (OMA);
- Published advisory opinions in response to citizen complaints that clarified for specific public bodies that they are covered by the OMA, explained their obligations under the statute, and provided guidance that will help other public bodies to comply in the future;¹
- Cited public bodies for failing to publish notices of upcoming meetings and disregarding deadlines for releasing recordings or minutes after meetings; and
- Faulted public bodies for holding illegal secret meetings and withholding from the public records related to non-exempt matters.

¹ Public bodies that wrongly asserted a total exemption from the OMA included the Commission on Selection and Tenure, the Department of Behavioral Health Ombudsman Advisory Council, and the Uniform Per Pupil Student Funding Formula Working Group.

For example, in response to an Advisory Neighborhood Commissioner’s (ANC) inquiry, the OOG issued an advisory opinion finding a total failure by the Department of Consumer and Regulatory Affairs (DCRA) to comply with the Freedom of Information Act’s (FOIA) affirmative disclosure provisions regarding building permit applications.² Although it is required to post permit applications online, where anyone interested can read and copy them, DCRA forced requesters to pay substantial duplication fees to a private company to gain access to often voluminous applications. The OOG acknowledged that DCRA is unable to make permit applications available online until it implements a complex, costly data management system upgrade. But the Office directed DCRA to negotiate a contract under which it, not the company, would collect duplication fees.

A few weeks ago, the OOG filed its first suit in Superior Court to enforce one of its opinions. It seeks to compel the Mayor’s Advisory Commission on Caribbean Community Affairs to comply with the OMA. It sued only after repeatedly warning commissioners in 2016 of their failures to publish meeting notices and agendas prior to meetings, and to publish minutes or recordings after meetings.

The OOG was able to accomplish so much, in part, because the 2016 budget provided funds for an attorney-advisor to help with investigations, research and drafting. That’s the good news.

The bad news is that the OOG could have begun better serving the residents of the District with this kind of oversight two years earlier. The 2014 budget provided for an attorney-advisor, but the OOG director could not fill that position because BEGA reprogrammed half the money to cover over-budget operating expenses of the Ethics Office. The potentially dangerous news is that, having failed since 2013 to advocate on the OOG’s behalf for more resources, BEGA has proposed legislation that would give it total control over the Office’s director and docket, as well as its budget — undermining the independence of the Office, as the Council envisioned it.

“The District of Columbia Open Government Office ... is established as an independent office within the Board of Ethics and Government Accountability,” according to D.C. Code § 2-592. BEGA appoints the OOG director “to serve a 5-year term ... [and the director] shall not be removed before expiration of the 5-year term except for cause.” D.C. Code § 2-594(a) and (c). The director is empowered to “employ staff as needed” to carry out the Office’s mandate to enforce the OMA and oversee FOIA. § 2-594(d).

But a draft bill, which may become part of the Budget Support Act, would take away the OOG’s independence and make the director of open government an employee-at-will of the board. The board argues that these changes would put the OOG and its director on an equal footing with the Office of Ethics and its director. It claims these changes are necessary to ensure that the OOG will have adequate resources in the future.

We believe that, if enacted, this bill would do the opposite — making it easier for BEGA, through budget allocations, to advance its ethics mission to the detriment of the OOG’s

² D.C. Code § 2-536(a)(8A).

transparency mission. More importantly, it would unnecessarily create a conflict of interest between BEGA and the OOG, to the detriment of D.C. residents and effective governance of the District.

Meeting the OOG's budget needs

Since BEGA's creation and assumption of administrative supervision over the OOG in 2013, the board has asked annually for more staff and resources for the Ethics Office, which now employs a director, a general counsel, five attorney-advisors, three investigators and three support staff. But it has only minimally supported some of the needs of the OOG, which is staffed by a director who earns \$10,000 less than her ethics counterpart, a data management specialist hired in 2014,³ and an attorney-advisor hired only last year.

BEGA's annual budget request enumerates funding separately for staff and expenses of the Ethics Office and the OOG, as well as shared overhead. But the entire BEGA budget appears as one line-item in the mayor's budget proposal. As a result, BEGA can reprogram funds without Council approval, as it did in 2014 to cover its cost overruns at the OOG's expense.⁴

In addition, a questionable BEGA management decision puts the director of ethics in the role of gatekeeper over the OOG's budget. In the past year, the director of ethics has used that power to deny the open government director's legitimate requests to participate in professional development programs, and has attempted to charge the OOG for services that were budgeted as shared overhead.

BEGA's record over the past four years demonstrates that it is a conflict of interest for the ethics director to be in control of OOG funds. At a minimum, we hope the Council will impress upon BEGA that money allocated in the budget to the OOG is for use solely by the OOG, not a piggy-bank to be raided when the Ethics Office runs out of money.⁵

A better solution, but one that might require legislation, would be to reinstate a separate line-item for the OOG. That would prevent BEGA from reprogramming the Office's funds without Council approval.

Preventing even the appearance of a conflict of interest

The Council created the OOG in legislation enacted at the end of 2010, but Mayor Vincent Gray never appointed a director to head the new transparency agency. When then-Councilmember Muriel E. Bowser proposed in 2012 moving the OOG under BEGA's administrative supervision we testified twice at committee hearings. *See attached.* We agreed with her reasoning that the

³ After BEGA reprogrammed half of the 2014 allocation for an attorney-advisor, the OOG used the remaining funds for this position.

⁴ When created in 2010, the OOG had its own line-item. But the 2012 ethics bill transferred the Office's staff and funding to BEGA.

⁵ When we testified at this Committee's 2015 BEGA performance hearing, then-Chairman McDuffie was surprised and appalled that BEGA had reprogrammed funds intended for the OOG's attorney-advisor position. The Council denied BEGA's 2015 budget request for the attorney position, effectively punishing the OOG for BEGA's actions.

change would facilitate standing up the OOG. But we warned of the need to ensure the Office's independence to avoid conflicts of interest.

We explained that the OOG is charged with applying and enforcing the OMA, and to some extent FOIA, with regard to every D.C. government public body, including BEGA. If BEGA fails to provide proper notice of a meeting, or meets in secret to discuss non-exempt matters, the OOG must be able to act, as it recently did against the Caribbean Affairs Commission. That is why the Council made the OOG an "independent office" within BEGA, and established a five-year term for the OOG director.

The draft bill would give BEGA the power to decide whether the OOG pursues action against a public body that violates the OMA, and to block investigation of transparency complaints against the board or the Ethics Office. Under the bill, if the OOG persists in inquiries against BEGA's wishes, the board could fire the director.

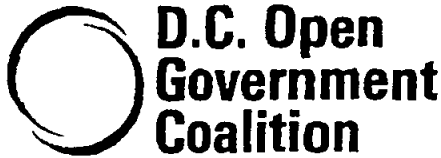
Events in D.C. government over the past decade demonstrate that enforcing government ethics laws and regulations is very important, and that BEGA plays an essential role in that process. Ensuring that District residents can hold their government accountable is equally important, and the OOG's role in facilitating civic engagement by ensuring government transparency is no less essential.

With that in mind, our bottom-line request is that this Committee oppose any attempt to take away the OOG's independence, and that you take steps to provide adequate resources and secure funding so the OOG can expand its oversight and enforcement efforts in 2018.

We look forward to working with you through the budget cycle. Thank you.

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Testimony of Robert S. Becker

On behalf of the
D.C. Open Government Coalition and
The Society of Professional Journalists
D.C. Professional Chapter

October 26, 2011

Before the Council of the District of Columbia
Committee on Government Operations and the Environment

Thank you very much for inviting me to address you on behalf of the D.C. Open Government Coalition and the Society of Professional Journalists' D.C. Professional Chapter. I chair the Coalition's Government Relations Committee, the SPJ chapter's Freedom of Information Committee, and I assist journalists seeking access under the D.C. and federal open records and meetings laws.

My main focus today will be on establishment of the D.C. Open Government Office and where, within the government's organizational structure, it properly fits. At the outset it is important to note that, although the Council enacted the Open Meetings Act in December and it took effect in early April, the Open Government Office has not been established and its director has not been appointed. Recent events involving the Taxicab Commission and the Council demonstrate that the Office is urgently needed.

Chairwoman Bowser has aptly noted that transparency is an essential component of government accountability. Following that logic, she suggested that the new Office might appropriately be placed within an

umbrella entity overseeing government ethics and accountability. Although that issue is beyond the scope of the bills before the committee today, she asked the Coalition to address it at this hearing.

We agree that it is at least theoretically possible to incorporate the Open Government Office into a framework with the Board of Elections and Ethics, the Office of Campaign Finance, the Office of Inspector General and the D.C. Auditor. But crafting a bill to meld the Office and other independent government accountability agencies into an umbrella entity would be very challenging. Despite our concerns, if you wish to pursue legislation combining oversight of government accountability and transparency functions, we are committed to helping you explore that idea.

Assuming passage of the Open Government Act of 2011 (Bill 19-166) that Council Member Mary Cheh introduced in March, the Open Government Office will have investigative and adjudicatory functions. It could issue advisory opinions, initiate litigation to compel compliance with the Freedom of Information and Open Meetings acts, and seek judicially imposed penalties against public officials for willful non-compliance. It will be an independent agency headed by a director appointed for a five-year term.

The Open Government Office would closely resemble in form and scope of authority the other agencies that might be brought within the Ethics and Accountability mandate. But, the BOEE, the OCF, the IG and the Auditor draw authority and immunity from political interference from the D.C. Charter. We believe the Open Government Office, established by D.C. Code § 2-592, rather than the Home Rule Act, needs to be insulated similarly from political and budgetary interference.

Legislation must address the fact that all of the Office's potential sibling agencies are subject to the FOI Act, and the Board of Elections and Ethics is subject to the Open Meetings Act as well. Because it is very likely that the Open Government Office will be called upon to resolve access issues involving those agencies, a bill creating the umbrella entity must make clear that the Office has independent authority to act on complaints against those agencies.

The Ethics and Accountability Act of 2011 was not drafted to create an umbrella entity, and it lacks a framework for bringing the agencies together while safeguarding their independence. But it illustrates some of the challenges of creating an umbrella entity.

For example, the Ethics and Accountability Act is focused exclusively on imposing ethical standards and accountability on elected officials and their agents. In contrast, the Open Government Office's focus is on public bodies — executive branch agencies, the Council, and boards and commissions made up of elected and appointed members — not individuals.

Many of the laws overseen by the BOEE, the OCF, the IG and the Auditor, which would be the basis for Committee investigations under Bill 19-358, make violations felonies and impose civil penalties. Their goal is to punish malfeasance and compel compliance with laws critical to maintaining public trust and the public fisc.

The goals of the FOIA and Open Meetings Act are mainly to induce agencies to comply with the laws and to prevent future violations. Willful non-compliance with the FOI Act by government employees is a misdemeanor for which the maximum penalty is a 180-day jail term and a \$1,000 fine. Willful violation of the Open Meetings Act is a civil infraction carrying a fine of no more than \$250. The Council has been very resistant to imposing more serious penalties on agency personnel for violation of these transparency laws.

The Office is fundamentally different from the proposed Committee on Ethics and Accountability in that the Committee cannot avoid becoming enmeshed in the political process. The Open Government Office, on the other hand, can succeed only by establishing itself as an honest broker capable of rendering opinions and giving advice respected by D.C. residents, agency personnel, political appointees and elected officials. Undoubtedly its action will have political implications, but it must strive to demonstrate that its decisions were not motivated by political concerns.

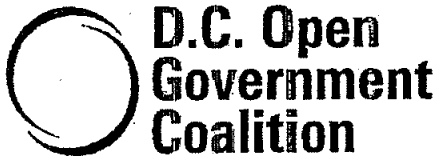
Having spent my time telling you why we have serious concerns about incorporating the Open Government Office into an umbrella government ethics and accountability body, I'd like to make some specific observations about the bills you are considering today.

The Ethics and Accountability Act of 2011 (Bill 19-358) states in § 106(e) that "All CEA investigative proceedings shall be closed to the public." The Ethics and Accountability Task Force Act of 2011 (Bill 19-359) states in § 106(a) that "The EATF shall: ... (4) Conduct meetings that are closed to the public."

Each of these entities clearly is a "public body" under D.C. Code § 2-502(18A), and there is no procedural or logical reason to exempt them from the requirements of the Open Meetings Act and the FOIA. The matters that will come before these bodies are, without doubt, of great public interest and concern. There may be occasions when members discuss matters that are exempt from public access. In those situations the bodies should be required to state in open session the subjects to be discussed and to vote to close the meeting, and their actions should be subject to review by the Open Government Office. We believe these bills should be amended to affirmatively state that the Committee and Task Force must comply with D.C. Code §§ 2-531, *et seq.*, and 2-571, *et seq.*

Finally, we appreciate Chairwoman Bowser's efforts to keep transparency front and center as the Council seeks ways to improve public integrity and government accountability. We hope you will bring the Open Government Act of 2011 to a public hearing very soon and we look forward to working with you on these issues.

Thank you.



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**Testimony of
Robert S. Becker**

On behalf of the
D.C. Open Government Coalition and
The Society of Professional Journalists
D.C. Professional Chapter
November 30, 2011
Before the Council of the District of Columbia
Committee on Government Operations and the Environment

Thank you very much for inviting me to address you regarding the proposed Ethics and Accountability Act of 2011, which would establish the Open Government Office created by the Open Meetings Act passed a year ago. The Office is essential to increase transparency, a key component of government accountability. I am speaking on behalf of the D.C. Open Government Coalition and the Society of Professional Journalists' D.C. Professional Chapter. I chair the Coalition's Government Relations Committee and the SPJ chapter's Freedom of Information Committee, and I assist journalists seeking access under the D.C. and federal open records and meetings laws.

As it was originally envisioned in the Open Government Act of 2010, the Open Government Office was to be an independent agency charged with overseeing and enforcing the D.C. Freedom of Information Act. It would establish government-wide procedures for processing FOI Act requests, provide informal advice and statutory interpretation to agency FOI officers, investigate complaints from requesters, issue advisory opinions and binding

orders to disclose, and, when necessary, litigate in the Superior Court to enforce its orders and to seek sanctions against officials who willfully violated the statute. It was to have subpoena power to gather evidence and compel testimony. In summer 2010 the Coalition proposed that the Office's portfolio be expanded to include oversight and enforcement of the Open Meetings Act which Council Member Bowser introduced in March 2010 and championed through floor debate in December.

Last December, the Open Government Act did not come to the floor. But the Council amended the Open Meetings Amendment Act of 2010 to establish the Open Government Office with authority to issue advisory opinions in response to complaints under the Open Meetings Act and the FOI Act, to establish procedures implementing both statutes, and to train public officials and employees regarding compliance.

To ensure the Office's independence, its Director is to be appointed to a five-year term by the Mayor with the advice and consent of the Council. The Director could be removed only for cause.

Although we believe the Open Government Office should be a totally independent agency, we appreciate your efforts, despite tight budgets, to find a way to stand up the Office under the administrative supervision of the proposed Ethics Board. As a next step we hope the Council will enact the Open Government Act of 2011 introduced last March by Council Member Cheh. We stand ready to work with you to maximize the Office's ability to enforce the Freedom of Information and Open Meetings acts, to provide guidance to government agencies on transparency issues, and to educate D.C. residents and agency personnel about these transparency laws.

As I stated when I appeared before you in October, crafting a bill to meld the Open Government Office with the proposed Ethics Board is a very challenging task. We commend you for your efforts to overcome those challenges, and we hope to work with you to overcome the remaining hurdles.

Several provisions of the proposed ethics legislation cause us to question whether the

Open Government Office would be able to carry out its mission as defined in the already enacted Open Meetings Act and the proposed Open Government Act. Chief among them are Title V, Sec. 502 and Title II, Sec. 201(a)(4). The former will create a conflict of interest between the Ethics Board and Open Government Office. Together, these provisions cast doubt on the independence of the Open Government Office, which undoubtedly will be called upon to rule on whether the Ethics Board has violated the transparency statutes.

The proposed Ethics Board clearly is a "public body" under D.C. Code § 2-502(18A), and matters that will come before it are, without doubt, of great public interest and concern. The bill recognizes this in Title V, Sec. 501(a), which requires the Board to comply with the Open Meetings Act.

But, the bill unnecessarily transfers to the Board authority to administer and enforce the Open Meetings Act.

Sec. 502. Open Government Office; Duties transferred.

(a) The Open Meetings Amendment Act of 2010, effective March 31, 2010 (D.C. Law 18-350 D.C. Official Code § 2-571 *et seq.*) is amended as follows:

(1) The powers and duties of the Open Government Office pursuant to section 503 are transferred to the Board of Ethics and Government Accountability.

...

Title II, Sec. 201(a)(4), states that the Ethics Board shall "[a]dminister and enforce the Open Meetings Amendment Act of 2010, effective March 31, 2010 (D.C. Law 18-350 D.C. Official Code § 2-571 *et seq.*)." The Board cannot be both subject to the Open Meetings Act and enforcer of the same statute. The conflict of interest will be greatly exacerbated if and when the Council enacts the Open Government Act of 2011.

These provisions conflict with D.C. Code § 2-592, which states

(a) The Open Government Office shall:

...

(2) Issue advisory opinions to public bodies on compliance with subchapter 4 of this chapter;

(3) Provide training to public bodies, officials, and employees related to subchapter 4 of this chapter; and

(4) Issue rules to implement the provisions of this subchapter and subchapter 4 of this

chapter.

(b) The Open Government Office may bring suit to enforce § 2-578.

(c) The Open Government Office may issue advisory opinions on implementation of subchapter 2 of this chapter.

They also conflict with D.C. Code § 2-578, which states:

(a) The Open Government Office may bring a lawsuit in the Superior Court of the District of Columbia for injunctive or declaratory relief for any violation of this subchapter before or after the meeting in question takes place; provided, that the Council shall adopt its own rules for enforcement related to Council meetings....

...
(g) A public body may seek an advisory opinion from the Open Government Office regarding compliance with this subchapter.

To have administrative supervision of the Open Government Office, the Board does not need authority to administer and enforce the Open Meetings Act. Title V, Sec. 502 and Title II, sec. 201(a)(4) will cause confusion and easily could lead to pointless litigation under the FOI Act, if not the Open Meetings Act. Most importantly, these provisions will reduce, rather than improve, government transparency.

An good model for establishing the relationship between the Board and the Open Government Office is the relationship between the National Archives and Records Administration and the Office of Government Information Services. OGIS exists administratively as an entity within NARA, but the enabling legislation places substantive responsibility for oversight of federal transparency laws and regulations solely in OGIS.

A major benefit of this model is that the Open Government Office staff can develop the expertise to help other agencies avoid running afoul of the transparency statutes. If the Office is effective in this area and in mediating disputes between agencies and the public, the need for enforcement and related costs will decrease markedly.

The Board's staff and lawyers borrowed from the Office of Attorney General, the Auditor and the Inspector General — who mainly will focus on ethics and procurement issues — do not have such expertise. Relying on them to oversee the Open Meetings Act and FOI Act will divert their attention from the Board's main responsibility and will make the D.C. government's transparency initiatives much less effective.

Our second major concern is Title II, Sec. 203, which establishes the Board's meetings procedures. This section of the bill is duplicative of the Open Meetings Act and much of it should be removed. The Council passed the Open Meetings Act a year ago to establish uniform requirements for all public bodies within the D.C. government. Activities of the proposed Ethics Board do not present any unique issues not anticipated by the Open Meetings Act. Inclusion of specific open meetings provisions will lead to confusion, litigation, and less, rather than more, transparency.

As proposed, Title II, Sec. 203 states:

(a)(1) The Board shall hold regular monthly meetings in accordance with a schedule to be established by the Board. Additional meetings may be called as needed by the Board. Except in the case of an emergency, the Board shall provide at least 48 hours notice of any additional meeting.

(2) The Board shall make available for public inspection and post on its website a proposed agenda for each Board meeting as soon as practicable, but in any event at least 24 hours before a meeting. Copies of the agenda shall be available to the public at the meeting. The Board, according to its rules, may amend the agenda at the meeting.

(3) All meetings of the Board shall be open to the public, unless the members vote to enter into executive session. The Board shall not vote, make resolutions or rulings, or take any actions of any kind during executive session, except those that:

(A) Relate solely to the internal personnel rules or practices of the Board;

(B) Would result in the disclosure of matters specifically exempted from disclosure by statute; provided, that the statute:

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(C) Would result in the disclosure of trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(E) Would result in the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(F) Would result in the disclosure of investigatory records compiled for law enforcement purposes or information which, if written, would be contained in the records, but only to the extent that the production of the records or information would:

(i) Interfere with enforcement proceedings;

(ii) Deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Constitute an unwarranted invasion of personal privacy; or

(iv) Disclose investigative techniques and procedures; or

(G) Specifically concern the Board's issuance of a subpoena, the Board's participation in a civil action or proceeding, or disposition by the Board of a particular matter involving a determination on the record after opportunity for a hearing.

(4) The Board shall keep the minutes of each meeting of the Board and shall make them available to the public for inspection and distribution, and shall post the minutes on the Board's website, as soon as practicable, but in all cases within 72 hours.

It should be amended to read:

(a)(1) The Board shall hold regular monthly meetings in accordance with a schedule to be established by the Board. Additional meetings may be called as needed by the Board.

(2) The Board shall provide notice of meetings and shall conduct its meetings in compliance with the Open Meetings Amendment Act of 2010, effective March 31, 2010 (D.C. Law 18-350 D.C. Official Code § 2-571 *et seq.*).

If the bill passes as currently written, it is a virtual certainty that disputes will arise over whether the statute allows the Ethics Board greater secrecy than the Open Meetings Act allows any other public body and how the two statutes inter-relate.

Title II, sec. 209 raises similar concerns.

Sec. 209. Penalties for public officials.

(a) (1) Notwithstanding section 208 of this act, the Board shall censure a public official for a violation of the Code of Conduct that the Board adjudges to violate the public trust.

(2) The Board may recommend in such censure that the Council immediately convene an executive session to consider suspending or removing a Council member's committee chairmanship, if any, committee membership, if any, or suspending or removing the member's vote in any committee.

(b) The Rules of Organization and Procedure for the Council of the District of Columbia, Period XIX, updated August 8, 2011 are amended as follows: (1) New Council Rule 202(e) is added to read as follows:

"(e) The Council shall convene an executive session within 72 hours, or as soon as practicable, to consider a censure issued by the Board of Ethics and Government Accountability recommending suspension or removal of a member's committee chairmanship, if any, committee membership, if any, or suspending or removing the member's vote in any committee. An executive session shall be called in accordance with these Rules.

...

Under Title II, sec. 202(h)(2), if the Mayor seeks removal of a Board member, the member has a right to a public hearing before the Council. This right should be accorded any public official brought before the Council in a censure proceeding. Therefore, neither the statute nor the Council rules should require an executive session.

We are concerned about Title III, sec. 306, which states:

... Confidentiality. The identity of the complainant and respondent shall not be disclosed

without such individual's consent unless or until the Director has found reason to believe a violation occurred and presentation thereof pursuant to section 303 of this act, and the Board finds that disclosure would not harm the investigation.

We note that the identity of a person charged with a crime is made public when formal charges are filed. This has been a foundation principle of our system of justice to counteract the evil the Founding Fathers perceived in the Courts of Star Chamber and the Inquisition. Public disclosure of the charge protects the accused. This is no less true for government personnel accused of ethics violations. Once the Director determines that there is sufficient evidence to refer a complaint to the Board for a hearing, the identities of the parties and the charges should be made public. To the extent that disclosure of records related to the case may interfere with the investigation, those records would be exempt under the FOI Act law enforcement exemption, D.C. Code § 2-534(a)(3).

Finally, the bill should provide greater transparency regarding transition committees, inaugural committees, constituent funds and legal defense funds. Additional amendments should be made under Title VIII, Sec. 801; Title IX, Sec. 901; Title X; and Title XI, Sec. (b) requiring the Campaign Finance Office to publish reports submitted by those entities on its website in compliance with D.C. Code § 2-536. The amendments should include a deadline for posting the reports.

On behalf of the D.C. Open Government Coalition¹ and the D.C. Pro Chapter of SPJ,² Thank you for listening. We look forward to working with you to improve D.C.'s open meetings and freedom of information statutes.

¹ The Coalition's board of directors includes former D.C. Councilmember Kathy Patterson, journalists, open government advocates and representatives of civic associations and non-profit organizations. In addition, we count the D.C. Federation of Civic Associations, the D.C. Federation of Citizens Associations, the D.C. Fiscal Policy Institute, DCWatch and other citizen-focused groups among our members. A wide variety of individuals and organizations in the District have communicated their concern to us – they're frustrated, and they want to participate in the Coalition to ensure that the city's residents have access to public information. Formed in March 2009, the D.C. Open Government Coalition seeks to enhance public access to government information and transparency of government operations of the District. We believe transparency promotes civic engagement and is critical to a responsive and accountable

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For more information please call me, (202) 364-8013.

... Continued from previous page.

government. We strive to improve the processes by which the public gains access to government records and proceedings, and to educate the public and government officials about the principles and benefits of open government.

² The Society of Professional Journalists is the nation's largest and most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior. Founded in 1909 as Sigma Delta Chi, SPJ also promotes the free flow of information vital to a well-informed citizenry; works to inspire and educate the next generation of journalists; and protects First Amendment guarantees of freedom of speech and press. The D.C. Professional Chapter, with members representing local and national news media, is one of its largest chapter with approximately 300 members.