



## **FY 2015 PERFORMANCE PLAN**

### **DC Board of Ethics and Government Accountability**

#### **MISSION**

The Board of Ethics and Government Accountability (BEGA) is responsible for overseeing the Office of Government Ethics and the Office of Open Government. The Office of Government Ethics administers and enforces the District of Columbia Code of Conduct. The Office of Open Government enforces government-wide compliance with the D.C. Freedom of Information Act and the Open Meetings Act.

#### **SUMMARY OF SERVICES**

Specifically, BEGA is responsible for:

- Investigating alleged violations of the Code of Conduct, holding adversarial hearings and, where appropriate, levying sanctions;
- Issuing Advisory Opinions, providing “safe-harbor” for good-faith reliance on these opinions;
- Issuing Advisory Opinions on its own initiative;
- Conducting mandatory ethics training for District government employees;
- Updating and maintaining the District Ethics Manual;
- Receiving and reviewing public financial disclosure statements from public officials, except Advisory Neighborhood Commissioners, and, as of January 1, 2015, candidates for nomination for election, or election, to public office;
- Receiving and reviewing public financial disclosure certifications from Advisory Neighborhood Commissioners, and as of January 1, 2015, from candidates for nomination for election, or election, to public office;
- Receiving and auditing lobbyist registration forms, termination forms, and lobbyist activity reports;
- Enforcing the Open Meetings Act;
- Monitoring the District’s compliance with the Freedom of Information Act; and
- Assisting government agencies in the implementation of open government practices.

#### **PERFORMANCE PLAN DIVISIONS**

- Board of Ethics<sup>1</sup>
- Office of Open Government

---

<sup>1</sup> The Board of Ethics consists of three Board Members. For the purposes of the FY15 Performance Plan, the Board of Ethics also includes the Office of Government Ethics staff, which includes the Director of Government Ethics, attorneys, investigators, and administrative support staff.



## AGENCY WORKLOAD MEASURES

Measures	FY 2012 Actual <sup>2</sup>	FY 2013 Actual <sup>3</sup>	FY 2014 YTD <sup>45</sup>
Number of preliminary investigations opened based on tips to the hotline	NA	1	1
Preliminary investigations opened based on information provided in meetings/interviews	NA	5	NA
Preliminary investigations opened based on calls other than calls to the hotline	NA	4	NA
Preliminary investigations opened based on documents received, including emails	NA	27	NA
Preliminary investigations opened based on media reports/sources	NA	7	NA
Number of preliminary investigations of a possible violation of the Code of Conduct initiated	NA	43	NA
Number of formal investigations initiated	NA	18	NA
Number of preliminary investigations dismissed	NA	27	6
Number of formal investigations completed	NA	10	NA
Number of formal advisory opinions issued	NA	25	NA
Number of preliminary investigations opened based on information provided by means other than the hotline	NA	NA	20
Number of preliminary investigations converted to formal investigations	NA	NA	0
Number of preliminary investigations resolved with a negotiated disposition	NA	NA	1
Number of preliminary investigations resolved after an evidentiary hearing	NA	NA	1
Number of formal investigations initiated on intake	NA	NA	2
Number of formal investigations dismissed	NA	NA	3
Number of formal investigations resolved with a negotiated disposition	NA	NA	0
Number of formal investigations resolved after an evidentiary hearing	NA	NA	1
Number of formal written advisory opinions issued pursuant to a request	NA	NA	6
Number of formal written advisory opinions issued on the agency's own initiative	NA	NA	0
Number of request for informal ethics advice received from agency ethics officers and individual employees and public officials	NA	NA	363
Processing of FOIA Non-Compliance Complaints	NA	NA	1

<sup>2</sup> BEGA is a new government entity, which began operating in FY13. Therefore, the agency does not have historical data for prior fiscal years.

<sup>3</sup> Data as of September 30, 2013.

<sup>4</sup> FY14 YTD data is as of June 30, 2014.

<sup>5</sup> BEGA changed all except for two of its Agency Workload Measures (AWM) for FY14. Therefore, no data was tracked for the previous year's AWM since new AWM were developed.



## *Board of Ethics*

### **Summary of Services**

The Board of Ethics receives, investigates, assesses, and adjudicates violations of the Code of Conduct; provides mandatory ethics training; issues rules and regulations governing the ethical conduct of employees and public officials; and provides for an anonymous and confidential receipt of information related to violations of the Code of Conduct or other information with regard to its administration or enforcement. The Board of Ethics is comprised of three Board Members. The Board also includes the staff of the Office of Government Ethics (OGE).

### **OBJECTIVE 1: Conduct timely and appropriate investigations and enforcement actions.**

#### **INITIATIVE 1.1: Hold weekly meetings with investigators and attorneys to discuss case progress.**

The OGE will hold weekly meetings with staff to discuss progress on cases and to ensure that staff is receiving necessary guidance and feedback with regard to case development. Measurable success from one meeting to the next on given cases will be expected and targets for task completion will be set. **Completion Date: September 30, 2015.**

#### **INITIATIVE 1.2: Develop an automated system by which demand letters for lobbyist fines are sent 30 days after a reporting period has ended.**

The OGE will ensure that current software for lobbyist filing will include a feature that automatically generates demand letters for late filers and that those letters will be sent within 35 days of the end of a filing period. This will help ensure that all OGE administrative/ministerial enforcement actions are conducted timely and appropriately. **Completion Date: September 30, 2015.**

### **OBJECTIVE 2: Conduct mandatory training on the Code of Conduct and produce ethics training materials and a plain-language guide.**

#### **INITIATIVE 1.1: Develop a monthly newsletter for all District Government employees updating latest OGE actions as well as timely advice and guidance on matters of general interest.**

The OGE will develop a monthly newsletter that will be distributed via email to District employees. The purpose of the newsletter will be to keep employees abreast of developments in the area of ethics. It will include a synopsis of OGE issuances for the previous month, public pending actions of note, and useful advice and guidance on matters of general interest. **Completion Date: September 30, 2015.**

#### **INITIATIVE 1.2: Increase ethics training to District Government employees and public officials by working with DCHR to actively promote city-wide ethics trainings.**

The OGE will expand its training component to include ethics training in a collaborative effort with DCHR. Currently OGE conducts ethics trainings on an invitation basis when an agency requests training. Holding monthly city-wide ethics trainings through DCHR will substantially increase the number of trainings and employees who receive training. **Completion Date: September 30, 2015.**



**OBJECTIVE 3: Issue formal, written Advisory Opinions upon application made by an employee or public official subject to the Code of Conduct and issue, on its own initiative, an advisory opinion on any general questions of law it deems of sufficient public importance.**

**INITIATIVE 1.1: Conduct trainings based on formal advice requests to provide employees with a better understanding of the formal advice BEGA issues.**

The OGE will add to its training offerings issues that arise with regard to formal advice issued. These examples and discussion topics during our regular training sessions will provide employees with concrete, reality based examples, of ethics principles and how they are applied in practice. **Completion Date: September 30, 2015.**

**INITIATIVE 1.2: Tailor Trainings to Trending Issues in District Government Ethics.**

The OGE will tailor its training offerings to trending ethics inquiries that result in the issuance of formal and informal advice. An example of this might be Post-employment matters that typically trend upward when there is to be an expected change in administrations or Hatch Act trainings during an election year. This will serve the dual purpose of informing employees of topical ethics issues as well as providing a forum for discussing and understanding OGE interpretations of these issues.

**Completion Date: September 30, 2015.**

**KEY PERFORMANCE INDICATORS – Board of Ethics<sup>6</sup>**

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 YTD <sup>7</sup>	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Percent of formal written Advisory Opinions issued within 30 days of receipt of complete information from requestor.	NA	75%	100%	80%	80%	80%
Percent of investigations resolved by dismissal, negotiated disposition, or issuance of Notice of Violation within 90 days of initiation.	NA	60%	47.5%	65%	65%	65%
Percent of enforcement actions completed within 75 days (from issuance of the Notice of Violation to final order of the Ethics Board) <sup>8</sup>	NA	75%	0%	80%	80%	80%

<sup>6</sup> BEGA is a new government entity, created in FY13. Therefore, the agency does not have historical data for prior fiscal years.

<sup>7</sup> FY13 YTD covers the period October 1, 2013, through June 30, 2014.

<sup>8</sup> This KPI will be phased out in the FY16 Performance Plan.



## *Office of Open Government*

### **SUMMARY OF SERVICES**

The mission of the Office of Open Government (OOG) is to ensure that District Government operations at every level are transparent, open to the public and promote civic engagement. The OOG monitors the District's compliance with the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA).

### **OBJECTIVE 1: Promote Transparency and Open Government Policies.<sup>9</sup>**

#### **INITIATIVE 2.1: Develop and create partnerships with the community to inform the development of transparency policy.**

In FY15, the OOG will engage community stakeholders to obtain their input in the development of transparency guidelines. Community stakeholders are in the best position to inform the government about the types of information they are seeking and how that information can promote civic engagement in government operations and the legislative process. OOG will conduct outreach to community stakeholders, establish a working group of community, nonprofit and IT professionals to offer input into the type of information that will be of the most utility to those living and working in the District. **Completion date: September 30, 2015.**

#### **INITIATIVE 2.2: Ensure all BEGA related records are accessible and open to the public.**

In FY15, the OOG will expand access to BEGA records, meetings and trainings through the use of online technologies. Technologies will include such tools as web streaming, interactive web-based trainings, and civic engagement tools allowing for public review and comment on the BEGA Best Practices Report. The development of policies are ongoing as OOG works to employ additional tools giving the public access to BEGA documents, trainings, etc. **Completion date: December 30, 2015.**

#### **INITIATIVE 2.3: Develop an online portal providing the public access to frequently requested data and agency information.**

In FY15, the OOG will develop Phase 2 of the OOG website<sup>10</sup> to make it easier for residents and businesses to find frequently requested information. Information is sometimes buried on agency websites, requiring end-users to have a deep familiarity with government agencies. The purpose of the new OOG website will be to make commonly requested data and information easier to find. The new website will be in a format that engages end-users and promotes civic engagement.

**Completion Date: January 30, 2015.**

---

<sup>9</sup> As referenced in Mayor's Order 2014-170 Transparency, Open Government and Open Data Directive.

<sup>10</sup> Phase 1 of the website development was completed in FY '14. The first phase of development was to ensure the Office of Government Ethics had a robust platform for users to access advisory opinions, dispositions and ethics rules more easily. Additionally, Phase 1 of the site allowed users the ability to file ethics complaints online, and for administrative points of contact for boards and commissions to post meeting dates, notices and agendas.



**OBJECTIVE 2: Ensure Compliance with the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA).**

**INITIATIVE 1.1: Develop online training courses on the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA).**

The OOG will implement online training courses to be completed by agency FOIA Officers and Boards and Commissions Points of contact on the OMA. User progress and completion will be monitored by the OOG. **Completion Date: March 30, 2015.**

**INITIATIVE 1.2: Develop policies and procedures to ensure compliance with the Open Meetings Act (OMA).**

The OOG will develop policies and procedures to ensure compliance with the OMA. As part of this effort, the OOG will also work with the Executive Office of the Mayor, Office of Boards and Commissions to ensure all newly sworn board and commission members are trained on the procedural requirements of the OMA.

**Completion Date: June 30, 2015.**

**KEY PERFORMANCE INDICATORS – Office of Open Government<sup>11</sup>**

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 YTD <sup>12</sup>	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Percentage of Boards and Commissions trained on the Open Meetings Act	13%	50%	10.71%	25%	45%	65%
Percentage of Agencies trained on Freedom of Information Act <sup>13</sup>	13% <sup>14</sup>	80%	24.73%	65%	80%	80%
Percentage of public core documents accessible on the BEGA website.	95%	98%	100%	100%	100%	100%
Percentage of public core documents posted to the BEGA website within five business days	90%	98%	100%	100%	100%	100%

<sup>11</sup> The following KPI was removed in the FY15 Performance Plan but was not removed from the FY15 Budget book due to timing, “Percent of agencies with Transparency Plans and Guidelines.” Although initially contemplated as a measure which falls under OOG, it has since been determined to be unattainable.

<sup>12</sup> As of July 31, 2014.

<sup>13</sup> OOG will conduct yearly citywide trainings of all District government agencies, and will perform agency specific trainings upon request.