



FY 2014 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;
- Receiving and reviewing confidential financial disclosure statements from Advisory Neighborhood Commissioners;
- Receiving and auditing lobbyist registration 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 Ethics¹
- Office of Open Government

¹ The Board of Ethics consists of three Board Members. For the purposes of the FY14 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 MEASURES²

Measures	FY 2011 Actual	FY 2012 Actual	FY 2013 YTD ³
Number of preliminary investigations opened based on tips to the hotline	NA	NA	0
Number of preliminary investigations opened based on information provided by means other than the hotline	NA	NA	40
Number of preliminary investigations dismissed	NA	NA	23
Number of preliminary investigations converted to formal investigations	NA	NA	4
Number of preliminary investigations resolved with a negotiated disposition	NA	NA	9
Number of preliminary investigations resolved after an evidentiary hearing	NA	NA	0
Number of formal investigations initiated on intake	NA	NA	16
Number of formal investigations dismissed	NA	NA	7
Number of formal investigations resolved with a negotiated disposition	NA	NA	0
Number of formal investigations resolved after an evidentiary hearing	NA	NA	0
Number of formal written advisory opinions issued pursuant to a request	NA	NA	21
Number of formal written advisory opinions issued on the agency's own initiative	NA	NA	1
Number of request for informal ethics advice received from agency ethics officers and individual employees and public officials	NA	NA	150
Processing of FOIA Non-Compliance Complaints	NA	NA	1

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

³ Data as of August 26, 2013.



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: Provide opportunities for OGE investigators to attend training related to conducting investigations.

The OGE will ensure that there is money in the budget and time available for investigators to attend specific trainings geared towards investigators, particularly those trainings conducted by nationally recognized entities in conducting investigator trainings. This will help ensure that all OGE investigations are conducted timely and appropriately. Completion Date: September 30, 2014.

INITIATIVE 1.2: Provide opportunities for OGE attorneys to attend training related to conducting enforcement actions, including hearings, and to improve their legal writing skills.

The OGE will ensure that there is money in the budget and time available for the OGE attorneys to attend specific training geared towards conducting hearings and legal writing. In particular, OGE will look to send its attorneys to such training conducted by nationally recognized entities in these areas. This will help ensure that all OGE enforcement actions are conducted timely and appropriately. Completion Date: September 30, 2014.

INITIATIVE 1.3: Review and analyze lobbyist registration forms and lobbyist activity reports.

The OGE will implement its lobbyist review plan and conduct a review and analysis of 2013 lobbyist registration forms and lobbyist activity reports. The review and analysis will include comparing reports filed by lobbyists with reports filed by lobbying clients, comparing lobbyist registration forms to lobbyist activity reports, and analyzing data obtained from the lobbyist activity reports with data obtained from research/information obtained from other sources. Discrepancies or unusual or unexplained entries will be investigated and may lead to enforcement actions. Completion Date: September 30, 2014.

INITIATIVE 1.4: Revise the Financial Disclosure Statement (“FDS”) electronic filing system and hard copy forms to improve ease of use by filers.

The OGE will revise the FDS electronic and hard copy forms to make FDS filing more efficient in an effort to increase the number of timely FDS filings. Completion Date: September 30, 2014.



INITIATIVE 1.5: Revise the Financial Disclosure Statement (“FDS”) electronic filing system and hard copy forms to facilitate OGE review.

In addition to making the FDS forms easier for filers to use, OGE will revise the FDS electronic filing system to make it searchable by OGE staff members. This will enhance OGE’s ability to analyze the responses to determine whether any further review or investigation is warranted. Completion Date: September 30, 2014.

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

INITIATIVE 1.1: Update the Ethics Manual and training materials to reflect changes in the law and keep up-to-date with best practices in the field of government ethics.

The OGE will update the online plain-language ethics guide called The District Ethics Manual and all training materials to reflect changes to the various laws that comprise the Code of Conduct; changes to the Ethics Act and BEGA rules; and best practices in the field of government ethics. On an on-going basis, OGE will revise and update all training materials and the Ethics Manual to reflect the application of any changes to the law, the Ethics Act, and best practices for District government employees and public officials. Completion Date: September 30, 2014.

INITIATIVE 1.2: Increase ethics training to District government employees and public officials.

The OGE will expand its training component to include ethics training as part of the new employee orientation provided by the D.C. Department of Human Resources to all new employees. OGE also will conduct ethics training for legislative branch elected officials and members of their staffs. Completion Date: September 30, 2014.

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: Fully implement the pilot program regarding the tracking of informal ethics advice requests.

The OGE will fully implement the pilot program of recording and tracking the receipt of informal ethics advice requests by using the OGE electronic case management system. The recording and tracking will include maintaining information regarding the requestor’s informal advice requested and the informal advice provided. Completion Date: September 30, 2014.

INITIATIVE 1.2: Increase the number of Advisory Opinions issued on its own initiative.

The OGE will analyze the informal requests for advice received to determine which issues of general questions of law it deems of sufficient public importance to warrant the



issuance of a written Advisory Opinion on its own initiative. In addition, OGE will monitor best practices to identify general questions of law that warrant the issuance of a written Advisory Opinion on its own initiative. Completion Date: September 30, 2014.

INITIATIVE 1.3: Decrease the response time to issue formal, written Advisory Opinions to within 30 days of receiving complete information regarding the request. Through increased training of its own attorneys and maintaining records regarding previously issued Advisory Opinions by OGE and other agencies and jurisdictions, the OGE will decrease its response time regarding the issuance of formal, written Advisory Opinions to within 30 days of receiving complete information from the requestor regarding the request for an Advisory Opinion. Completion Date: September 30, 2014.

KEY PERFORMANCE INDICATORS – Board of Ethics⁴

Measure	FY 2012 Actual	FY 2013 Target	FY 2013 Actual ⁵	FY 2014 Projection	FY 2015 Projection	FY 2016 Projection
Percent of formal written Advisory Opinions issued within 30 days of receipt of complete information from requestor.	NA	NA	74%	75%	80%	80%
Percent of investigations resolved by dismissal, negotiated disposition, or issuance of Notice of Violation within 90 days of initiation.	NA	NA	75%	60%	65%	65%
Percent of enforcement actions completed within 75 days (from issuance of the Notice of Violation to final order of the Ethics Board)	NA	NA	100%	75%	80%	80%

⁴ BEGA is a new government entity, created in FY13. Therefore, the agency does not have historical data for prior fiscal years.

⁵ FY13 YTD covers the period October 1, 2013, through August 26, 2013.



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

INITIATIVE 1.1: Develop a citywide tracking system to monitor Freedom of Information Act (FOIA) requests.

The OOG will work with the Executive Office of the Mayor to formalize a citywide tracking system to streamline the processing of FOIA Requests and for resolving complaints filed with OOG for agency non-compliance. Completion Date: December 20, 2013.

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: December 20, 2013.

OBJECTIVE 2: Promote Transparency and Open Government Policies.⁶

INITIATIVE 2.1: Establish District Agency and D.C. Council Transparency Policies and Guidelines.

In FY14, the OOG will work with agency directors and members of the Council to establish transparency policies and guidelines. Transparency policies will support proactive disclosure requirements under FOIA and will conform to the public policy of the District government that all persons are entitled to full and complete information regarding the affairs of government. OOG will coordinate with the Office of the City Administrator to identify lead personnel in each District agency who will be responsible for drafting agency transparency plans and the timelines for implementation of those plans. Completion date: December 30, 2014.

INITIATIVE 2.2: Develop and create partnerships with the community to inform the development of transparency guidelines.

In FY14, 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

⁶ As referenced in Mayor's Memorandum 2011-01 Transparency and Open Government Policy.



information can promote civic engagement in government operations and the legislative process. OOG will conduct outreach to community stakeholders, attend ANC meetings, distribute survey and establish a working group 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, 2014.

INITIATIVE 2.3: Ensure all BEGA related records are accessible and open to the public.

In FY14, the OOG will ensure that all BEGA related records are accessible and open to the public in accordance with the Ethics guidelines and other relevant personnel rules and regulations. Specifically, the OOG will establish guidelines and procedures for producing advisory opinions, nonpublic informal dispositions, public negotiated dispositions, training slides, and best practice manuals on the BEGA website (<http://bega.dc.gov>) and in hard copy. Completion date: December 30, 2013.

INITIATIVE 2.4: Develop a new website to make it easier for residents and businesses to find frequently requested information.

In FY14, the OOG will develop a new website 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 information easier to find. The new website will provide a direct pathway to the information users are seeking (within one or two clicks of a mouse). In addition, the new website will be in a format that engages end-users and promotes civic engagement. This will be a multiphase project. Phase one – development of the BEGE/OOG Web site. To be completed in FY '14; Phase two – incorporation of commonly accessed public safety (MPD) procurement (OCP) and financial (OCFO) data. To be completed in FY15; Phase three – incorporation of links to commonly accesses District services (DCRA, DMV, DDOT, DPR). To be completed FY16. Completion Date for phase 1: December 30, 2013.



KEY PERFORMANCE INDICATORS – Office of Open Government⁷

Measure	FY 2012 Actual	FY 2013 Target	FY 2013 YTD⁸	FY 2014 Projection	FY 2015 Projection	FY 2016 Projection
Percentage of Boards and Commissions trained on the Open Meetings Act ⁹	NA	NA	13% ¹⁰	50%	80%	100%
Percentage of Agencies trained on Freedom of Information Act ¹¹	NA	NA	13% ¹²	80	100	100
Percentage of agencies with Transparency Plans and Guidelines ¹³	NA	NA	0	40%	80%	100%
Percentage of public core documents accessible on the BEGA Web site.	NA	95%	95%	98%	100%	100%
Percentage of public core documents posted to the BEGA Web site within five business days	NA	95%	90%	98%	100%	100%

⁷ BEGA is a new government entity, created in FY13. Therefore, the agency does not have historical data for prior fiscal years.

⁸ FY13 YTD covers the period April 22, 2013, through August 26, 2013.

⁹ OOG is staffed with one person, the director. One Attorney Advisor FTE has been approved for FY 14 to assist with the training of 176 current boards and commissions. Current staffing levels will not allow for in person training of all boards and commissions. OOG will offer training slides on the BEGA/OOG Web site.

¹⁰ The Office of Open Government, in collaboration with the Office of Boards and Commissions, has conducted two trainings of all Board Points of Contact on the Open Meetings Act. OOG will train 13 of 176 boards and commissions by Oct. 1, 2013.

¹¹ OOG will conduct yearly citywide trainings of all District government agencies, and will perform agency specific trainings upon request.

¹² OOG will conduct 4 agency-specific FOIA trainings by Oct. 1, 2013. This percentage assumes there are 52 District agencies.

¹³ A transparency plan for the Council is included in the calculation.