



District of Columbia Board of Ethics and Government Accountability BEGA (AGO)

MISSION

The Board of Ethics and Government Accountability (BEGA) is responsible for overseeing both the Office of Government Ethics and the Office of Open Government. Oversight of the Office of Government Ethics includes administering and enforcing the District's Code of Conduct.

SUMMARY OF SERVICES

Specifically, BEGA is responsible for:

- Investigating alleged violations of the Code of Conduct, holding adversarial hearings and, where appropriate, issuing sanctions;
- Issuing Advisory Opinions, providing "safe-harbor" for good-faith reliance on these opinions;
- Conducting mandatory ethics training for District government employees;
- 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.

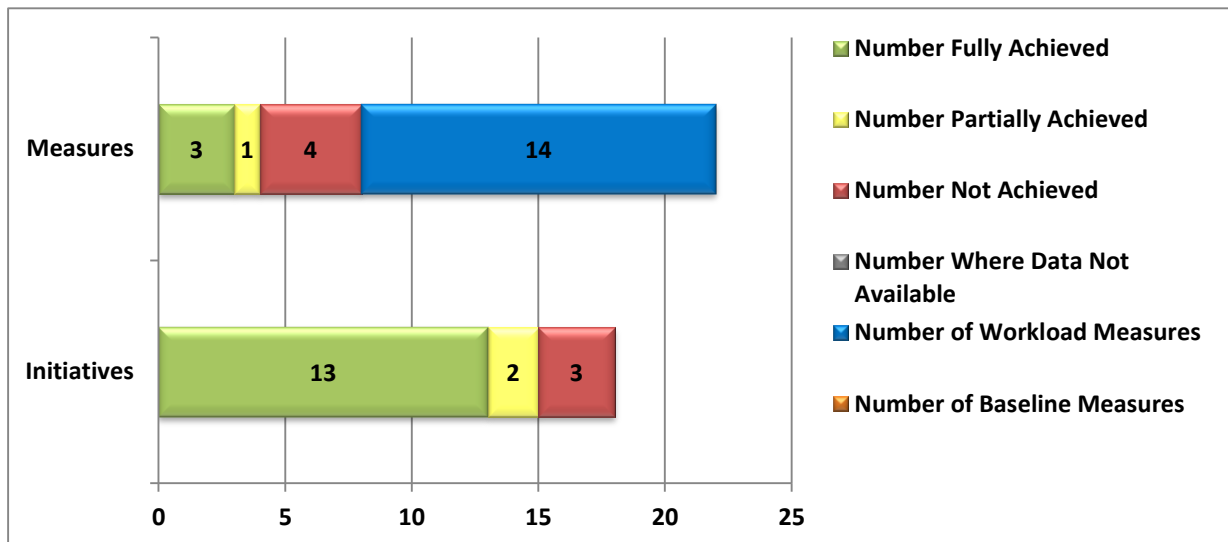
ACCOMPLISHMENTS

- ✓ Increased training by 138.46%, and increased informal advice by 118.81% from previous year.
- ✓ 100% success rate in 9 enforcement actions, which resulted in imposition of \$71,500 in fines.
- ✓ Redeveloped the BEGA website to include all agency records.

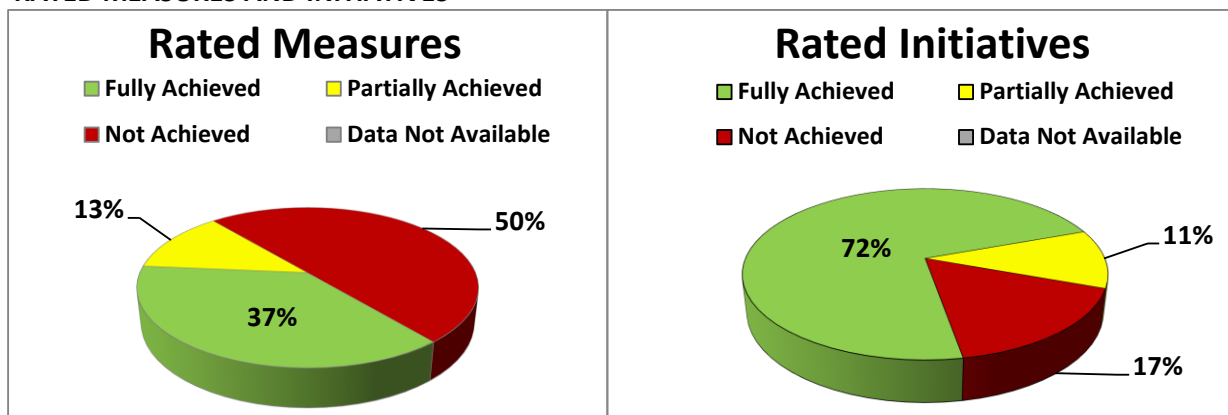


OVERALL AGENCY PERFORMANCE

TOTAL MEASURES AND INITIATIVES



RATED MEASURES AND INITIATIVES



Note: Workload and Baseline Measurements are not included

Default KPI Rating:	
$\geq 100\%$	Fully Achieved
75 - 99.99%	Partially Achieved
$< 75\%$	Not Achieved



Performance Indicators – Assessment Details

Performance Assessment Key:



Fully achieved



Partially achieved



Not achieved



Data not reported

Board of Ethics

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.

- **This initiative was fully achieved.** Investigators attended PASS Buyer and Analysis Training, as well as training on ‘How to Conduct an Investigation’ (offered by the Office of the Inspector General).

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.

- This initiative was fully achieved. Funds were available in the budget and attorneys attended programs such as the U.S. OGE Summit, National Association of Attorneys General Management Training, How to Conduct an Investigation (by the Office of the Inspector General), and a day-long program on witness preparation and cross examination by a former DOJ Trial Attorney.

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

This initiative was fully achieved. OGE has conducted a review and analysis of 2013 lobbyist registration forms and activity reports and is in the process of doing so for 2014 registration forms and activity reports. A thorough review and verification of 2013 lobbyist activity reports filed by respective lobbyists and clients was conducted to determine:

- Compliance with all BEGA lobbyist registration and reporting requirements;
- Compliance with filing deadlines;
- Accuracy of total reported receipts, expenditures and other expenses with verifiable source documents. Staff compared activity reports and registration forms filed by clients to those filed by their lobbyists or lobbying entities.

- BEGA was able to cross check one filer’s reported meetings, communications, and funds paid or received in furtherance of lobbying activity, with their respective client or lobbyist to see if both entities were reporting the same information.

BEGA also reviewed the “Other Expenditures” reported on Schedule A-2 of the lobbyist activity report, with an eye towards campaign contributions. We then compared the listed campaign contributions with the reported contributions on the Office of Campaign Finance’s website.

This review and analysis resulted in several lobbying entities and clients amending their forms to file properly, reporting campaign contributions where they had not before, and significant fines against some lobbyists and clients for failing to timely and properly file their activity reports and registration forms.

- **INITIATIVE 1.4: Revise the Financial Disclosure Statement (“FDS”) electronic filing system and hard**



copy forms to improve ease of use by filers.

This initiative was fully achieved. OGE revised the Financial Disclosure Statement forms in many ways this year. First, OGE developed a brand new form for Advisory Neighborhood Commissioners, a Public Financial Disclosure Certification form that reflected their amended statutory filing requirements. Second, on the Public and Confidential Financial Disclosure Statement forms OGE added a box after each question on both the electronic and hard copy forms to enable the filer to provide any additional relevant information regarding their answer to the question. OGE also added the ability to attach a supplemental sheet to the electronic and hard copy forms if a filer preferred to attach a report of their financial assets rather than writing each asset down individually. Parenthetical language was added after questions 1 and 6 further explaining what needed to be reported in the answer to the question and distinguishing what did not need to be reported. A text box also was added to the end of the PFDS and CFDS forms to allow filers one last area to include any further information they wished to disclose or explain.

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

This initiative was fully achieved. The FDS electronic filing system was revised to allow searches based on the filer’s position. Previously OGE staff could only search the system by agency or the filer’s first and/or last name. Now the query search by position option allows OGE staff to look at all councilmembers’ filings, all General Counsels’ filings, all candidates’ filings, and so on. This enhanced OGE’s ability to inform agencies of who in their agency has not yet filed, and inform Council staff which Councilmembers has not yet filed their FDS as the filing deadline came closer.

The query search by position also enhanced OGE’s ability to analyze the forms filed by persons in senior positions such as Councilmembers, General Counsels, and Directors, all at one time rather than agency by agency.

OGE also added the option for a filer to enter a range of amounts in response to Questions 1, 2, 3, and 7, to make it easier for filers to disclose certain financial details.

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

INITIATIVE 2.1: 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.

This initiative was fully achieved. The Ethics Manual was substantially revised to reflect the new DPM, which became effective in April 2014. In particular, the DPM sections on Post-Employment and Gifts Between Employees were completely revised to incorporate the significant changes to those sections of the DPM. Further, where the Council Code of Conduct differs from the DPM, the Ethics Manual was revised to include the Council rules as well. Finally, the Hatch Act section was revised and substantially shortened, to make it more user-friendly.

INITIATIVE 2.2: Increase ethics training to District government employees and public officials.

This initiative was fully achieved. OGE conducted a total of 62 trainings. OGE continued to conduct ethics trainings at District government agencies at the request of the agencies. OGE also continues to give a brief training at all New Employee Orientations. In addition, OGE conducted full ethics trainings (2-hours each) on a monthly basis, which District employees can sign-up to attend through PeopleSoft. Similarly, OGE conducted monthly post-employment trainings (1-hour each), which District employees could sign up to attend through PeopleSoft. Finally, OGE conducted post-employment trainings specifically for Excepted Service and Executive Service employees.

OBJECTIVE 3: Issue formal, written Advisory Opinions.



INITIATIVE 3.1: Fully implement the pilot program regarding the tracking of informal ethics advice requests.

This initiative was fully achieved. Tracking of informal advice requests and responses are tracked in ProLaw, and separately in a Microsoft Word document or email. The email or Word document summarizes the actual informal advice given. Each such item is entered into ProLaw, where it can be counted for statistical and trending purposes and opened for use in relation to a follow-up question by the same requestor or for consistency when dealing with a different requestor with a similar question. ProLaw, though, is not searchable except by manually scrolling through all of the entries, so the emails and Word documents also are saved outside of ProLaw so that they easily can be searched by date, agency, requestor name, or topic.



INITIATIVE 3.2: Increase the number of Advisory Opinions issued on its own initiative.

This initiative was fully achieved. OGE issued 5 opinions on its own initiative. OGE issued, on its own initiative, two Holiday Gift Memos, one for the Executive and one for the D.C. Council. In addition, OGE issued a Post-Employment Memo and a Post-Employment Dos & Don'ts pamphlet. Finally, OGE issued a Hatch Act Dos & Don'ts Memo, which tells District employees what they can and cannot do regarding political conduct.



INITIATIVE 3.3: Decrease the response time to issue formal, written Advisory Opinions to within 30 days of receiving complete information regarding the request.

This initiative was partially achieved. OGE issued 9 out of 13 Advisory Opinions within 30 days of receiving complete information from the requestor. OGE was unable to issue all of the Advisory Opinions within 30 days for several reasons. One of the requests was extremely complex and, therefore, it took longer than 30 days to gather all of the pertinent information, conduct all relevant research, and write a user-friendly advisory opinion. With respect to a second request, OGE needed to review the facts with the requestor before issuance and had to wait for an appointment to speak with the requestor (a high level official). In addition, in the summer of 2014, OGE was overburdened with other responsibilities, including a large and complex enforcement action, to which OGE had to devote most of its personnel/resources.



Office of Open Government

OBJECTIVE 1: Ensure Compliance with the Freedom of Information Act and the Open Meetings Act

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

This initiative was fully achieved. On July 21, 2014, the Executive Office of the Mayor announced the adoption of a web-based system, called FOIAXpress, which will be used by District Government agencies to process all FOIA requests. FOIAXpress allows agencies to electronically review, redact and produce documents. Agency exemption reports can be generated automatically, streamlining the process to the public. Requestors may view the status of their request at any time, and responses are posted in an online public access library.



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

This initiative was partially achieved. The OOG worked with the Office of Boards and Commissions to train public body members and respective points of contact on the procedural requirements of the Open Meetings Act. The OOG and Office of Boards and Commissions conducted a mandatory training of boards and commissions on April 8, 2014. Additionally, the OOG established protocols





for all boards and commissions to post meeting dates, agendas, and administrative materials on the BEGA website – the only central repository of citywide meetings dates. This allows all public bodies to comply with the notice requirements of the Open Meetings Act. No procedures have been set for the automatic referral from the Office of Boards and Commissions to OOG for training newly appointed board and commission members.

OBJECTIVE 2: Promote Transparency and Open Government Policies.

INITIATIVE 2.1: Establish District Agency and D.C. Council Transparency Policies and Guidelines (as referenced in Mayor’s Memorandum 2011-01 Transparency and Open Government Policy).

This initiative was not achieved. The Executive Office of the Mayor declined efforts by the Office of Open Government to work with agency directors to establish transparency policies and guidelines. The Executive Office of the Mayor did, however, incorporate open government and transparency best practices recommendations presented by the Office of Open Government in the December 31, 2013 BEGA Best Practices Report. The recommendations included a mandate of open data; the issuance of data on open source platforms; and compliance with FOIA proactive disclosure requirements. In fiscal year 2014, the Executive Office of the Mayor required all agencies to create open government landing pages which includes documents that are to be proactively disclosed under FOIA, and issued on July 21, 2014 Mayor’s Order 2014-170 Transparency, Open Government and Open Data Directive, requiring agencies to create agency transparency plans and identify data sets for inclusion on the District’s Open Government Portal.

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

This initiative was fully achieved. The OOG established a working group to advise the Director on open government trends and objectives. OOG attended meetings of the nonprofit, and tech communities and encouraged their input on the District’s Transparency, Open Government and Open Data Directive. OOG actively solicited the input of community, and IT professionals on open source platforms, and partnered with a nonprofit organization to launch DCdecoded – a free software platform that allows the public to discover and access local laws without the encumbrance of copyright restrictions.

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

This initiative was fully achieved. On January 24, 2014, BEGA launched a new website (www.bega-dc.gov) that allows BEGA to post all video files, audio files, trainings, complaints, meeting notices, meeting agendas, rules, opinions and manuals. Users can easily access, view and download all documents separated by archival abs. The site was developed and is maintained by the Office of Open Government on behalf of BEGA and the Office of Government Ethics. This ensures all documents are records are immediately posted to the site.

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

This initiative was fully achieved. The website contains a comprehensive listing of boards and commissions meeting dates; board and commission points of contact; enabling statutes of boards and commissions; ethics rules; Hatch Act rules; Open Meetings Act; and FOIA requirements. Each subject area has a designated tab that may be found on the homepage of the site, or accessed on navigation bars. The site also allows visitors to submit directly to BEGA ethics and Open Meetings Act violations complaints and public comments by filing out a complaint form directly on the site,



which is immediately sent to the BEGA general mailbox. Additionally, the site is 508 compliant – accessible to persons with disabilities.



Performance Initiatives – Assessment Details

Performance Assessment Key:

● Fully achieved
 ● Partially achieved
 ● Not achieved
 ● Data not reported
 ● Workload Measure
 ● Baseline Measure

	KPI	Measure Name	FY 2013 YE Actual	FY 2014 YE Target	FY 2014 YE Revised Target	FY 2014 YE Actual	FY 2014 YE Rating	Budget Program	
Board of Ethics									
	●	1.1	Percent of formal written Advisory Opinions issued within 30 days of receipt of complete information from requestor.	NA	75%		69.23%	92.31%	BOARD OF ETHICS
	●	1.2	Percent of investigations resolved by dismissal, negotiated disposition, or issuance of Notice of Violation within 90 days of initiation.	NA	60%		60.47%	100.78%	BOARD OF ETHICS
	●	1.3	Percent of enforcement actions completed within 75 days (from issuance of the Notice of Violation to final order of the Ethics Board)	NA	75%		0%	0%	BOARD OF ETHICS
	●	1.4	Number of preliminary investigations opened based on tips to the hotline	1	Not Applicable		1	Not Rated Workload Measure	BOARD OF ETHICS
	●	1.5	Number of preliminary investigations opened based on information provided by means other than the hotline	NA	Not Applicable		32	Not Rated Workload Measure	BOARD OF ETHICS
	●	1.6	Number of preliminary investigations dismissed	27	Not Applicable		19	Not Rated Workload Measure	BOARD OF ETHICS
	●	1.7	Number of preliminary investigations converted to formal investigations	NA	Not Applicable		2	Not Rated Workload Measure	BOARD OF ETHICS
	●	1.8	Number of preliminary investigations resolved with a negotiated disposition	NA	Not Applicable		6	Not Rated Workload Measure	BOARD OF ETHICS



	KPI	Measure Name	FY 2013 YE Actual	FY 2014 YE Target	FY 2014 YE Revised Target	FY 2014 YE Actual	FY 2014 YE Rating	Budget Program
●	1.9	Number of preliminary investigations resolved after an evidentiary hearing	NA	Not Applicable		1	Not Rated Workload Measure	BOARD OF ETHICS
●	1.10	Number of formal investigations initiated on intake	NA	Not Applicable		8	Not Rated Workload Measure	BOARD OF ETHICS
●	1.11	Number of formal investigations dismissed	NA	Not Applicable		10	Not Rated Workload Measure	BOARD OF ETHICS
●	1.12	Number of formal investigations resolved with a negotiated disposition	NA	Not Applicable		5	Not Rated Workload Measure	BOARD OF ETHICS
●	1.13	Number of formal investigations resolved after an evidentiary hearing	NA	Not Applicable		2	Not Rated Workload Measure	BOARD OF ETHICS
●	1.14	Number of formal written advisory opinions issued pursuant to a request	NA	Not Applicable		13	Not Rated Workload Measure	BOARD OF ETHICS
●	1.15	Number of formal written advisory opinions issued on the agency's own initiative	NA	Not Applicable		5	Not Rated Workload Measure	BOARD OF ETHICS
●	1.16	Number of request for informal ethics advice received from agency ethics officers and individual employees and public officials	NA	Not Applicable		511	Not Rated Workload Measure	BOARD OF ETHICS
●	1.17	Processing of FOIA Non-Compliance Complaints	NA	Not Applicable		1	Not Rated Workload Measure	BOARD OF ETHICS
Office of Open Government								
●	1.1	Percentage of Agencies trained on Freedom of Information Act	NA	80%		35.18%	43.97%	OFFICE OF OPEN GOVERNMENT
●	1.2	Percentage of Boards and Commissions trained on the Open Meetings Act	NA	50%		16.18%	32.35%	OFFICE OF OPEN GOVERNMENT
●	2.1	Percentage of agencies with Transparency Plans and Guidelines	0%	40%		40%	0%	OFFICE OF OPEN GOVERNMENT



	KPI	Measure Name	FY 2013 YE Actual	FY 2014 YE Target	FY 2014 YE Revised Target	FY 2014 YE Actual	FY 2014 YE Rating	Budget Program
●	2.2	Percentage of public core documents accessible on the BEGA Web site	NA	98%		100%	102.04%	OFFICE OF OPEN GOVERNMENT
●	2.3	Percentage of public core documents posted to the BEGA Web site within five business days	NA	98%		100%	102.04%	OFFICE OF OPEN GOVERNMENT