

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
OFFICE OF OPEN GOVERNMENT



July 21, 2021

VIA ELECTRONIC MAIL

Thomas Donohue
2200 Prout Street, SE, Unit 1
Washington, DC 20020
tom@tmdenterprises.us

RE: #OOG-0005-2021-M__ Resolution of Complaint_ANC

Dear Mr. Donohue:

Thanks for your interest in government transparency. The complaint you submitted to the Board of Ethics and Government Accountability (“BEGA”) Office of Open Government on July 14, 2021, alleges violations by an Advisory Neighborhood Commissioner of the Open Meetings Act (“OMA”)(D.C. Official Code § 2-571 *et seq.*). The Office of Open Government (“OOG”) has no authority to decide on the allegations you raise since those matters are outside of the OOG’s statutory jurisdiction.

The OOG’s review of the complaint, assigned file number OOG_0005_7.14.21-M was undertaken pursuant to 3 DCMR § 10400 *et seq.* For the reason set forth below the OOG must dismiss this matter. Where the OOG does not have statutory jurisdiction, 3 DCMR § 10403.1(a) mandates dismissal of the complaint. In relevant part 3 DCMR § 10403.1(a) states:

The Director may dismiss a complaint on one or more of the following grounds:
(a) The complaint does not raise issues within the Director’s authority under the Open Meetings Act

The OMA (D.C. Official Code § 2-574(3)(F)), excludes Advisory Neighborhood Commissions (“ANCs”) from the definition of public bodies and the OMA’s statutory coverage. However, the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.*), governs ANC meetings.

The OOG’s dismissal of your OMA complaint does not indicate that your allegations are without merit. As stated earlier, the OOG does not have the statutory authority to investigate the allegations and enforce corrective measures against Advisory Neighborhood Commissioners. However, you may wish to inform Gottlieb Simon, Executive Director, Office of Advisory

Neighborhood Commissions of this matter. You may email Mr. Simon at Gottlieb.Simon@dc.gov.

Sincerely,

/s/

Niquelle M. Allen, Esq.
Director of Open Government
Board of Ethics and Government Accountability

Enclosure: Copy of Complaint