



D.C. Board of Ethics and Government Accountability (BEGA) FY2016 Performance Accountability Report (PAR)

Introduction

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

Mission

The Board of Ethics and Government Accountability (BEGA) is responsible to administer and enforce the District of Columbia Code of Conduct and enforce government-wide compliance with the D.C. Freedom of Information Act and the Open Meetings Act.

Summary of Services

Specifically, BEGA is responsible for seven main areas. 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.

Overview – Agency Performance

The following section provides a summary of BEGA performance in FY 2016 by listing BEGA’s top accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

Top Agency Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
Developed specialized trainings that focus on distinct ethics issues and client agencies. The OGE expanded its training component to include specialized ethics trainings that focused on distinct issues such as post-employment restrictions and political activity, as well as trainings customized for non-subordinate agencies of the government (i.e., Boards and Commissions, independent agencies and legislative branch employees). Shortened training programs were developed for use when BEGA is invited to make an ethics presentation as part of a larger meeting or program.	Focusing on a more robust training program, though time consuming, actually saved agency resources because there were fewer investigations that needed to be done. Investigations and enforcement proceeding are the biggest drain on agency resources because they require the services of all agency staff – attorneys, investigators and administrative support staff. Trainings, on the other hand, only require approximately two hours of an attorney’s time.	It is axiomatic that more training leads to a heightened awareness of ethical standards among District employees, and therefore fewer instances of ethical misconduct. The residents of the District not only received the intangible benefit of a more ethical government workforce, but also the actual monetary savings of fewer investigations and resulting enforcement proceedings. The cost of an investigation and enforcement proceeding far exceeds the cost of a training.
The agency held joint monthly meetings during the reporting period with the staff of the Office of the Inspector General, to discuss progress on shared cases and to ensure that the staff of each agency received necessary guidance and feedback with respect to case management, coordination and development. Measurable progress from one meeting to the next on shared cases was an expectation that was achieved.	The coordination was a benefit to this agency because, with limited resources, the agency was able to maximize its available assets to focus only on those matters that were not handled by the better staffed and funded Office of the Inspector General (OIG). The agency was able to capitalize on the investigatory work of the OIG without itself having to expend resources on many investigations.	The residents of the District received the benefit of having two oversight agencies with some overlapping responsibilities coordinate in a way that ensured the efficient expenditure of government resources. This was achieved because duplication of efforts by the two agencies was all but eliminated.

The agency created and populated an internal database comprised of all informal advice provided throughout the reporting period. This allowed the legal staff to provide consistent advice and to identify trending issues that might warrant a formal advisory opinion.

This accomplishment was a great benefit to the agency because it reduced the learning curve for new attorneys when confronted with an ethics query. Prior to implementation of this database, the agency relied on the institutional knowledge of its attorneys but that knowledge was lost whenever an attorney left the agency (three new attorneys were hired during the reporting period). The database allows the agency to rapidly respond to ethics queries and to provide consistent ethics advice on similar issues.

Providing ethics guidance to District employees and elected officials is one of the core functions of the agency and is a critical component of fostering high ethical standards for the District government. The database allows agency staff to quickly and consistently respond to advice queries from government employees. As a result, employees are more likely to seek advice prior to committing an act of questionable propriety. The residents of the District benefit when they have a government workforce that is both ethical and accountable. There is also a realized monetary savings when advice is provided because an ethics violation is much less likely to occur, thereby saving the cost of an investigation and possible enforcement proceeding.

In FY 2016, BEGA had 3 Key Performance Indicators. Of those, 0 were neutral. Of the remaining measures, 100% (3 KPIs) were met, 0% (0 KPIs) were nearly met, and 0% (0 KPIs) were unmet. In FY 2016, BEGA had 6 Initiatives. Of those, 83% (5) were completed and 0% (0) were nearly completed, and 17% (1) were not completed. The next sections provide greater detail on the specific metrics and initiatives for BEGA in FY 2016.

FY16 Objectives

Division	Objective
Office of Government Ethics (OGE)	OGE will conduct timely and appropriate investigations and enforcement actions.
Office of Government Ethics (OGE)	OGE will conduct mandatory training on the Code of Conduct and produce ethics training materials.
Office of Government Ethics (OGE)	OGE will issue informal ethics advice in an expedited and consistent fashion.

FY16 KPIs

Objective: OGE will conduct mandatory training on the Code of Conduct and produce ethics training materials.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percent of final Ethics Board orders issued within 45 days of close of hearing record	85	Q	100	100	100	100	100	Met	There were no barriers to meeting this target, because the target was met.

Objective: OGE will conduct timely and appropriate investigations and enforcement actions.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percent of investigations resolved by dismissal, negotiated disposition, or issuance of Notice of Violation within 120 days of initiation	80	Q	63.64	78.95	94.44	100	83.3	Met	The target of this measure was met.

Objective: OGE will issue informal ethics advice in an expedited and consistent fashion.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percent of formal written Advisory Opinions issued within 30 days of receipt of complete information from requestor.	85	Q	100		100	100	100	Met	We issued all 3 Advisory Opinions within 30 days, thus meeting our KPI target.

FY16 Workload Measures

Measure	Freq	Q1	Q2	Q3	Q4	Total
Number of formal investigations resolved with a negotiated disposition	Q	0	0	1	0	1
Number of formal written advisory opinions issued pursuant to a request	Q	0	0	1	3	4
Number of request for informal ethics advice received from agency ethics officers and individual employees and public officials	Q	172	212	121	185	690
Number of formal written advisory opinions issued on the agency's own initiative	Q	1	0	1	0	2
Number of formal investigations resolved after an evidentiary hearing	Q	0	0	0	0	0
Number of preliminary investigations converted to formal investigations	Q	0	0	1	2	3
Number of preliminary investigations resolved after an evidentiary hearing	Q	0	0	0	0	0
Number of formal investigations initiated on intake	Q	4	5	8	7	24
Number of formal investigations dismissed	Q	3	4	8	2	17
Number of preliminary investigations opened based on tips to the hotline	Q	0	2	0	0	2
Number of preliminary investigations dismissed	Q	9	9	10	6	34
Number of preliminary investigations opened based on information provided by means other than the hotline	Q	10	34	21	20	85
Number of preliminary investigations resolved with a negotiated disposition	Q	6	3	3	0	12

FY16 Initiatives

Title: Hold joint monthly meetings with the staff of partner agencies such as the Office of the Inspector General.

Description: The OGE will hold joint monthly meetings with the staff of partner agencies, such as the Office of the Inspector General, to discuss progress on shared cases and to ensure that the staff of each agency receives necessary guidance and feedback with respect to case management, coordination and development. Measurable success from one meeting to the next on shared cases will be expected and targets for investigation completion will be set.

Complete to Date: Complete

Status Update: OGE met with OIG every month during FY16

Title: Conduct a minimum of 10 Audit Style Reviews of Lobbyist Activity Reports.

Description: OGE staff shall conduct a minimum of 10 Audit Style Reviews of Lobbyist Activity Reports. This will allow OGE to better fulfill its oversight functions of lobbyist activity.

Complete to Date: Complete

Status Update: During FY16, we reviewed more than 700 Lobbyist Activity Reports. All Lobbyist Activity Reports that were selected were audit during FY16 were performed

Title: Develop an automated online training module.

Description: The OGE will develop an automated online training module that will reside on the BEGA website. The training module will allow District employees to remotely take a BEGA Ethics training class and receive certification of successful completion. The online training module will supplement the numerous ongoing live training programs currently conducted by OGE staff.

Complete to Date: 50-74%

Status Update: We have posted numerous PowerPoint presentations as well as summaries and memos that provide the same material that an online training module would provide. Thus, employees are able to obtain the information online

If Incomplete, Explanation: We have not had the resources to develop the updated training module to replace the existing module.

Title: Develop specialized trainings that focus on distinct ethics issues and client agencies.

Description: The OGE will expand its training component to include specialized ethics trainings that will focus on distinct issues such as post-employment restrictions and political activity, as well as trainings customized for non-subordinate agencies of the government (i.e., Boards and Commissions, independent agencies and legislative branch employees). Shortened training programs will also be developed for use when BEGA is invited to make an ethics presentation as part of a larger meeting or program.

Complete to Date: Complete

Status Update: We have developed specific training in areas in which we have received requests

Title: Institute a policy by which government employees receive a response to or acknowledgement of an ethics advice query either the same day or within 24 hours of the request being made.

Description: The OGE will create a policy requiring office staff to respond to ethics queries from government employees on the same day or within 24 hours of receipt. The response may either be substantive or, if the query is too complex to provide a substantive response immediately, an acknowledgement that the issue is under review.

Complete to Date: Complete

Status Update: This initiative was met by programming outlook to ensure that all advice requests received an automated response immediately. A followup occurs within 24 hours of the automated response

Title: Create a database of informal ethics advice.

Description: The OGE will create an internal database comprised of all informal advice previously provided. This will allow the legal staff to provide consistent advice and to identify trending issues that might warrant a formal advisory opinion.

Complete to Date: Complete

Status Update: We require attorneys to enter advice into our ProLaw database within 24 hours of providing the advice