

# D.C. Board of Ethics and Government Accountability FY2019

**Agency** D.C. Board of Ethics and Government Accountability

**Agency Code** AGO

**Fiscal Year** 2019

**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.

## 2019 Accomplishments

| Accomplishment           | Impact on Agency | Impact on Residents |
|--------------------------|------------------|---------------------|
| No accomplishments found |                  |                     |

## 2019 Key Performance Indicators

| Measure   | Frequency | FY 2017 Actual | FY 2018 Actual          | FY 2019 Target | FY 2019 Q1              | FY 2019 Q2 | FY 2019 Q3 | FY 2019 Q4 | FY 2019 Actual | KPI Status | Explanation   |
|---|-----------|----------------|-------------------------|----------------|-------------------------|------------|------------|------------|----------------|------------|---|
| <b>1 - Issue Ethics advice in an expeditious and consistent fashion. (3 Measures)</b>                               |           |                |                         |                |                         |            |            |            |                |            |   |
| Percent of formal written Advisory Opinions issued within 30 days of receipt of complete information from requester | Quarterly | 100%           | 100%                    | 85%            | No applicable incidents | 0%         | 100%       | 100%       | 75%            | Unmet      | Unfortunately, the only Advisory Opinion we issued during Q2 took longer than 30 days to complete, giving us a 0% rating for that quarter, while we successfully completed a total of 3 Advisory Opinions within 30 days during Q3 and Q4, leaving us with a success rate of 75% overall for the year (3 out of 4). |
| Percent of advice queries received that were handled as informal rather than formal advice                          | Quarterly | 97.8%          | 99.9%                   | 10%            | 99.6%                   | 99.4%      | 99.5%      | 98.7%      | 99.4%          | Met        |   |
| Percent of formal written Advisory Opinions appealed to the Ethics Board  | Quarterly | 0%             | No Applicable Incidents | 85%            | No applicable incidents | 0%         | 0%         | 0%         | 0%             | Met        |   |
| <b>2 - Conduct timely and appropriate investigations and enforcement actions. (3 Measures)</b>                      |           |                |                         |                |                         |            |            |            |                |            |   |

| Measure   | Frequency | FY 2017 Actual | FY 2018 Actual | FY 2019 Target | FY 2019 Q1              | FY 2019 Q2              | FY 2019 Q3              | FY 2019 Q4              | FY 2019 Actual          | KPI Status | Explanation  |
|---|-----------|----------------|----------------|----------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|------------|--|
| Percent of investigations resolved by dismissal, negotiated disposition, or issuance of Notice of Violation within 120 days of initiation | Quarterly | 84.1%          | 80.8%          | 80%            | 70%                     | 23.1%                   | 63%                     | 52.6%                   | 56.2%                   | Unmet      | We experienced longer investigation closure times during FY19 primarily due in part to staff turnover, absences due to FMLA periods (two lengthy maternity leaves from an investigative staff of only 6 people), and an increased number of incoming complaints (111 in FY19 vs. an estimated 49 in FY18). |
| Percent of enforcement actions that result in a sanction  | Quarterly | 100%           | 100%           | 85%            | 100%                    | 100%                    | 100%                    | 100%                    | 100%                    | Met        |  |
| Percent of final Ethics Board Orders issued within 45 days of close of hearing record   | Quarterly | 100%           | 100%           | 85%            | No applicable incidents | No applicable incidents | No applicable incidents | No applicable incidents | No applicable incidents |            |  |
| <b>3 - Conduct mandatory training on the Code of Conduct and produce ethics training materials. (3 Measures)</b>                          |           |                |                |                |                         |                         |                         |                         |                         |            |  |
| Percent of evaluations completed by attendees with an overall positive rating of "3" or higher on the BEGA training evaluation form       | Quarterly | 97.5%          | 97.6%          | 80%            | 99%                     | 99%                     | 95.7%                   | 98%                     | 97.9%                   | Met        |  |
| Percent of agency trainings held within 90 days of agency making the request  | Quarterly | 100%           | 100%           | 90%            | 100%                    | 100%                    | 100%                    | 100%                    | 100%                    | Met        |  |
| Percent of off site agency training requests granted  | Quarterly | 100%           | 100%           | 90%            | 100%                    | 100%                    | 100%                    | 100%                    | 100%                    | Met        |  |

## 2019 Workload Measures

| Measure   | FY 2017 Actual | FY 2018 Actual | FY 2019 Q1 | FY 2019 Q2 | FY 2019 Q3 | FY 2019 Q4 | FY 2019 Actual |
|---|----------------|----------------|------------|------------|------------|------------|----------------|
| <b>1 - Render Timely Advice. Respond to requests for informal ethics advice in a substantive and useful manner (3 Measures)</b> |                |                |            |            |            |            |                |
| Number of requests for informal ethics advice   | 700            | 805            | 224        | 192        | 196        | 149        | 761            |
| Number of formal written advisory opinions issued pursuant to a request   | 12             | 1              | 0          | 1          | 1          | 2          | 4              |
| Number of formal written advisory opinions issued on the agency's own initiative  | 2              | 0              | 0          | 0          | 0          | 0          | 0              |

| Measure  | FY 2017 Actual | FY 2018 Actual | FY 2019 Q1 | FY 2019 Q2 | FY 2019 Q3 | FY 2019 Q4 | FY 2019 Actual |
|--|----------------|----------------|------------|------------|------------|------------|----------------|
| <b>2 - Monitor and support ongoing investigations to ensure timely completion (11 Measures)</b>                            |                |                |            |            |            |            |                |
| Number of complaints received  | 183            | 123            | 20         | 42         | 46         | 36         | 144            |
| Number of preliminary investigations opened based on tips to the hotline   | 0              | 0              | 0          | 0          | 1          | 0          | 1              |
| Number of preliminary investigations dismissed   | 24             | 12             | 7          | 5          | 14         | 5          | 31             |
| Number of preliminary investigations opened based on information provided by means other than the hotline                  | 33             | 37             | 9          | 6          | 22         | 19         | 56             |
| Number of preliminary investigations converted to formal investigations  | 1              | 5              | 0          | 2          | 0          | 1          | 3              |
| Number of preliminary investigations resolved with a negotiated disposition  | 9              | 4              | 6          | 2          | 2          | 4          | 14             |
| Number of preliminary investigations resolved after an evidentiary hearing   | 0              | 1              | 0          | 0          | 0          | 0          | 0              |
| Number of formal investigations initiated on intake  | 14             | 9              | 2          | 3          | 0          | 3          | 8              |
| Number of formal investigations dismissed  | 12             | 11             | 2          | 1          | 1          | 0          | 4              |
| Number of formal investigations resolved with a negotiated disposition   | 3              | 1              | 0          | 2          | 0          | 0          | 2              |
| Number of formal investigations resolved after an evidentiary hearing  | 1              | 0              | 0          | 0          | 0          | 0          | 0              |
| <b>3 - Increase Training Sessions. Increase number of trainings available to District government employees (1 Measure)</b> |                |                |            |            |            |            |                |
| Number of trainings conducted  | 129            | 101            | 18         | 19         | 28         | 15         | 80             |
| <b>4 - Ensure that every request for advice or information is acknowledged within 24 hours of receipt (1 Measure)</b>      |                |                |            |            |            |            |                |
| Number of formal advisory opinions issued  | 9              | 1              | 0          | 1          | 1          | 1          | 3              |

## 2019 Operations

| Operations Header  | Operations Title  | Operations Description   | Type of Operations |
|--|---|--|--------------------|
| <b>1 - Issue Ethics advice in an expeditious and consistent fashion. (1 Activity)</b>                            |   |  |                    |
| BOARD OF ETHICS  | Render Timely Advice. Respond to requests for informal ethics advice in a substantive and useful manner | Work with staff to ensure that ethics guidance is provided to government employees who seek ethics guidance.   | Daily Service      |
| <b>2 - Conduct timely and appropriate investigations and enforcement actions. (1 Activity)</b>                   |   |  |                    |
| BOARD OF ETHICS  | Monitor and support ongoing investigations to ensure timely completion                                  | Track progress throughout the year and work with staff to ensure movement.   | Daily Service      |
| <b>3 - Conduct mandatory training on the Code of Conduct and produce ethics training materials. (1 Activity)</b> |   |  |                    |
| BOARD OF ETHICS  | Increase Training Sessions. Increase number of trainings available to District government employees     | Allocate staff time to ensure availability when requests are made from client agencies.  | Daily Service      |
| <b>4 - Create and maintain a highly efficient, transparent and responsive District government. (1 Activity)</b>  |   |  |                    |
| BOARD OF ETHICS  | Ensure that every request for advice or information is acknowledged within 24 hours of receipt          | Work with staff to ensure that either a substantive response is provided or, where that is not possible, an acknowledgment that the request is under review. | Daily Service      |

## 2019 Strategic Initiatives

| Strategic Initiative Title     | Strategic Initiative Description | Completion to Date | Status Update | Explanation for Incomplete Initiative |
|--------------------------------|----------------------------------|--------------------|---------------|---------------------------------------|
| No strategic initiatives found |                                  |                    |               |                                       |