

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
OFFICE OF OPEN GOVERNMENT



November 3, 2017

***VIA HAND DELIVERY***

Chairman Phil Mendelson  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

The Office of Open Government (OOG), pursuant to the authority set forth in § 503(a)(4) of the District of Columbia Administrative Procedure Act, effective March 31, 2011 (D.C. Law 18-350); D.C. Official Code § 2-593 *et seq.* (2017), and 3 DCMR § 10400 *et seq.* (2017), has investigated an Open Meetings Act (OMA) (D.C. Official Code § 2-571 *et seq.* (2017)) complaint regarding the failure of the Commission on the Selection and Tenure of Administrative Law Judges (COST) to comply with the OMA during a June 29, 2017, meeting. The OOG finds numerous violations of the OMA pertaining to that meeting and many others. Additionally, a review of the legislative history and term appointments for the COST indicate possible gaps in tenures which may impact quorum and official actions taken by the COST pursuant to D.C. Official Code § 2-574(1).

As I recognize the impact of the findings of this office, I have, as a professional courtesy to Chief Judge Adams and the COST, agreed to delay public issuance of the opinion to allow the Office of Administrative Hearings an additional opportunity to gather documentation regarding the term gaps the OOG identified in its review of this matter.

Please do not hesitate to contact me should you have any questions.

Sincerely,

TRACI L. HUGHES, ESQ.  
Director, Office of Open Government  
Board of Ethics and Government Accountability

Enclosure: #OOG-0003\_7.03.17 OMA Complaint\_COST\_AO

cc: Peter Johnson