



**COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004**

Charles Allen
Councilmember, Ward 6
Chairperson
Committee on the Judiciary and Public Safety

Committee Member
Business and Economic Development
Education
Transportation and the Environment

February 22, 2018

LaRuby May
Chairperson, Board of Directors
Not-for-Profit Hospital Corporation
United Medical Center
1310 Southern Avenue, SE
Washington, DC 20032

VIA ELECTRONIC MAIL

Dear Chairperson May:

Yesterday, you stated in a public oversight roundtable before the Council's Committee on Health that the Board of Directors of the Not-for-Profit Hospital Corporation intends to seek judicial review of the Office of Open Government's ("OOG") advisory opinion¹ on the Board's noncompliance with the Open Meetings Act ("OMA"). I write to express my strong opposition to any such action. I believe that a challenge to OOG's opinion is without merit and would only waste District taxpayer resources and distract from improving women's healthcare East of the River.

I agree with OOG's findings in the advisory opinion, namely that the Board violated the OMA in several respects when it voted to close the United Medical Center's obstetrics unit on December 13, 2017. I also do not believe that the Board has standing to challenge OOG's advisory opinion, as the OMA provides that OOG's Director may bring suit in Superior Court to enforce the law, and not that a public body has the right to appeal an advisory opinion.²

¹ Advisory Opinion from Traci Hughes, Director, Office of Open Government, to LaRuby May, Chairperson, Not-for-Profit Hospital Corporation (Jan. 26, 2018), https://www.open-dc.gov/sites/default/files/FINAL%20F.Mulhauser_OOG-0014_12.14.17_AO.pdf.

² See D.C. Code § 2-579(a) ("The Open Government Office may bring a lawsuit in the Superior Court of the District of Columbia for injunctive or declaratory relief for any violation of this subchapter before or after the meeting in question takes place [...]") and 3 DCMR § 10406.4 ("If it is determined after investigation that a Public Body has willfully or recklessly disregarded the provisions of the Open Meetings Act and or the requirements of this chapter,

Although I do not sit on the Health Committee, my professional background is in public health, and I can confidently state that the District is experiencing a maternal health crisis more severe than any other jurisdiction in the United States. This must be our priority. I would recommend that you retract your statement and that the Board immediately chart a transparent path forward in collaboration with the Council to focus on the provision of healthcare, rather than further obscuring its decision making. You have thirteen willing partners.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles Allen".

Charles Allen, Ward 6 Councilmember
Chair, Committee on the Judiciary and Public Safety

Cc: Members of the Council
Tameka Collier, Chairperson, Board of Ethics and Government Accountability
Traci Hughes, Director, Office of Open Government
Karl Racine, Attorney General for the District of Columbia
Vincent Gray, Councilmember, Ward 7 and Chair of the Committee on Health
Mark Tuohey, Director, Mayor's Office of Legal Counsel
Betsy Cavendish, General Counsel, Executive Office of the Mayor
Alana Intrieri, Director, Office of Policy and Legislative Affairs, Executive Office of the Mayor

the Director shall bring suit in the Superior Court of the District of Columbia as provided under D.C. Official Code § 2-579 (2012 Repl. & 2014 Supp.”).