

# Washington Post complaint about Open Meetings Act violation by Not For Profit Hospital Corporation Board

Jamison, Peter <Peter.Jamison@washpost.com>

Tue 1/30/2018 9:06 PM

Inbox

To: Hughes, Traci (BEGA) <traci.hughes@dc.gov>;

Cc: McLaughlin, James <James.McLaughlin@washpost.com>;

Dear Traci,

I write to bring your attention to what I believe is a violation of D.C.'s Open Meetings Act and to request your intervention.

At issue is a request -- first made to United Medical Center/Not For Profit Hospital Corporation Board Secretary Mike Austin on 11/14/17 -- for the archived recording of the board's Strategic Planning Committee meeting on 2/21/17. You are already familiar with some of the back and forth surrounding this request, but I will summarize it here. After initially (and erroneously) treating my request for the recording as a FOIA request, and subsequent to your communicating with him to clarify his obligations under the OMA, Mr. Austin acknowledged via email to me on 12/12/17 that the 2/21/17 Strategic Planning Committee meeting was an OMA meeting whose recording was subject to disclosure.

After waiting more than two weeks with no further communication from Mr. Austin, I followed up and received an email from him on 12/29/17 stating, "I'm actively working to get the recording to you." That email, now a month old, was the last I have heard from Mr. Austin. I emailed him to follow up on 1/8/18 and received no response. Washington Post Deputy General Counsel James McLaughlin emailed Mr. Austin and UMC outside counsel Emil Hirsch on 1/25/18. Mr. Hirsch responded to Jim with a blank email, and then with a second email requesting that Jim disregard the blank email. We have had no other communication from Mr. Austin, Mr. Hirsch or anyone else representing UMC, nor any further indication that they intend to provide the recording or of a date when they will do so.

As you're aware, under the OMA the recording in question should have been available for public inspection seven days after the 2/21/17 meeting. It is now almost a year after that meeting. Further, the UMC board's delay of more than two months in providing this recording is not permissible under the OMA, nor has it ever been explained to me. I have tried to be patient, as Mr. Austin has cited the demands of his job and his learning curve as a newcomer to UMC. However, in light of the board's extreme delay in providing the archived recording and lack of responsiveness to the Post's inquiries, I believe that I have no choice but to submit this formal complaint to your office in the hope that you can resolve the matter.

Thank you in advance for your attention to this issue and please let me know if I can answer any questions or provide any of my emails back and forth with Mr. Austin.

Regards,

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