



# **D.C. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

## **FY 2023 PERFORMANCE ACCOUNTABILITY REPORT**

**JANUARY 16, 2024**

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# **1 D.C. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

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*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.

*Services:* Specifically, BEGA is responsible for nine 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; Conducting mandatory ethics training for District government employees; Updating and maintaining the District Ethics Manual; Receiving and reviewing public financial disclosure statements and certifications from public officials, Advisory Neighborhood Commissioners, and, as of January 1, 2015, candidates for nomination for election, or election; 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.

## 2 2023 ACCOMPLISHMENTS

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| Accomplishment  | Impact on Agency   | Impact on Residents   |
|---|--|---|
| Increased the number of employees trained in FY 2023 due to the Learning Management System.   | Fulfills the agency's statutory mission of providing ethics training to employees and public officials.        | Increases knowledge and awareness of ethics rules which decreases unethical conduct by employees and promotes government integrity. |
| Reached record numbers of attendees for the annual Ethics Week program.   | Fulfills the agency's statutory mission of providing ethics training to employees and public officials.        | Increases knowledge and awareness of ethics rules which decreases unethical conduct by employees and promotes government integrity. |
| Promoted sustainability by expanding the Financial Disclosure Statement e-filing system to include both public and confidential filers, which increased the ease and accuracy of submissions. | Allowed the agency to effectively manage the financial statements submitted by employees and public officials. | Promotes government transparency and reduces financial conflicts of interest.   |
| Issued four advisory opinions.  | Fulfills the agency's statutory mission of providing ethics advice to employees and public officials.          | Increases knowledge and awareness of ethics rules which decreases unethical conduct by employees and promotes government integrity. |

### 3 2023 OBJECTIVES

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#### Strategic Objective

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Issue ethics advice in an expeditious and consistent fashion.

Conduct timely and appropriate investigations and enforcement actions.

Conduct mandatory training on the Code of Conduct and produce ethics training materials.

Create and maintain a highly efficient, transparent, and responsive District government.

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## 4 2023 OPERATIONS

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| Operation Title   | Operation Description  |
|---|--|
| <b>Issue ethics advice in an expeditious and consistent fashion.</b>  |  |
| Render Timely Advice. Respond to requests for informal ethics advice in a substantive and useful manner.: Daily Service | Work with staff to ensure that ethics guidance is provided to government employees who seek ethics guidance.   |
| <b>Conduct timely and appropriate investigations and enforcement actions.</b>   |  |
| Monitor and support ongoing investigations to ensure timely completion.: Daily Service                                  | Track progress throughout the year and work with staff to ensure movement.   |
| <b>Conduct mandatory training on the Code of Conduct and produce ethics training materials.</b>                         |  |
| Increase Training Sessions. Increase number of trainings available to District government employees.: Daily Service     | Allocate staff time to ensure availability when requests are made from client agencies.  |
| <b>Create and maintain a highly efficient, transparent, and responsive District government.</b>                         |  |
| Ensure that every request for advice or information is acknowledged within 24 hours of receipt.: Daily Service          | 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. |

## 5 2023 KEY PERFORMANCE INDICATORS AND WORKLOAD MEASURES

### Key Performance Indicators

| Measure   | Directionality | FY 2021     | FY 2022 | FY 2023 Q1 | FY 2023 Q2 | FY 2023 Q3 | FY 2023 Q4 | FY 2023 | FY 2023 Target | Was 2023 KPI Met? | Explanation of Unmet KPI |
|---|----------------|-------------|---------|------------|------------|------------|------------|---------|----------------|-------------------|--------------------------|
| <b>Issue ethics advice in an expeditious and consistent fashion.</b>  |                |             |         |            |            |            |            |         |                |                   |                          |
| Percent of formal written Advisory Opinions issued within 30 days of receipt of complete information from requester                       | Up is Better   | New in 2023 | 100%    | 100%       | 100%       | 100%       | 100%       | 100%    | 85%            | Met               |                          |
| Percent of advice queries received that were handled as informal rather than formal advice  | Up is Better   | 96%         | 100%    | 80%        | 80%        | 98%        | 100%       | 89.5%   | 10%            | Met               |                          |
| Percent of formal written Advisory Opinions appealed to the Ethics Board  | Down is Better | 0%          | 0%      | 0%         | 0%         | 0%         | 0%         | 0%      | 85%            | Met               |                          |
| <b>Conduct timely and appropriate investigations and enforcement actions.</b>   |                |             |         |            |            |            |            |         |                |                   |                          |
| Percent of investigations resolved by dismissal, negotiated disposition, or issuance of Notice of Violation within 120 days of initiation | Up is Better   | 97%         | 92.5%   | 85%        | 85%        | 85%        | 90%        | 86.3%   | 80%            | Met               |                          |
| Percent of enforcement actions that result in a sanction  | Up is Better   | 93.8%       | 80%     | 85%        | 85%        | 85%        | 85%        | 85%     | 85%            | Met               |                          |
| Percent of final Ethics Board Orders issued within 45 days of close of hearing record   | Up is Better   | 90%         | 100%    | 100%       | 100%       | 100%       | 100%       | 100%    | 85%            | Met               |                          |
| <b>Conduct mandatory training on the Code of Conduct and produce ethics training materials.</b>   |                |             |         |            |            |            |            |         |                |                   |                          |
| Percent of evaluations completed by attendees with an overall positive rating of "3" or higher on the BEGA training evaluation form       | Up is Better   | 90%         | 95%     | 95%        | 95%        | 95%        | 95%        | 95%     | 85%            | Met               |                          |
| Percent of agency trainings held within 90 days of agency making the request  | Up is Better   | 100%        | 100%    | 100%       | 100%       | 100%       | 100%       | 100%    | 85%            | Met               |                          |
| Percent of off site agency training requests granted  | Up is Better   | 0%          | 100%    | 100%       | 100%       | 100%       | 100%       | 100%    | 90%            | Met               |                          |

Workload Measures

| Measure   | FY 2021 | FY 2022 | FY 2023 Q1 | FY 2023 Q2 | FY 2023 Q3 | FY 2023 Q4 | FY 2023 |
|---|---------|---------|------------|------------|------------|------------|---------|
| <b>Render Timely Advice. Respond to requests for informal ethics advice in a substantive and useful manner.</b> |         |         |            |            |            |            |         |
| Number of requests for informal ethics advice   | 567     | 380     | 112        | 124        | 110        | 89         | 435     |
| Number of formal written advisory opinions issued pursuant to a request   | 0       | 0       | 0          | 0          | 0          | 1          | 1       |
| Number of formal written advisory opinions issued on the agency's own initiative                                | 0       | 2       | 0          | 3          | 0          | 0          | 3       |
| <b>Monitor and support ongoing investigations to ensure timely completion.</b>                                  |         |         |            |            |            |            |         |
| Number of preliminary investigations opened based on tips to the hotline  | 0       | 0       | 0          | 0          | 0          | 0          | 0       |
| Number of complaints received   | 117     | 175     | 47         | 57         | 64         | 37         | 205     |
| Number of preliminary investigations converted to formal investigations   | 0       | 4       | 2          | 1          | 0          | 0          | 3       |
| Number of preliminary investigations dismissed  | 33      | 18      | 20         | 30         | 40         | 23         | 113     |
| Number of preliminary investigations opened based on information provided by means other than the hotline       | 80      | 144     | 30         | 30         | 31         | 22         | 113     |
| Number of preliminary investigations resolved with a negotiated disposition                                     | 2       | 7       | 1          | 2          | 5          | 2          | 10      |
| Number of formal investigations dismissed   | 2       | 1       | 8          | 0          | 0          | 0          | 8       |
| Number of formal investigations initiated on intake   | 3       | 12      | 0          | 1          | 1          | 0          | 2       |
| Number of formal investigations resolved after an evidentiary hearing   | 0       | 1       | 0          | 0          | 0          | 0          | 0       |
| Number of preliminary investigations resolved after an evidentiary hearing                                      | 2       | 0       | 2          | 0          | 4          | 1          | 7       |
| Number of formal investigations resolved with a negotiated disposition  | 1       | 18      | 0          | 0          | 0          | 0          | 0       |
| <b>Increase Training Sessions. Increase number of trainings available to District government employees.</b>     |         |         |            |            |            |            |         |
| Number of trainings conducted   | 57      | 62      | 11         | 17         | 9          | 9          | 46      |
| <b>Ensure that every request for advice or information is acknowledged within 24 hours of receipt.</b>          |         |         |            |            |            |            |         |
| Number of formal advisory opinions issued   | 0       | 2       | 0          | 3          | 0          | 1          | 4       |