

June 17, 2026

The Hon. Phil Mendelson, Chairman
Councilmembers
The Council of the District of Columbia
1350 Pennsylvania Avenue NW
Washington, DC 20004

Dear Councilmembers:

I write regarding the Fiscal Year 2027 Budget Support Act of 2026, Title VII, Section R, which changes the membership in the Board of Review for Anti-Deficiency Violations (BRAD-V) to ask that you amend the provision to stipulate that the District of Columbia Auditor serves as a statutory member.

This is a change I have been advocating for some time. The Board includes the Inspector General or a designee and that position serves the Executive Branch as its chief accountability official. The position I now hold serves as the chief accountability officer for the legislative branch. Our law generally provides parity between the two positions.

The change drafted in the Committee of the Whole print of the Budget Support Act adds a second Council representative and the Office of the Attorney General to the membership and makes a Council designee the Board's chairman. This could be amended in several ways: to state that the Council, the CFO, or the Mayor has a single representative, or to delete the addition of the OAG.

Apart from my testimony on ODCA serving on BRAD-V, I am not aware of the Council holding a hearing on this provision. It is worth noting that the OAG already has a role; D.C. Code § 47-355.07(d-1) states:

- (1) The Review Board shall conduct an investigation upon receipt of a report of an alleged violation.
- (2) In investigating a report of an alleged violation, the Review Board may:
 - (A) Request assistance from the Office of the Chief Financial Officer, the Office of the Inspector General, and the Office of the Attorney General; and
 - B) Consult with the Office of the Attorney General for the purposes of obtaining legal advice.

Because OAG is directed to be available for legal advice it could be argued that there is an inherent conflict with the office serving as a voting member.

As to the Board's important function, ODCA has been providing oversight of the District's financial operations with a particular emphasis on finances since the pandemic, as the District experiences revenue challenges. In fact, one of our recent reports is the subject of an upcoming meeting of the Board.

ODCA's role outlined in the Home Rule Charter is such that it would appear a significant oversight that the office was not previously made a statutory member.

Also, like any other member, the D.C. Auditor or designee would not be permitted to participate in the resolution of a matter when there is a conflict, including having participated in the events material to the inquiry from a non-neutral perspective, under 1 DCMR 1105.1.

I respectfully ask that you amend the BSA provision as described. I am happy to provide any additional information that might be useful.

Thank you.

Sincerely yours,

A handwritten signature in blue ink that reads "Kathleen Patterson". The signature is written in a cursive, flowing style.

Kathleen Patterson
District of Columbia Auditor

cc: The Hon. Brian Schwalb, Attorney General