

RESOLUTION TO PREFER CHARGES AND APPOINT A FACT-FINDING COMMITTEE REGARDING THE CONDUCT OF THE CHAIRPERSON AT AND FOLLOWING THE APRIL 15, 2026 REGULAR MEETING

WHEREAS, Advisory Neighborhood Commission 2A ("the Commission") is governed by the Advisory Neighborhood Commissions Act of 1975, D.C. Official Code § 1-309.01 *et seq.* ("the ANC Act"), the Commission's Bylaws, and, where not otherwise provided, the current edition of *Robert's Rules of Order Newly Revised* ("RONR"), pursuant to D.C. Official Code § 1-309.11(e)(3); and

WHEREAS, the Office of the Attorney General for the District of Columbia ("OAG") has advised this Commission that censure operates according to Robert's Rules; that conduct that just took place in a meeting "should be resolved in that meeting"; and that when censure is for conduct that did not just take place in a meeting, charges must be preferred and a formal trial held before the Commission or before a standing or special committee, which is then required to report its findings and recommendations to the Commission for action (RONR § 61:22; Letter from OAG to Commissioner Patel, Re: Process for Censuring or Removing an ANC Officer, Aug. 31, 2021 (AL-21-568)); and

WHEREAS, the accused Commissioner is entitled to due process as described in RONR § 63:5 — namely, to be informed of the charges, to be given time to prepare a defense, to appear and present that defense, and to be fairly treated throughout; and

Conduct at the April 15, 2026 Regular Meeting

WHEREAS, at the Commission's regular meeting on April 15, 2026, Commissioner Malec, the duly elected Commissioner representing Single Member District 2A08, rose and sought recognition from the Chairperson to raise a Point of Order pursuant to RONR § 23; and

WHEREAS, the Chairperson, Commissioner Trupti Patel, refused to recognize Commissioner Malec and did not permit the Point of Order to be stated; and

WHEREAS, during the same April 15, 2026 meeting, the Chairperson recognized a Point of Order raised by Commissioner Comer pertaining to the same matter, and permitted that Point of Order to be stated; and

WHEREAS, the disparate treatment of the two Points of Order, if not justified by a principled parliamentary distinction between them, may bear on whether the Chairperson's handling of Commissioner Malec's Point of Order was an appropriate exercise of the Chair's discretion under RONR or a breach of the Chair's duty to preside impartially; and

WHEREAS, under RONR § 23, a Point of Order is an incidental motion that takes precedence over the pending question, may be raised even when another member has the floor, and calls

upon the chair for a ruling, such that the chair's discretion is to rule the point well taken or not well taken once it has been stated — not to decline to entertain it; and

Statements at the April 28, 2026 Special Meeting

WHEREAS, at a special meeting of the Commission held on April 28, 2026, the Chairperson stated that she had not heard Commissioner Malec's Point of Order at the April 15, 2026 regular meeting and that, had she heard it, she would have recognized Commissioner Malec; and

WHEREAS, the transcript of the April 15, 2026 regular meeting reflects that the Chairperson verbally declined to recognize Commissioner Malec at least twelve times, in direct and immediate response to Commissioner Malec's repeated statements of "Point of order"; and

WHEREAS, the Chairperson's April 28, 2026 statement cannot be reconciled with the official record of the April 15, 2026 meeting, and whether that statement constituted a misrepresentation of fact to the Commission concerning the Chairperson's own conduct as presiding officer is a question requiring fact-finding and an opportunity for the Chairperson to respond; and

Failure to Schedule the Special Meeting Required by D.C. Official Code § 1-309.11(e)(2)

WHEREAS, D.C. Official Code § 1-309.11(e)(2)(A) provides that "[r]emoval of any officer shall be undertaken at a special Commission meeting," and § 1-309.11(e)(2)(B) provides that such a meeting "shall be called if at least one-half of the elected Commissioners request in writing that the Chairperson take such action," and that "[a]fter the request is made, the Chairperson shall schedule the meeting to take place within 30 days of receipt of the request"; and

WHEREAS, the OAG advised Commissioner Patel by letter dated August 31, 2021 that upon such a written request the Chairperson "is required to call" the officer-removal meeting and must schedule it to take place within 30 days of receipt (Aug. 31, 2021 OAG Letter at 3), and advised Commissioner Patel again by letter dated April 13, 2023 that the word "shall" in D.C. Official Code § 1-309.11(e)(2)(B) is mandatory and that the Chairperson "cannot refuse to call a meeting" upon the written request of at least one-half of the elected Commissioners (Letter from OAG to Commissioner Patel, Re: Removal of ANC Chairperson, Apr. 13, 2023 (AL-23-273)); and

WHEREAS, on May 13, 2026, following the April 28, 2026 special meeting, four Commissioners — constituting at least one-half of the Commission's elected Commissioners as of that date — signed and delivered to the Chairperson a single combined written request for a special Commission meeting to consider the removal of the Chairperson pursuant to D.C. Official Code § 1-309.11(e)(2), a form of request the OAG has confirmed is permissible (Apr. 13, 2023 OAG Letter at n.7); and

WHEREAS, more than 30 days have elapsed since the Chairperson's receipt of that written request, and the Chairperson has neither scheduled nor convened the requested special meeting within the period required by § 1-309.11(e)(2)(B); and

WHEREAS, whether the Chairperson's failure to schedule the requested special meeting within the statutory period constituted a violation of the ANC Act and a dereliction of the duties of the office of Chairperson is a question requiring fact-finding and an opportunity for the Chairperson to respond; and

Procedural Framework

WHEREAS, the question of whether any of the conduct described above constituted a breach of the Commission's rules or of applicable law sufficient to warrant discipline is a factual and procedural question that requires fact-finding and the opportunity for the Chairperson to respond; and

WHEREAS, because the conduct at issue either was not addressed through disciplinary action at the meeting at which it occurred or occurred outside of any meeting of the Commission, the in-meeting disciplinary procedures described in RONR §§ 61:10–61:15 are not available, and the matter may proceed, if at all, only through the formal process described in RONR §§ 63:7–63:37; and

NOW, THEREFORE, BE IT RESOLVED that Advisory Neighborhood Commission 2A hereby prefers the following charges against Chairperson Trupti Patel for fact-finding and report:

CHARGE ONE. That on April 15, 2026, during the regular meeting of Advisory Neighborhood Commission 2A, the Chairperson declined to recognize Commissioner Malec and did not permit Commissioner Malec to state a Point of Order, while during the same meeting the Chairperson recognized and permitted a Point of Order raised by Commissioner Comer, and that this conduct, considered together, may have constituted a breach of the Commission's parliamentary rules under RONR and of the Chair's duty to preside impartially.

CHARGE TWO. That on April 28, 2026, at a special meeting of the Commission, the Chairperson stated that she had not heard Commissioner Malec's Point of Order at the April 15, 2026 regular meeting and that she would have recognized Commissioner Malec had she heard it; that this statement is contradicted by the official record of the April 15, 2026 meeting, which reflects that the Chairperson verbally refused to recognize Commissioner Malec at least twelve times in direct response to the Point of Order; and that the statement may therefore have constituted a misrepresentation of fact to the Commission concerning the Chairperson's own conduct as presiding officer.

CHARGE THREE. That on May 13, 2026, at least one-half of the elected Commissioners of the Commission delivered to the Chairperson a written request

for a special Commission meeting to consider the removal of the Chairperson pursuant to D.C. Official Code § 1-309.11(e)(2); that the Chairperson failed to schedule the requested special meeting to take place within 30 days of receipt of the request, as § 1-309.11(e)(2)(B) requires; and that this failure may have constituted a violation of the ANC Act and a dereliction of the duties of the office of Chairperson, particularly in light of the OAG's written advice to the Chairperson of August 31, 2021 and April 13, 2023 that the duty to call and schedule such a meeting is mandatory.

BE IT FURTHER RESOLVED that the Commission establishes a Special Committee on Fact-Finding (the "Committee"), composed of 3 Commissioners, to be appointed by the Commission at its next regular meeting, to investigate the charges stated above;

BE IT FURTHER RESOLVED that, consistent with RONR's rule that a presiding officer should relinquish the chair during consideration of any question concerning the presiding officer alone (see RONR § 62:10), and with the principle reflected in D.C. Official Code § 1-309.11(e)(2)(C), Chairperson Patel shall relinquish the chair and shall not preside over any portion of the Commission's proceedings concerning these charges, and the presiding officer for those portions shall be determined in accordance with RONR and applicable law;

BE IT FURTHER RESOLVED that the Committee shall:

1. Promptly provide Chairperson Patel with written notice of the charges stated above and of her rights under RONR § 63:5, including her right to be informed of the charges, to be given reasonable time to prepare a defense, to appear and present that defense, and to be fairly treated throughout the process;
2. Review the audio, video, minutes, transcript, and any other official record of the April 15, 2026 regular meeting and the April 28, 2026 special meeting, including the circumstances surrounding both Points of Order referenced in Charge One and the statements referenced in Charge Two;
3. Review the written request referenced in Charge Three, evidence of its delivery to and receipt by the Chairperson, and any response by or communications from the Chairperson concerning the scheduling of the requested special meeting; determine the number of elected Commissioners serving as of the date of receipt and whether the request was made by at least one-half of them; and determine whether a special meeting was scheduled to take place within 30 days of receipt as required by D.C. Official Code § 1-309.11(e)(2)(B);
4. Afford Chairperson Patel a reasonable opportunity to respond to each charge, to present evidence and witnesses, and to be heard by the Committee;
5. Afford Commissioner Malec, the signatories to the written request referenced in Charge Three, and any other Commissioner with relevant knowledge a reasonable opportunity to be heard by the Committee;
6. Consider, as to each charge, whether the Chairperson's conduct was within the discretion afforded to the Chair under RONR and applicable law, or whether it constituted a breach of the Commission's rules or of the ANC Act, and whether any such

breach rises to the level warranting discipline — including by evaluating whether any principled parliamentary distinction justified the different treatment of the two Points of Order raised during the April 15, 2026 meeting, and whether the April 28, 2026 statement can be reconciled with the official record of the April 15, 2026 meeting;

7. Conduct its proceedings in a manner consistent with D.C. Official Code § 1-309.11(g) and RONR §§ 63:7–63:37, closing portions of its meetings only as permitted by § 1-309.11(g) for the discussion of personnel or legal matters; and
8. Report its findings and recommendations, in writing, to the Commission no later than 210 days after the adoption of this resolution, at which time the Commission shall consider what action, if any, to take.

BE IT FURTHER RESOLVED that this resolution and the proceedings hereunder are without prejudice to, and shall not delay or substitute for, the special Commission meeting required by D.C. Official Code § 1-309.11(e)(2), which remains a mandatory statutory obligation independent of these proceedings;