

Frederick County Ethics Commission
Minutes for the Public Meeting of Tuesday, April 11, 2006

Present: G. Anthony Crook, Chairman
Phillip P. Killam, Commission Member
Andrew T. Jones, Commission Member
Ronald W. Peppe, Alternate Commission Member
Linda B. Thall, Assistant County Attorney

The Frederick County Ethics Commission met at 7:00 p.m. on April 11, 2006, at the Office of the County Attorney on the 3rd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

MOTION: Mr. Jones made a motion to open the meeting. Mr. Killam seconded the motion, which was approved unanimously.

Unfinished Business

Approval of the minutes – The Commission considered the minutes from its January 3, 2006, meeting.

MOTION: Mr. Killam made a motion to approve the minutes. Mr. Jones seconded the motion, which was approved unanimously.

Standard Operating Procedures – The Commission members discussed the comments received from the public and from County officials on the proposed revisions to the Commission's Standard Operating Procedures. In addition, the Commission discussed the manner in which it would respond to the comments. The Commission then considered amendments to the draft Procedures and asked the Assistant County Attorney to prepare a revised final draft of the Procedures. This draft will be e-mailed to the Commission members for review prior to adoption.

New Business

Request for an Advisory Opinion – Two members of the Board of County Commissioners submitted a request to the Ethics Commission for an Advisory Opinion in response to an allegation that they had possibly misused their authority as County Commissioners in sending a letter to a State official asking for State intervention in a matter pending before the Board. The Commission members discussed the applicability of the Ethics Ordinance to the facts presented in the request for an opinion.

MOTION: Mr. Jones moved to have the Commission issue an Advisory Opinion concluding that the allegations and facts contained in the opinion request and

attachments did not state a violation of the County's Ethics Ordinance and that allegations about the propriety of the two Commissioners sending the letter to the State official did not fall within the jurisdiction of the Ethics Commission. Mr. Killam seconded the motion, which was approved unanimously.

New Advisory Opinion for County officials and employees – Prior to the meeting, Mr. Crook provided the other Commission members with a draft Advisory Opinion that would update the information contained in Advisory Opinion 03-3 (Revised). The new Advisory Opinion includes the guidance provided by the State Ethics Commission with regard to interpretation of the phrase “a courtesy or ceremony extended to the office” as that phrase is used in the conflict of interest section of the Ethics Ordinance (Section 1-7.1-4(F)(5)). The Commission discussed whether to issue this Advisory Opinion.

MOTION: Mr. Killam moved to approve the new Advisory Opinion. Mr. Crook asked that a footnote be added to the Advisory Opinion to reference the State Ethics Commission opinion. Mr. Jones then seconded the motion, which was approved unanimously.

Discussion of recommendations for change to ethics ordinances – Mr. Crook suggested that the Commission send a letter to the State recommending that the State adopt a single ethics law, which would apply to all local governmental entities in Maryland, but allow for initial enforcement at the local level. This would overcome the problem presented by the need to determine the County's continued compliance with the current requirement in the State Ethics Law that local ethics ordinances be similar to the State law. The need for reassessment exists because of the decision issued by the Court of Appeals in *Seipp v. Baltimore City Board of Elections*. Mr. Killam asked that the recommendation include a request to have the Chair of each local Ethics Commission, or designee, either sit with the State Ethics Commission or receive training from the State on the Ethics Law. Mr. Crook recommended that the letter be sent to the State Ethics Commission, with copies to the Frederick County members of the State Senate and the General Assembly, and possibly to the press.

MOTION: Mr. Killam moved to have a letter prepared in accordance with the above discussion. Mr. Jones seconded the motion, which was approved unanimously.

Adjournment

MOTION: Mr. Killam moved to adjourn the meeting. Mr. Jones seconded the motion, which was approved unanimously.

The Ethics Commission adjourned its meeting at 9:05 p.m.

/s/

Linda B. Thall, Assistant County Attorney