

Frederick County Ethics Commission
Minutes for the Public Meeting of Tuesday, January 3, 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 January 3, 2006, at the Office of the County Attorney on the 3rd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

MOTION: Mr. Killam made a motion to open the meeting. The motion was seconded by Mr. Jones and was approved unanimously.

Unfinished Business

Review of financial disclosure form – The Commission reviewed an additional financial disclosure form received since the Commission's last meeting.

Approval of the minutes – The Commission considered the minutes from its December 13, 2005, meeting.

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

Advisory Opinion 05-07 – Mr. Crook signed the Advisory Opinion after it was approved by the Commission.

Standard Operating Procedures revision – The Commission discussed the concerns raised by members of the Board of County Commissioners about the provision of due process in Commission proceedings and whether this concern applies to the issuance of Advisory Opinions. Mr. Crook noted that Advisory Opinions are different from formal enforcement proceedings under the Ethics Ordinance. The Commission decided not to change the process for handling Advisory Opinions, but requested that a description of Advisory Opinions be added to the Standard Operating Procedures along with a statement that Advisory Opinions are issued for the purpose of providing advice to County officials and employees on how to comply with the Ethics Ordinance. The new language should also indicate that Advisory Opinions are meant to serve as a learning tool to others and are distinguishable from formal enforcement action by the Ethics Commission. The Commission also discussed the process it would follow prior to adopting changes to the Standard Operating Procedures.

MOTION: Mr. Jones made a motion to have the Assistant County Attorney revise the Standard Operating Procedures as discussed. The revision should then be emailed to the Commission members for review and comment. After the Commission approves the changes, the proposed Standard Operating Procedures will be placed on the Commission's web site to solicit public comment. The Board of County Commissioners will also be notified that the proposed Standard Operating Procedures are available for review; the Board will be invited to provide any comments that it has on the proposed procedures. Mr. Killam seconded the motion, which was approved unanimously.

New Business

Consideration of the appropriate response to incorrect statements made by a government official – The Commission discussed whether it should respond to recent incorrect statements made by an official regarding prior Ethics Commission decisions.

MOTION: Mr. Jones made a motion to have the Commission respond to the misstatements only if directly questioned. If the Commission receives a question of this nature, it should reply as an entity, rather than on an individual basis. Mr. Killam seconded the motion, which was approved unanimously.

Adjournment

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

The Ethics Commission adjourned its meeting at 8:10 p.m.

/s/
Linda B. Thall, Assistant County Attorney