

Frederick County Ethics Commission
Minutes for the Public Meeting of Thursday, June 30, 2005

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

Absent: Andrew T. Jones, Alternate Commission Member

The Frederick County Ethics Commission met at 7:00 p.m. on June 30, 2005, at the Office of the County Attorney on the 3rd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Unfinished Business

Approval of the minutes – The Commission considered the minutes from its June 9, 2005, meeting. A revision to the minutes had been requested by Mr. Killam prior to the meeting and revised minutes were prepared to incorporate the revision.

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

Further discussion of Advisory Opinion 05-04 – The Commission met with Debbie Truelove, a member of the Commission for Women, to discuss Advisory Opinion 05-04. Ms. Truelove advised the Ethics Commission that individuals wishing to participate in the golf tournament would pay a fee to cover the cost of their participation. The Commission for Women would also solicit tournament sponsorships from business and governmental organizations. The Ethics Commission agreed that having individuals pay a fee would not constitute a solicitation of a gift under the conflict of interest provisions of the Ethics Ordinance. The Commission for Women could also accept donations from individuals provided that the donations were unsolicited. Mr. Killam asked Ms. Truelove to confirm in a written waiver request this understanding regarding the financial aspects of the tournament.

New Business

Request for guidance on outside employment – The Commission met with a County employee who submitted a written request for guidance regarding the employee's interest in becoming a self-employed consultant on a part-time basis. The employee would be one of three partners in the consulting business formed. The Commission obtained information about whether the clients might be located in Frederick County or do business in Frederick County and the other two individuals who would be members of the consulting business.

MOTION: Mr. Crook moved to have the Assistant County Attorney draft a response to the employee in the form of an advisory opinion stating that the proposed consulting partnership, as presented in the written request together with the additional information provided at the meeting, would not be allowed under the Ethics Ordinance. Mr. Killam seconded the motion, which was approved unanimously.

Distribution of financial disclosure forms – The Assistant County Attorney distributed the financial disclosure forms to the members of the Commission in attendance at the meeting. The Commission members were also advised that the forms were distributed to those employees and officials subject to the financial disclosure requirement.

Discussion of letter from the County Attorney – The Commission members reviewed a copy of a letter from the County Attorney to an individual who had been involved in a matter before the Planning Commission earlier this year. The individual had asked the County Attorney to inform the Commission of the individual's desire to have the Commission consider a change in Section 1-7.1-4(H) of the Ethics Ordinance to include a ban on the intentional use of the prestige of one's office "to cause personal or professional harm to another." The County Attorney copied the Ethics Commission on his response to the individual in order to alert the Commission to this request.

MOTION: Mr. Crook made a motion to have the Assistant County Attorney research the State Ethics Law to determine whether that law includes language similar to that suggested by the individual. In the event that the State law does not have this language, a response will be sent to the individual noting this fact. If the State law does have a similar provision, a response will be sent to the individual stating that the Commission will forward his request to the Board of County Commissioners for their consideration. Mr. Killam seconded the motion, which was approved unanimously.

Discussion of complaint letter – Mr. Peppe received a letter questioning the appointment of an official of the Frederick County Public Schools to the Board of Directors of another entity that does business with the Board of Education. The Commission discussed the letter and asked the Assistant County Attorney to draft a letter advising the sender of the letter that the matter was outside of the Commission's jurisdiction. The Commission also asked the Assistant County Attorney to forward the complaint to the President of the Board of Education and to that Board's Ethics Panel for whatever action is deemed appropriate.

Adjournment

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

The Ethics Commission adjourned its meeting at 8:30 p.m.

- /s/

Linda B. Thall, Assistant County Attorney