

Frederick County Ethics Commission
Minutes for the Public Meeting of Monday, October 4, 2004

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

Absent: G. Anthony Crook, Commission Member
 Andrew T. Jones, Alternate Commission Member

The Frederick County Ethics Commission met at 7:05 p.m. on October 4, 2004, 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 September 7, 2004, meeting.

MOTION: Mr. Killam moved to approve the minutes. Mr. Peppe seconded the motion, which was approved unanimously.

New Business

Request for advisory opinion – The Commission discussed a County Commissioner's request for an advisory opinion. The County Commissioner is a member of the Board of Directors for a non-profit organization in Frederick County. The questions presented to the Ethics Commission were (1) whether inclusion of the County Commissioner's name on a brochure would violate the Ethics Ordinance, (2) whether use of the County Commissioner's name in other publications or on the organization's website would violate the Ethics Ordinance, and (3) if a sponsor of the non-profit organization has business before the Board of County Commissioners, whether the County Commissioner would be precluded from voting on issues involving that sponsor.

MOTION: Mr. Killam moved to issue an advisory opinion stating that the Commissioner could be on the Board of Directors of the non-profit organization, but could not serve as an officer of the organization; that the Commissioner's title could not be used in the organization's publications or communications; and that the Commissioner could not vote on matters involving the facility where the non-profit organization is located, matters involving the non-profit organization, or matters involving anyone who contributes to the non-profit organization. Mr. Killam's motion included sending a similar advisory opinion to a County

employee who is also on the Board of Directors of the same non-profit organization, advising the County employee of the above restrictions and including the directive that the employee could not serve as an officer of the non-profit organization. Mr. Peppe seconded the motion, which was approved unanimously.

Unfinished Business

Discussion of a complaint – The Ethics Commission discussed the letter from an individual who is the subject of a complaint. The Commission members asked the Assistant County Attorney to contact three additional individuals who may have relevant information to appear before the Commission. One of these individuals, who does not live in Maryland, will be given the opportunity to provide a notarized statement in lieu of attending the Ethics Commission meeting. The meeting with the person who is the subject of the complaint will not be scheduled until after the Commission meets with these other individuals. The subject of the complaint will also be asked to identify any persons he would like to have meet with the Commission.

Adjournment

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

The Ethics Commission adjourned its meeting at 8:05 p.m.

/s/

Linda B. Thall, Assistant County Attorney