

Frederick County Ethics Commission
Minutes for the Public Meeting of Monday, July 26, 2004

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

The Frederick County Ethics Commission met at 7:00 p.m. on July 26, 2004, at the Office of the County Attorney on the 3rd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Agenda briefing: The Assistant County Attorney briefed the Commission on the agenda for this meeting and on the requirements of the State Open Meetings Act.

Unfinished Business

Approval of the minutes – The Commission considered the minutes from its April 26, 2004, meeting.

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

Update on Commission website – The Assistant County Attorney advised the Commission that its website was almost complete. The sole remaining item is approval of an e-mail address for the Commission. These e-mail messages would go to the Assistant County Attorney representing the Commission, who would then forward all messages to the Commission Chairman.

MOTION: Mr. Crook moved to approve the creation of an e-mail address for the Ethics Commission, with the understanding that messages sent to this address would go to the Assistant County Attorney to be forwarded to the Commission Chairman. A simple address should be used, if possible. The motion was seconded by Mr. Killam and was approved unanimously.

Response to request for information on insurance coverage – The Commission members received a copy of the County Attorney's responding memorandum prior to this meeting. The Commission members discussed the information contained in the memorandum. Mr. Jones asked the Assistant County Attorney to clarify, after consultation with the County Attorney, the distinction between the terms "within the scope of employment" and "exceeding its authority".

Update on request for secretarial assistance at Commission meetings – The Assistant County Attorney advised the Commission that no additional funding had been approved for additional secretarial assistance. The County Attorney, however, is currently reviewing other options to provide the assistance requested.

New Business

Consideration of unsigned complaints – Prior to its meeting, the Commission Chairman and the Assistant County Attorney received similar unsigned letters regarding the conduct of an elected official who is subject to the County's Ethics Ordinance. The Commission discussed whether it should accept complaints when they are made anonymously. The Assistant County Attorney noted that the Commission's Standard Operating Procedures requires that complaints be made in writing and signed by the complainant with an address and telephone number. Mr. Killam was opposed to considering unsigned complaints, as they allow persons with grudges against someone to file complaints. Mr. Jones also expressed concern, citing the need to be able to follow up on the complaint and ask questions. Mr. Peppe was concerned about the damage that could be done to the reputation of the person who was the subject of the complaint. Mr. Crook stated that there could be legitimate reasons for someone's wanting to file an anonymous complaint and that the Commission should look at all of the circumstances, such as the level of detail provided in the complaint and whether the complaint was clearly frivolous.

Mr. Jones asked whether the State Ethics Commission accepts anonymous complaints and suggested that the Commission's website state the requirements for filing a complaint. Mr. Crook also favored finding out how the State handles such complaints, including whether anonymous complaints are allowed, whether assurances of confidentiality are made, and, if there is a requirement that complaints be signed, what other information is required (signature, telephone number, etc.). He suggested that the Commission determine what was the best practice.

MOTION: Mr. Crook made a motion to direct the Assistant County Attorney to find out the practices followed by the State Ethics Commission and the Ethics Commissions of Carroll County, Howard County, and Montgomery County. Mr. Killam seconded the motion. Mr. Peppe abstained from voting. The motion was approved unanimously, with Mr. Jones voting.

The Commission decided to defer a decision until the requested information is received.

Revision of the financial disclosure requirement – Prior to the meeting, Mr. Crook circulated a suggestion to consider an amendment to the Ethics Ordinance to broaden the scope of the reporting requirement to include at least the employee's spouse. Mr. Crook stated that the reporting requirements in Section 1-7.1-5 should be consistent with the disclosure requirements in Section 1-7.1-4 of the Ethics Ordinance.

MOTION: Mr. Crook made a motion to have the Assistant County Attorney draft a recommendation to the Board of County Commissioners that the Ethics

Ordinance be amended to expand the disclosure requirements to family members, as described in Section 1-7.1-4. Mr. Killan seconded the motion, which was approved unanimously.

Distribution of financial disclosure statements to new employees – The Assistant County Attorney advised the Commission that the Office of the County Attorney was monitoring the hiring of new employees and providing the employees, when appropriate, with new employee financial disclosure statements. The Ethics Ordinance requires that new employees who are subject to the annual financial disclosure requirement are required to file a modified version of the financial disclosure statement within 30 days of hire.

Distribution of annual financial disclosure statements – The forms have been distributed to all employees who are required to file annual financial disclosure statements.

Changes to the Ethics Ordinance – The Assistant County Attorney asked the Commission whether it wished to recommend changes to update the financial disclosure provisions of the Ethics Ordinance. The Ethics Ordinance, for example, identifies the County Treasurer as an elected official, which is no longer the case. There are also inconsistencies in application of the disclosure requirement to County inspectors; the requirement varies depending on the grade level of the inspector and the division or department in which the inspector works.

MOTION: Mr. Killam made a motion to have the Commission seek input from the division directors as to which inspectors they believe should be required to file financial disclosure statements and what impact a change in the current requirement would have on their divisions. Mr. Crook seconded the motion, which was approved unanimously.

The public meeting was concluded at approximately 8:05 p.m.

/s/
Linda B. Thall, Assistant County Attorney