

Frederick County Ethics Commission
Minutes for the Public Meeting of Thursday, September 4, 2008

Present: Andrew T. Jones, Chairman
Karl W. Bickel, Commission Member
Paula C. Bell, Commission Member
E. Donald Foster, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

The Frederick County Ethics Commission met at 7:00 p.m. on September 4, 2008, at the Office of the County Attorney on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Unfinished Business

Approval of the minutes – The Commission considered the minutes from its August 18, 2008, meeting. Before the meeting, the draft minutes were circulated to the members.

MOTION: Ms. Bell made a motion to approve the minutes as revised. Mr. Bickel seconded the motion, which was approved unanimously.

Public Ethics Law summary report – Mr. Jones suggested that the report be revised to explain the process that the County Manager's Office follows when there appear to be multiple recipients of an ex parte communication and not all of the recipients have provided notice of receipt of the communication. He further suggested that the County Manager's Office consider adding language to the report to explain the results of this process in cases where it appears that an official may not have disclosed an ex parte communication. The Commission agreed and directed the Senior Assistant County Attorney to convey these suggestions to the Ethics Compliance Administrator.

Request for an Advisory Opinion – The Commission discussed a request for an Advisory Opinion that it received from a member of a County Board. Prior to the meeting, the Board member provided additional information regarding the request to the Commission. The Commission discussed the request in light of its past decisions on similar requests.

MOTION: Mr. Jones made a motion to direct the Senior Assistant County Attorney to send an e-mail to the Board member indicating that the Commission believed that it was permissible under the Ethics Ordinance to serve as an advisor to a citizens group, provided that there was no reference in materials published by the group to the Board member's title or position with the County. Mr. Foster seconded the motion, which was approved unanimously.

Request for an investigation – At its August 18, 2008, meeting, the Commission considered a request made by a member of the Board of County Commissioners for an investigation into

charges of unethical conduct on his part. After the August 18 meeting, the County Commissioner notified the Ethics Commission that he wished to have the Commission investigate two additional related charges made by other individuals. Documentation regarding the additional charges was provided to the Commission in advance of its meeting. Mr. Jones suggested that the Commission issue a single opinion addressing all three of the County Commissioner's requests, finding that the allegations did not state a violation of the Ethics Ordinance. The other Commission members agreed with this suggestion and directed the Senior Assistant County Attorney to prepare an Advisory Opinion for the Commission's review.

Recommendations for change to the Ethics Ordinance – Before the meeting, the Commission members received additional information regarding the requirement in the Ethics Ordinance for the annual filing of financial disclosure statements.

MOTION: Mr. Jones made a motion to have the Commission recommend to the Board of County Commissioners that the threshold for employees being required to submit annual financial disclosure forms be changed from grade 15 to grade 14. Mr. Bickel seconded the motion, which was approved unanimously.

The Commission also discussed changes in the filing requirements as they pertain to members of Boards and Commissions and changes that would reflect the current organizational structure of the County Government. A question was also raised regarding applicability of the filing requirement for employees holding higher grade positions on an acting basis. Mr. Bickel suggested that all members of Boards and Commissions be required to file annual financial disclosure statements, as a matter of good government and to reinforce the need for Board and Commission members to be aware of the Ethics Ordinance's provisions. The Commission agreed with this recommendation and directed the Senior Assistant County Attorney to prepare a request for amendment of the Ethics Ordinance to the Board of County Commissioners.

New Business

Letter from Delegate Clagett – The Commission discussed a letter sent to Mr. Jones by Delegate Galen Clagett regarding an Opinion issued by the Commission. The Commission members directed the Senior Assistant County Attorney to draft a response to the letter. The response will include reference to the steps taken during the Commission's investigation and the findings of the Commission, as contained in the Opinion.

2008 financial disclosure forms – The Commission members reviewed and approved the print financial disclosure forms that have been received.

Adjournment

MOTION: Mr. Foster moved to adjourn the meeting. Ms. Bell seconded the motion, which was approved unanimously.

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

/s/
Linda B. Thall, Senior Assistant County Attorney