

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, March 11, 2009

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 March 11, 2009, at the Office of the County Attorney on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Approval of the minutes – The Commission considered the minutes from its October 17, 2008, meeting. A draft of the minutes was circulated to the members before the meeting.

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

2008 Financial Disclosure Statements – At the October 17, 2008, meeting, a disk containing the 2008 annual financial disclosure statements from employees and officials who filed their disclosure statements electronically was provided to each Commission member. Mr. Jones and Mr. Foster approved the disclosure statements prior to the meeting. Mr. Bickel and Ms. Bell stated that they had reviewed the disclosure forms and also approved them. Ms. Bell returned the disk containing the financial disclosure statements.

Update on amendment of the Lobbying Ordinance – The Senior Assistant County Attorney advised the Commission that the Board of County Commissioners held a work session on March 3, 2009, on the two amendments to the Lobbying Ordinance recommended by the Commission. At the work session, the Board of County Commissioners stated that it agreed with the Ethics Commission's interpretation that registration would be required if a lobbyist had an in-person meeting with a single County official, assuming that the other requirements in the Ordinance requiring registration were also met. The Board determined, however, that an amendment of the Ordinance was not required. The Board also voted at the work session to take the second recommended change, related to the reporting of compensation earned but not yet received, to a public hearing. The public hearing is scheduled for April 21, 2009.

Meeting with the Historic Preservation Commission – The Senior Assistant County Attorney advised the Commission that she attended a meeting of the Historic Preservation Commission on March 4, 2009, to discuss the Ethics Ordinance and its applicability to the members of that Commission.

Annual Public Ethics Law Report – The Senior Assistant County Attorney has been in touch with the County Manager’s Office regarding the timing of the next Public Ethics Law Report. The information requested has not been received. An update will be provided at the next meeting.

Revision of Advisory Opinion 08-03 – The Commission previously determined that this Advisory Opinion should be reviewed on an annual basis to decide whether revisions are warranted. In light of the recent revisions to the financial disclosure filing requirements in the Ethics Ordinance, the Commission asked the Senior Assistant County Attorney to draft a revised Advisory Opinion and circulate it to the Commission members for review.

Request for guidance regarding an appointment to a County Board or Commission – The Commission received and discussed a request from the Chair of a County Board or Commission who is considering a candidate for appointment to that Board or Commission. A question was raised as to whether the potential appointee would have a conflict of interest under the County’s Ethics Ordinance because his spouse is an elected member of another organization subject to the Board or Commission’s oversight responsibilities. Further discussion on this request was temporarily suspended in order to allow the Commission to meet with a complainant on another matter.

Meeting with a complainant – The discussion of the above topic was suspended due to the arrival of an individual who expressed a desire to make a complaint of a violation of the Ethics Ordinance against a County employee. The complainant and his wife were present for the discussion. Both individuals provided the Commission with information related to the substance of the complaint. After the complainant and his wife left the meeting, the Commission discussed the allegations and gave direction to the Senior Assistant County Attorney regarding additional documentation the Commission wanted to review. The Commission also directed the Senior Assistant County Attorney to schedule another meeting so that the Commission could meet with other persons having information related to the complaint. While recognizing that it has no authority to require the County agencies involved in matters related to the complaint to cease their activities while the ethics complaint is pending, the Ethics Commission decided to ask the agencies to voluntarily suspend their activities until such time as the Ethics Commission completes its review.

Request for guidance regarding an appointment to a County Board or Commission (resumed) –

The discussion of this request continued.

MOTION: Mr. Bickel made a motion for the Ethics Commission to take the position that the Ethics Ordinance did not preclude the appointment of this individual, but that he would be required to recuse himself from participation in any matters related to the organization with which his spouse is affiliated. If the spouse’s affiliation with the other organization ends, the appointee would no longer be required to recuse himself from consideration of matters related to that organization. Ms. Bell seconded the motion. The motion was approved by three

Commission members, with Mr. Foster having recused himself due to a potential conflict of interest.

Adjournment

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

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

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