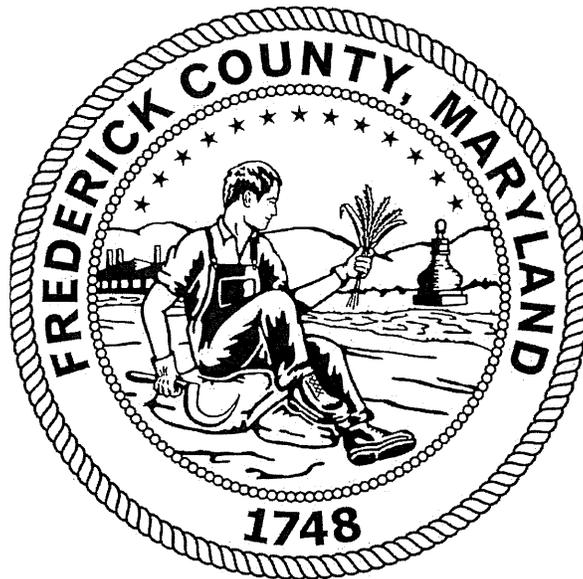


Administration of the
Frederick County Ethics Law
January 2017 – September 2018

Report to the Frederick County Executive
and the Frederick County Council



Frederick County Ethics Commission

September 28, 2018

Report on the Administration of the Frederick County Ethics Law

January 2017 – September 2018

As of October 1, 2018, State law will require the Frederick County Ethics Commission to submit an annual report to the County Executive and the County Council on the Ethics Commission's administration of the Ethics Law. This is the Ethics Commission's first annual report, which covers the work of the Ethics Commission from January 2017 through September 2018.

I. Meeting Dates

In 2017, the Ethics Commission met on the following dates:

- February 8, 2017
- July 12, 2017
- August 9, 2017
- October 11, 2017
- November 8, 2017
- December 13, 2017

To date, the Ethics Commission has met on the following dates in 2018:

- January 10, 2018
- February 14, 2018
- March 14, 2018
- May 9, 2018
- July 11, 2018
- August 8, 2018
- September 12, 2018

Copies of the meeting agendas and approved minutes for each meeting are included in Appendix A and B of this report, respectively. (The minutes from the September 12, 2018 meeting have not been approved as of the date of this report and are not included.) The Commission's agendas and meeting minutes are posted online.

II. Work of the Commission

A. Education and training of officials and employees

The Commission's primary focus during the reporting period has been on the need to better educate County officials, County employees and the public on the requirements of the Ethics Law. The Commission published an Ethics Education Brochure to provide basic information about the requirements of the Ethics Law and the responsibilities of the Ethics Commission. The brochure, which is available in print form in the Office of the County Attorney and online on the Ethics Commission's webpage, is found in Appendix C of this report.

The Commission has found that there is a need for more in-depth training of County officials and employees on the conflict of interest and financial disclosure provisions in the Ethics Law. The Commission is developing a recommendation to present to the County Executive to require mandatory training of officials and employees on a regular basis. Before making this recommendation, the Commission has worked to identify the types of training that would be the most useful for the County workforce, recognizing that different groups of employees may have different needs and that a variety of training methods, such as in-person training, web-based training, PowerPoint training or other forms of written training, may be necessary. The Commission reviewed training documentation provided by other Maryland jurisdictions and the Federal government. The Commission has also considered issues that need to be addressed if a mandatory training requirement for officials and employees is approved, such as the frequency of required training, the cost of the training and the extent to which a phased-in approach will be needed. The Commission expects to provide its recommendations to the County Executive, along with a proposed training document for the County Executive's consideration, before the end of this year.

B. Review of financial disclosure statements

Every year, the Commission reviews the financial disclosure statements filed by those County elected and appointed officials, employees and members of Boards and Commissions who are subject to the Ethics Law's filing requirements. The purpose of the Commission's review is to identify and address existing or potential conflicts of interest. In 2018, there were over 800 financial disclosure statements filed with the Ethics Commission.

C. Action on complaints

Only one complaint was filed during the period covered by this report. That complaint, which alleged a conflict of interest by a County official, was dismissed after the Commission found that the allegations in the complaint did not state a violation of the Ethics Law. More information on this complaint cannot be provided, as dismissed complaints are considered confidential.

D. Issuance of Advisory Opinions

The Ethics Commission issued three advisory opinions during the reporting period.

- Advisory Opinion No. 17-01 addressed potential conflicts of interest under the County's Ethics Law raised by a County employee who was a candidate for election to an Alderman position on a City Council located within Frederick County.
- Advisory Opinion No. 18-01 provided guidance to a County employee regarding the impact of the Ethics Law on the employee's proposed personal business venture and the employee's ability to market those services.
- Advisory Opinion No. 18-02 discussed the applicability of a new provision in the Public Ethics Law to a member of a local board who was running for election to State office and provided guidance on the member's ability to continue serving on that board.

Copies of these Advisory Opinions are provided in Appendix D.

Submitted by:

Stephen K. Hess, Chair
Ernest A. Heller, Vice-Chair
M. Shane Canfield, Member
Deidre R. Davidson, Member
Christopher D. Glass, Sr., Member
Deborah L. Lundahl, Member
Alan Shapiro, Member
Rev. Douglas P. Jones, Alternate Member

ETHICS COMMISSION

Public Meeting Agenda for February 8, 2017 (Revised on 2/8/17)

Meeting location: Winchester Room, 2nd Floor, Winchester Hall

Meeting Time: 7:00 PM

PUBLIC MEETING

- Ethics Commission nominating committee – selection of Commission representative
 - Two vacant positions as of July 1 (Brian Duncan and Steve Hess)
 - Need to designate someone to serve on the nominating committee (cannot be anyone who is applying for reappointment to the Ethics Commission)
- Distribution of Public Ethics Report
- Development of an annual training plan for officials and employees on the Ethics Law

2017 Meeting Dates:

March 8
April 12 (Linda out) – may need to reschedule
May 10
June 14
July 12
August 9
September 13
October 11
November 8
December 13

ETHICS COMMISSION

Public Meeting Agenda for July 12, 2017

Meeting location: Winchester Room, 2nd Floor, Winchester Hall

Meeting Time: 7:00 PM

PUBLIC MEETING

1. Introduction of new appointee (tentative)
2. Election of new Chair and Vice-Chair
3. Distribution of financial disclosure statements for review
4. Development of an annual training plan for officials and employees on the Ethics Law
 - Continued discussion from prior Commission meetings
 - Should community outreach efforts be included as part of this plan or as a separate community education plan?
 - Contact with the County Executive's Office - timing
5. Provide information regarding to changes to State Ethics Law relating to the Liquor Board and the Board's employees

Upcoming 2017 Meeting Dates:

August 9
September 13
October 11
November 8
December 13

ETHICS COMMISSION

Revised Public Meeting Agenda for August 9, 2017

Meeting location: Winchester Room, 2nd Floor, Winchester Hall

Meeting Time: 7:00 PM

PUBLIC MEETING

1. Approval of minutes from the July 12, 2017 meeting
2. Distribution of the Public Ethics Report for the reporting period January 1, 2017 through June 20, 2017
3. Discussion of financial disclosure statements
4. Continued discussion of a training plan for officials and employees on the Ethics Law
 - Distribution of brochure – Commission’s Standard Operating Procedures
5. Decision on recommendation of changes to the Ethics Law relating to the Liquor Board and the Board’s employees
 - Distribution of State financial disclosure form
6. Discussion of legislative package
7. Ethics Nominating Committee appointment

Upcoming 2017 Meeting Dates:

September 13
October 11
November 8
December 13

ETHICS COMMISSION

Revised Public Meeting Agenda for October 11, 2017

Meeting location: Winchester Room, 2nd Floor, Winchester Hall

Meeting Time: 7:00 PM

PUBLIC MEETING

1. Vote to hold an administrative function meeting to discuss a pending request for an advisory opinion with the person making the request – NOTE: The Ethics Commission may suspend the public meeting to conduct this administrative function meeting immediately after the vote is taken.
2. Approval of minutes from the August 9, 2017 meeting
3. Discussion of changes to the financial disclosure statements and deadlines for making changes and review of edits to the ethics brochure
4. Continued discussion of a training plan for officials and employees on the Ethics Law
5. Vote to hold an administrative function meeting to discuss a pending request for an advisory opinion and a pending complaint

Upcoming 2017 meeting dates:

November 8
December 13

Annual calendar items:

- February/March – discuss recommendations for the County Executive’s legislative package
- July – election of Chair and Vice-Chair
- September – Chair to sign annual certification to the State Ethics Commission
(due by October 1 each year)

ETHICS COMMISSION

Public Meeting Agenda for November 8, 2017

Meeting location: Winchester Room, 2nd Floor, Winchester Hall

Meeting Time: 7:00 PM

PUBLIC MEETING

1. Approval of minutes from the October 11, 2017 meeting
2. Discussion of changes to the financial disclosure statements
3. Review edits to the ethics brochure

Upcoming 2017 meeting date:

December 13

Annual calendar items:

- February/March – discuss recommendations for the County Executive’s legislative package
- July – election of Chair and Vice-Chair
- September – Chair to sign annual certification to the State Ethics Commission
(due by October 1 each year)

ETHICS COMMISSION

Public Meeting Agenda for December 13, 2017

Meeting location: Winchester Room, 2nd Floor, Winchester Hall
Meeting Time: 7:00 PM

PUBLIC MEETING

1. Approval of minutes from the November 8, 2017 meeting
 2. Discussion of changes to the financial disclosure forms
 3. Discussion of ethics brochure edits
 4. Discussion of on-line training on the Ethics Law for employees and officials
 5. Discussion of letter from Council Member Shreve and the Commission's response
 6. Update on additional information received regarding financial disclosure questions
 7. Discussion of 2018 meeting dates
 8. Vote to hold an administrative function meeting to discuss a pending request from a County employee for an advisory opinion
-

Upcoming 2018 meeting dates:

January 10
February 14 (reschedule?)
March 14
April 11 (Shane unable to attend)
May 9
June 13 (Linda is out from June 4 through June 19)
July 11
August 8
September 12
October 10
November 14 (Shane unable to attend)
December 12

Annual calendar items:

- February/March – discuss recommendations for the County Executive's legislative package
- July – election of Chair and Vice-Chair
- September – Chair must sign an annual certification to the State Ethics Commission (due by October 1 each year)

ETHICS COMMISSION

Amended Public Meeting Agenda for January 10, 2018

Meeting location: Winchester Room, 2nd Floor, Winchester Hall
Meeting Time: 7:00 PM

PUBLIC MEETING

1. Approval of minutes from the December 13, 2017 meeting
 2. Approval of revised financial disclosure forms
 3. Discussion and approval of ethics brochure edits, including the changes suggested by Mr. Shapiro
 4. Vote to hold an administrative function meeting to discuss a pending request from a County employee for an advisory opinion
-

Upcoming 2018 meeting dates:

February 14
March 14
April 11 (Shane unable to attend)
May 9
June 13 (Linda is out from June 4 through June 19)
July 11
August 8
September 12
October 10
November 14 (Shane unable to attend)
December 12

Annual calendar items:

- February/March – discuss recommendations for the County Executive’s legislative package
- July – election of Chair and Vice-Chair
- September – Chair must sign an annual certification to the State Ethics Commission (due by October 1 each year)

ETHICS COMMISSION

Public Meeting Agenda for February 14, 2018

New Meeting location: Third Floor Meeting Room, Winchester Hall
Meeting Time: 7:00 PM

PUBLIC MEETING

1. Approval of the minutes from the January 10, 2018 meeting
2. Status updates on old items
 - Conflict of interest created by an employee's acceptance of a gift
 - Request to an employee for a conflict of interest avoidance plan
 - Ethics brochure
 - Training plan
3. Distribution of Public Ethics Report for 7/1/17 through 12/31/17
4. Identification of possible recommendations to the County Executive for inclusion in her 2019 legislative session package

Upcoming 2018 meeting dates:

March 14
April 11 (Shane unable to attend)
May 9
June 13 (Linda is out from June 4 through June 19)
July 11
August 8
September 12
October 10
November 14 (Shane unable to attend)
December 12

Annual calendar items:

- February/March – discuss recommendations for the County Executive's legislative package
- July – election of Chair and Vice-Chair
- September – Chair must sign an annual certification to the State Ethics Commission (due by October 1 each year)

ETHICS COMMISSION

Public Meeting Agenda for March 14, 2018

Meeting location: Third Floor Meeting Room, Winchester Hall
Meeting Time: 7:00 PM

PUBLIC MEETING

1. Approval of the minutes from the February 14, 2018 meeting
2. Presentation and discussion of training plan options
3. Discussion of possible recommendations to the County Executive for amendment of the County Ethics Law or the Public Ethics Law

Upcoming 2018 meeting dates:

April 11 (Shane unable to attend)
May 9
June 13 (Linda is out from June 4 through June 19)
July 11
August 8
September 12
October 10
November 14 (Shane unable to attend)
December 12

Annual calendar items:

- February/March – discuss recommendations for the County Executive’s legislative package
- July – election of Chair and Vice-Chair
- September – Chair must sign an annual certification to the State Ethics Commission (due by October 1 each year)

ETHICS COMMISSION

Public Meeting Agenda for May 9, 2018

Meeting location: Third Floor Meeting Room, Winchester Hall
Meeting Time: 7:00 PM

PUBLIC MEETING

1. Approval of the revised minutes from the March 14, 2018 meeting
2. Training plan – discussion of training options and ethics brochure
3. Decision: Will the Board meet in June?

Upcoming 2018 meeting dates:

June 13 (Linda is out from June 4 through June 19)
July 11
August 8
September 12
October 10
November 14 (Shane unable to attend)
December 12

Annual calendar items:

- February/March – discuss recommendations for the County Executive’s legislative package
- July – election of Chair and Vice-Chair
- September – Chair must sign an annual certification to the State Ethics Commission (due by October 1 each year)

ETHICS COMMISSION

Public Meeting Agenda for July 11, 2018

Meeting location: Winchester Room, 2nd floor, Winchester Hall

Meeting Time: 7:00 PM

PUBLIC MEETING

1. Introduction of new Alternate Member
2. Election of Chair and Vice-Chair
3. Approval of the minutes from the May 9, 2018 meeting
4. Update on Bill 18-14
5. Discussion of the impact of a new State law on the Ethics Commission
6. Vote to conduct an administrative function meeting to discuss a pending request for an advisory opinion

Upcoming 2018 meeting dates (second Wednesday of each month):

August 8
September 12
October 10
November 14 (Shane unable to attend)
December 12

Annual calendar items:

- February/March – discuss recommendations for the County Executive’s legislative package
- July – election of Chair and Vice-Chair
- September – Chair must sign an annual certification to the State Ethics Commission (due by October 1 each year)

ETHICS COMMISSION

Public Meeting Agenda for August 8, 2018
Meeting location: Winchester Room, 2nd floor, Winchester Hall
Meeting Time: 7:00 PM

PUBLIC MEETING

1. Approval of the minutes from the July 11, 2018 meeting
2. Discussion of the Commission's training recommendation to the County Executive
 - Draft letter to the County Executive (Mr. Shapiro)
 - Revisions to PowerPoint handout (Mr. Heller, Ms. Davidson, Mr. Shapiro)
3. Annual report – discussion of topics to be included in the report to the County Executive and County Council
4. Distribution of Public Ethics Report

Upcoming 2018 meeting dates (second Wednesday of each month):

September 12
October 10
November 14 (Shane unable to attend)
December 12

2019 meeting dates:

January 9	May 8	September 11
February 13	June 12	October 9
March 13	July 10	November 13
April 10	August 14	December 11

Annual calendar items:

- February/March – discuss recommendations for the County Executive's legislative package
- July – election of Chair and Vice-Chair
- August – begin work on annual report due by October 1
- September – Chair must sign an annual certification to the State Ethics Commission (due by October 1 each year)

ETHICS COMMISSION

Public Meeting Agenda for September 12, 2018
Meeting location: Winchester Room, 2nd floor, Winchester Hall
Meeting Time: 7:00 PM

PUBLIC MEETING

1. Approval of the minutes from the August 8, 2018 meeting
 2. Discussion and approval of the Commission's training recommendation to the County Executive
 - Draft letter to the County Executive (Mr. Shapiro)
 - Revisions to PowerPoint handout (Mr. Heller, Ms. Davidson, Mr. Shapiro)
 3. Discussion of the Commission's first annual report to the County Executive and County Council
 4. Distribution of financial disclosure statements
-

Upcoming 2018 meeting dates (second Wednesday of each month):

October 10
November 14 (Shane unable to attend)
December 12

2019 meeting dates:

January 9	May 8	September 11
February 13	June 12	October 9
March 13	July 10	November 13
April 10	August 14	December 11

Annual calendar items:

- February/March – discuss recommendations for the County Executive's legislative package
- July – election of Chair and Vice-Chair
- August – begin work on annual report due by October 1
- September – Chair must sign an annual certification to the State Ethics Commission (due by October 1 each year)

Frederick County Ethics Commission Minutes for the Public Meeting of Wednesday, February 8, 2017

Present: Brian Duncan, Chair
Stephen K. Hess, Vice Chair
Christopher Glass, Sr., Commission Member
Deborah L. Lundahl, Commission Member
Alan Shapiro, Commission Member
Timothy Tosten, Commission Member
Ernest A. Heller, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

Absent: M. Shane Canfield, Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on February 8, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Commission representation on the Ethics Commission Nominating Committee – Mr. Duncan, who is the current Commission representative on the Nominating Committee, noted that his term on the Ethics Commission ends on June 30, 2017, as does the term of Mr. Hess. Mr. Duncan and Mr. Hess are therefore disqualified from serving on the Nominating Committee should they seek reappointment. Mr. Duncan asked which member of the Ethics Commission was willing to serve as the Commission's representative on the Nominating Committee. A general discussion of the duties of the Nominating Committee then took place and Mr. Heller agreed to take on this responsibility.

Distribution of the Public Ethics Report – Prior to the meeting, the Chief Administrative Officer transmitted to the Ethics Commission the 2016 Year-End Public Ethics Report for the reporting period July 1, 2016 to December 31, 2016. Copies of the Report were handed out at the meeting. The Commission discussed the Public Ethics Law and that Law's requirement for the reporting of ex parte communications on certain types of pending land use applications.

Discussion of training on the Ethics Law – The Ethics Commission continued its discussion of the need for training on the Ethics Law. Mr. Duncan identified a number of issues for discussion, including the types of training to be offered (such as in-person training, web-based training and power point presentations), the persons who would receive training (elected and appointed officials, County employees, members of County Boards and Commissions and possibly lobbyists), the frequency and timing of the training, and the subject matters to be covered. The members discussed subjects such as outside employment and the possible need for training specific to certain departments that have adopted a code of ethics. Mr. Duncan provided handouts of training materials used

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, July 12, 2017

Present: Stephen K. Hess, Chair
 Timothy J. Tosten, Vice Chair
 M. Shane Canfield, Commission Member
 Christopher D. Glass, Sr., Commission Member
 Ernest A. Heller, Commission Member
 Deborah L. Lundahl, Commission Member
 Alan Shapiro, Commission Member
 Deidre R. Davidson, Alternate Commission Member
 Linda B. Thall, Senior Assistant County Attorney

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on July 12, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Introduction of new alternate member – Ms. Davidson, who was appointed to the Ethics Commission as the alternate member to fill Mr. Heller’s unexpired term, was introduced to the Commission members.

Election of new Chair and Vice Chair -

MOTIONS: Mr. Heller nominated Mr. Hess to serve as the Commission’s new Chair. The motion was seconded by Mr. Tosten. Mr. Hess then made a motion to nominate Mr. Tosten as the Chair. The motion made by Mr. Hess was not seconded. Mr. Heller’s motion was approved by unanimous consent.

MOTIONS: Mr. Heller nominated Mr. Glass as the Vice Chair. Mr. Hess seconded that motion. Mr. Glass nominated Mr. Tosten as the Vice Chair. His motion was seconded by Mr. Shapiro. After a discussion initiated by Mr. Glass about his ability to take on the duties of Vice Chair, the members unanimously voted to approve the motion to appoint Mr. Tosten as the Vice Chair.

Distribution of the financial disclosure statements for review – The annual financial disclosure statements of elected and appointed officials and covered County employees were distributed to the members for review. The members will attempt to complete their review before the August 9 meeting. The general process for reviewing the statements and the standards for review were discussed by the members.

Discussion of annual training on the Ethics Law – The Ethics Commission continued its discussion of the need for training on the Ethics Law. The members discussed the progress made to date and how the Commission should proceed. Mr. Hess stated that

multiple approaches were useful based on the positions of the persons receiving the training. He also discussed different types of training and whether training should be on an annual basis or a one-time training. He thought that a brochure for the general public would be helpful. The Commission asked for copies of the existing brochure related to the process for filing complaints.

Mr. Tosten discussed the online training that the federal government provides to federal employees. He recommended that training be provided on an annual basis. Mr. Shapiro expressed his opinion that annual training is too frequent. He recommended a combination of live and online training. Ms. Lundahl's position was that supervisors should be trained every year, but that this was too frequent for other employees. Mr. Glass felt that annual training would be better from a liability point of view. Mr. Heller raised the potential for an impact on the County's budget from an annual training requirement.

Mr. Hess asked that the members come up with the elements of a broad training plan. This would include those groups to be trained and the need to document the training. Mr. Heller stated that the Commission should first focus on the persons who are required to file annual financial disclosure statements. Mr. Canfield suggested talking to other jurisdictions. Mr. Hess asked that the members review the handouts provided at the meeting showing how some other jurisdictions provide training. Mr. Hess wants the Commission to select the target audiences for training and determine the critical elements of a training plan. Mr. Canfield suggested contacting Montgomery County's Ethics Commission. Mr. Hess asked that the members email him to let him know what questions they have for Montgomery County and he will follow up with the Montgomery County Ethics Commission.

In advance of the next meeting, Mr. Hess asked the members to perform the following tasks: (Task #1) get their questions for Montgomery County's Ethics Commission to him within the week and (Task #2) look at the packet handed out at the meeting of training programs implemented by other jurisdictions, determine how many audiences the training should cover and what the Commission's training plan should look like.

Mr. Heller noted that next year is an election year. He stated that there is a need for employees to know the rules governing their participation in election campaigns. Mr. Hess wants an outline of the training plan to be completed by the fall. Mr. Tosten felt that it was important to give the County Executive options to choose from.

State legislation regarding the Liquor Board – A new State law that will become effective on October 1, 2017, makes the County Liquor Board and all of its staff subject to the State Ethics Law, including the requirement that the Board and its staff file State financial disclosure forms on an annual basis. Mr. Hess and Mr. Heller indicated that they did not see a need to have them also covered by the County's Ethics Law.

MOTION: Mr. Heller made a motion to have the Commission recommend a change to the County Ethics Law to remove the Liquor Board and its staff from

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, August 9, 2017

Present: Stephen K. Hess, Chair
 Timothy J. Tosten, Vice Chair
 M. Shane Canfield, Commission Member
 Christopher D. Glass, Sr., Commission Member
 Ernest A. Heller, Commission Member
 Deborah L. Lundahl, Commission Member
 Alan Shapiro, Commission Member
 Deidre R. Davidson, Alternate Commission Member
 Linda B. Thall, Senior Assistant County Attorney

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on August 9, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Approval of minutes – The draft minutes from the July 12, 2017 meeting were emailed to the members before the meeting.

MOTION: Mr. Heller made a motion to approve the minutes as drafted. The motion was seconded by Ms. Lundahl and the motion was approved unanimously.

Distribution of Public Ethics Report – The Public Ethics Report to the Ethics Commission from the Office of the County Executive for the first half of 2017 was provided to the members. There was a general discussion of the requirements of the Public Ethics Law and the purpose for the report.

Discussion of financial disclosure statements – The annual financial disclosure statements of elected and appointed officials and covered County employees were distributed at the July meeting. The members identified those disclosure statements requiring further discussion and attention and provided direction as to the necessary follow up needed.

The members noted that many of the disclosure statements were incomplete and asked that the persons submitting the statements be contacted and asked to provide the missing information. The members noted that the more detailed statements completed by elected officials and designated appointed officials were difficult to review for potential conflicts as there was no indication on the statements as to the official's position with Frederick County. They directed that the forms be revised to ensure that the information is more readily available in the future.

Some of the disclosure statements discussed involved outside employment and whether that employment could result in conflicts of interest. Some of these questions were answered at the meeting to the satisfaction of the Commission members.

MOTION: Mr. Shapiro made a motion to have the Commission contact a member of a County Commission to obtain more information about the nature of the individual's business and whether there were potential or existing conflicts of interest. Mr. Glass seconded the motion, which was approved unanimously.

Discussion of annual training on the Ethics Law – The Ethics Commission continued its discussion of the need for training on the Ethics Law. Mr. Hess reported back to the Commission on his discussion with Robert Cobb, the Counsel to the Montgomery County Ethics Commission. Mr. Hess distributed copies of a written summary of his discussion with Mr. Cobb, a brochure published by Montgomery County's Ethics Commission and an interactive training program available to Montgomery County employees.

The members agreed that the Commission should work on creating a brochure similar to the one used by Montgomery County, but recognized the need to revise the brochure to adapt it to the Frederick County Ethics Law.

MOTION: Mr. Hess made a motion to have two members volunteer to work on revising the Montgomery County Ethics Commission's brochure to determine what parts of the brochure are not applicable to Frederick County and what information should be added to the brochure. During the discussion on the motion, Mr. Heller and Ms. Davidson volunteered. Mr. Glass seconded the motion, which was approved unanimously.

The Commission determined that it should have a training proposal ready to transmit to the County Executive in December. To the extent that the Ethics Task Force recommended training on the Ethics Law, the Commission wants to include that information in its proposal.

Financial disclosure forms – The Commission agreed to discuss changes to the current financial disclosure statements at its next meeting.

State legislation regarding the Liquor Board – As of October 1, the County Liquor Board and its staff will be covered by the State Ethics Law. That Board and its staff are currently covered by the County Ethics Law and the Board members and the inspectors file annual financial disclosure statements with the County Ethics Commission. With the new State Law, the Board members and all of the Board's employees must file financial disclosure statements with the State Ethics Commission. At the last meeting, the members discussed whether to recommend a change to the County's Ethics Law to exclude the Liquor Board and its staff from its coverage. Before the August meeting, the members were provided with a copy of the financial disclosure statement used by the State so that the State and County disclosure forms could be compared.

MOTION: Mr. Heller made a motion not to recommend a change to the Ethics Law. In lieu of requiring the Liquor Board members and the inspectors to file both County and State financial disclosure forms, Mr. Heller proposed that the Liquor Board members and the inspectors be asked to provide the County Ethics Commission with copies of the disclosures they submit to the State. Mr. Shapiro seconded the motion. Mr. Hess, Mr. Glass, Mr. Heller, Ms. Lundahl and Mr. Shapiro voted in favor of the motion. Mr. Tosten and Mr. Canfield voted against the motion.

County legislative package – The County Executive contacted the Ethics Commission to solicit suggestions for inclusion in the County’s legislative package for the 2018 General Assembly session. The County Executive’s deadline for submission is August 25. The Commission had no requests for changes to State law. Mr. Tosten asked that this subject be scheduled on an annual basis as a Commission agenda item for February or March. This would give the Commission more time to consider future legislative requests.

Ethics nominating committee appointment – The League of Women Voters contacted Mr. Hess to find out which Ethics Commission member should serve on the nominating committee for the next year. Mr. Heller volunteered to serve on the nominating committee.

Adjournment

MOTION: Mr. Tosten made a motion to adjourn the meeting. Mr. Shapiro seconded the motion, which was unanimously approved.

The Ethics Commission adjourned its meeting at 8:50 p.m.

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

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, October 11, 2017

Present: Stephen K. Hess, Chair
Timothy J. Tosten, Vice Chair
Christopher D. Glass, Sr., Commission Member
Ernest A. Heller, Commission Member
Deborah L. Lundahl, Commission Member
Deidre R. Davidson, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

Absent: M. Shane Canfield, Commission Member
Alan Shapiro, Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on October 11, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Decision to meet to perform an administrative function – Before beginning the public portion of the Commission’s meeting, the members wanted to meet with an individual employed by the County who had requested an advisory opinion. The purpose for the meeting was to obtain information related to the request and then to discuss the Commission’s position on the advisory opinion.

MOTION: Mr. Tosten made a motion to conduct an administrative function meeting to discuss the pending request for an advisory opinion. Ms. Davidson seconded the motion, which was approved unanimously.

Required information regarding the administrative function meeting – The Commission began its administrative function meeting at approximately 7:00 p.m. on October 11, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701. Present for the meeting were Mr. Hess, Mr. Tosten, Mr. Glass, Mr. Heller, Ms. Lundahl, Ms. Davidson and Ms. Thall. The members first met with the individual who requested the advisory opinion regarding the possible conflicts of interest arising out of his candidacy for election to a position on a City Council in a municipality located within Frederick County. After that portion of the meeting ended, the Commission members then discussed the potential conflicts of interest identified and provided guidance necessary for drafting the advisory opinion

MOTION: Mr. Heller made a motion to have the Senior Assistant County Attorney draft an advisory opinion consistent with the direction provided. Ms. Davidson seconded the motion, which was approved unanimously.

At the conclusion of its administrative function meeting, the Ethics Commission resumed its public meeting.

Approval of minutes – The draft minutes from the August 9, 2017 meeting were emailed to the members before the meeting.

MOTION: Mr. Heller made a motion to approve the minutes as drafted. The motion was seconded by Mr. Glass and the motion was approved unanimously.

Discussion of changes to the financial disclosure forms – The long and short financial disclosure forms were distributed to the members. The members agreed that more detail needs to be added to the short form and that the long form needs to be changed to better identify the person completing the form and that person's position with the County. The Commission's goal is to revise the two forms by the end of February. Ms. Davidson agreed to circulate financial disclosure statements used by other Maryland counties. The Commission will discuss this further at its December meeting.

Discussion of a brochure on the Ethics Law – At its last meeting in August, the Ethics Commission members agreed to create a brochure that would be similar to the one used by Montgomery County but changed to adapt the brochure to reflect differences in Frederick County's Ethics Law. The creation of an educational brochure is a part of the Commission's overall effort to provide training on the requirements of the Ethics Law. The members discussed the edits made to a draft brochure prepared for distribution to County employees. The members agreed that while other brochures might also be of use, such as a brochure written for lobbyists, the Commission's priority should be on educating the County employees. Mr. Hess asked Ms. Davidson to prepare a revised draft of the brochure that would include the applicable financial disclosure deadlines and an explanation of the process followed by the Commission when an ethics complaint is filed. The draft will be reviewed at the Commission's November meeting.

Decision to meet to perform an administrative function – The Commission received a complaint against a County official. In order to discuss what steps will be taken with regard to the complaint, the Commission unanimously decided that it should discuss this matter during an administrative function meeting.

Required information regarding the administrative function meeting – The Commission began its administrative function meeting at approximately 8:15 p.m. on October 11, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701. Present for the meeting were Mr. Hess, Mr. Tosten, Mr. Glass, Mr. Heller, Ms. Lundahl, Ms. Davidson and Ms. Thall. The Commission discussed whether the facts alleged in the complaint, if true, would constitute a violation of the Ethics Law.

MOTION: Mr. Heller made a motion to dismiss the complaint on the basis that the facts alleged in the complaint did not state a violation of the Ethics Law by the County official. The motion also directed the Senior Assistant County

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, November 8, 2017

Present: Stephen K. Hess, Chair
Christopher D. Glass, Sr., Commission Member
Deborah L. Lundahl, Commission Member
Alan Shapiro, Commission Member
Deidre R. Davidson, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

Absent: Timothy J. Tosten, Vice Chair
M. Shane Canfield, Commission Member
Ernest A. Heller, Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on November 8, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

At the conclusion of its administrative function meeting, the Ethics Commission resumed its public meeting.

Approval of minutes – The draft minutes from the October 11, 2017 meeting were emailed to the members before the meeting.

MOTION: Ms. Lundahl made a motion to approve the minutes as drafted. The motion was seconded by Ms. Davidson and the motion was approved unanimously.

Discussion of changes to the financial disclosure forms – The members agreed to have their recommended changes ready for discussion at the December meeting. Revisions to the short and long financial disclosure forms should be emailed to the County Attorney's Office by December 7 to allow time for the members to review the proposals before the meeting and to have copies made for the members for the meeting.

Discussion of a brochure on the Ethics Law – Ms. Davidson distributed copies of the revised brochure and explained the changes made to the brochure, which is intended primarily for County employees and elected officials. Mr. Shapiro recommended that the brochure emphasize that it is only a summary of the Ethics Law and provide the website location where the full Ethics Law and additional information can be obtained. Additional edits were also discussed.

MOTION: Mr. Shapiro made a motion to have comments and any revisions to Ms. Davidson by December 7. The motion was seconded by Ms. Davidson and the motion was approved unanimously.

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, December 13, 2017

Present: Stephen K. Hess, Chair
Timothy J. Tosten, Vice Chair
M. Shane Canfield, Commission Member
Ernest A. Heller, Commission Member
Christopher D. Glass, Sr., Commission Member
Deborah L. Lundahl, Commission Member
Alan Shapiro, Commission Member
Deidre R. Davidson, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on December 13, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Approval of minutes – The draft minutes from the November 8, 2017 meeting were emailed to the members before the meeting.

MOTION: Ms. Davidson made a motion to approve the minutes as drafted. The motion was seconded by Ms. Lundahl and the motion was approved unanimously.

Discussion of changes to the financial disclosure forms (continued) – The members all agreed that both the long and short financial disclosure forms need to be revised to provide the employee's or official's name, official title, working title and division, office, board or commission on the first page of the form. Mr. Tosten suggested amending the short form so that all five questions be expanded to include the words "do you or an immediate family member" at the start of each question. Mr. Hess asked the Senior Assistant County Attorney to circulate the revised forms and that the members respond with comments within one week. The proposals were approved by consensus.

Discussion of a brochure on the Ethics Law (continued) – Ms. Davidson distributed the updated brochure, which is intended primarily for County employees and elected officials. Mr. Shapiro recommended that the brochure emphasize that it is only a summary of the Ethics Law and provide the website location where the full Ethics Law and additional information can be obtained. Additional edits were also discussed, including condensing the information provided and changes that would make the information less technical and easier to understand. The Commission expressed interest in obtaining comments from employees as to how the brochure could be improved. Selected employees in the County Attorney's Office would be asked to provide feedback on the brochure. Comments and suggestions should be provided to Ms. Davidson by no later than January 8, 2018. These proposals were approved by unanimous consent.

Discussion of an on-line training program for County employees – Before the meeting, Mr. Glass emailed the members a sample online ethics training program that he believed could be used as a model for an online training program for County employees. Mr. Glass offered to have the person who developed the training program he provided attend a future meeting to discuss development of a County plan. The members questioned whether there were budgeted funds available to pay an outside expert to create an online training program for the County. Less expensive options, such as printing and distributing training materials for group training sessions or review when the financial disclosure statements are distributed were also considered. Mr. Hess stated that the Commission needed to consult with the County Executive first to find out which options she would support. Mr. Hess reiterated that a comprehensive training plan would need to be phased in over several years. Mr. Canfield noted that it was important to inform the County Executive of the benefits to the County from training employees on the Ethics Law. Mr. Tosten suggested preparing a memorandum to the County Executive that would contain different options for her to consider.

Discussion of letter from Council Member Shreve – On November 8, 2017, Council Member Shreve sent a letter to the Ethics Commission asking the Commission if wanted to see legislation introduced to modify the Maryland Public Information Act. The members discussed the letter and the scope of the Commission’s authority and jurisdiction under the Ethics Law. The Commission asked to have a response letter drafted to the Council Member advising him that enforcement of the Public Information Act is outside the scope of the Commission’s authority.

Update on additional financial disclosure information – At an earlier meeting where the Commission members discussed the financial disclosure statements submitted in 2017, the members identified areas where some of the disclosure statements were incomplete or where the members needed to obtain additional information to determine whether there were potential violations of the Ethics Law. The Senior Assistant County Attorney was asked to follow up with the employees and officials and report back to the Commission. The Commission was given an update on the information provided to date and those individuals who had not responded to the inquiries made. One conflict of interest was identified and the Commission asked to have a letter prepared to advise the employee of the conflict of interest and the need to avoid this type of conflict of interest in the future.

Discussion of prior advisory opinion – The Commission recently issued an advisory opinion to a County employee. In that opinion, the Commission asked the employee to take a specific action to avoid future conflicts of interest. The Commission directed the Senior Assistant County Attorney to contact the employee and request that the action be completed by January 31, 2018.

Meeting dates for 2018 – The dates for the Commission meetings in 2018 were provided to the members. The members were advised that the Senior Assistant County Attorney

would not be available to attend the June 2018 meeting. Options were discussed and the members decided not to change any of the meeting dates at this time.

Vote to meet to perform an administrative function – Prior to the meeting, the Commission received a request for an advisory opinion from a County employee. The Commission considered whether to end the public meeting and then meet to perform an administrative function where the advisory opinion could be discussed.

MOTION: Ms. Davidson made a motion to meet to conduct an administrative function meeting to discuss the request for an advisory opinion. Mr. Glass seconded the motion, which was approved unanimously.

Required information regarding the administrative function meeting – The Commission began its administrative function meeting at approximately 8:30 p.m. on December 13, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701. All of the Commission members, including the alternate member, and Ms. Thall were present for the meeting. The Commission members then discussed their concerns over potential conflicts of interest identified and how those conflicts of interest could be avoided. Ms. Lundahl recused herself as she knows the employee who requested the advisory opinion. The members did not complete their discussion and agreed to continue the discussion at the January meeting.

The Ethics Commission adjourned its meeting at 9:00 p.m.

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

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, January 10, 2018

Present: Stephen K. Hess, Chair
Ernest A. Heller, Commission Member
Christopher D. Glass, Sr., Commission Member
Deborah L. Lundahl, Commission Member
Alan Shapiro, Commission Member
Deidre R. Davidson, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

Absent: Timothy J. Tosten, Vice Chair
M. Shane Canfield, Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on January 10, 2018, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Approval of minutes – The draft minutes from the December 13, 2017 meeting were emailed to the members before the meeting.

MOTION: Ms. Lundahl made a motion to approve the minutes as drafted. The motion was seconded by Mr. Glass and the motion was approved unanimously.

Discussion and approval of changes to the financial disclosure forms – Ms. Thall summarized the changes made to the long and short annual financial disclosure forms. The forms, which were emailed to the members in advance of the meeting, were revised to show the employee's or official's name, official title, working title and division, office, board or commission on the first page of the form. The short form was also amended to expand all five questions to include immediate family members in addition to the official or employee. A discussion of the manner in which gifts are disclosed on the forms also took place.

MOTION: Mr. Heller made a motion to approve the long and short annual financial disclosure statements as circulated prior to the Commission's meeting. Ms. Lundahl seconded the motion, which was approved unanimously.

Discussion of the Ethics Law brochure (continued) – On December 26, 2017, Mr. Shapiro circulated proposed edits to the Ethics Commission's brochure on the Ethics Law. The members discussed Mr. Shapiro's recommendations, as well as changes that could be made to the appearance of the brochure.

MOTION: Mr. Heller made a motion to amend the brochure as described in Mr. Shapiro's December 26, 2017, email. Mr. Glass seconded the motion, which was approved unanimously.

Vote to meet to perform an administrative function – Prior to the Commission's December meeting, the Commission received a request for an advisory opinion from a County employee. The Commission discussed the employee's request at the December meeting and agreed to defer a decision until the January meeting. The Commission wished to conduct an administrative function meeting to discuss how the Ethics Law should be applied to the employee.

MOTION: Mr. Glass made a motion to hold an administrative function meeting to discuss the pending request for an advisory opinion. Mr. Shapiro seconded the motion, which was approved unanimously.

Required information regarding the administrative function meeting – The Commission began its administrative function meeting at approximately 7:15 p.m. on January 10, 2018, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701. Commission members Stephen K. Hess, Ernest A. Heller, Christopher D. Glass, Sr., Deborah L. Lundahl and Alan Shapiro were present, as were Alternate Commission Member Deidre R. Davidson and Ms. Thall. The Commission members discussed their concerns over potential conflicts of interest identified and how those conflicts of interest could be avoided. The Commission discussed the applicable conflict of interest provision in the Ethics Law and how that law should be applied in its Advisory Opinion. Mr. Glass made a motion to have an Advisory Opinion prepared consistent with the guidance provided during the discussion. The motion was seconded by Ms. Davidson. Ms. Lundahl recused herself and did not participate in the vote.

The Commission resumed its public meeting at approximately 7:45 pm.

Discussion of an employee's conflict of interest based on information the employee provided in his financial disclosure statement – The members continued their discussion from the December 2017 meeting with regard to a conflict of interest arising out of an employee's acceptance of a gift from someone whose work he inspects as part of his County job. The members discussed what action should be taken and how that action should be communicated to the employee.

MOTION: Mr. Glass made a motion to have a letter drafted to advise the employee of the conflict of interest, to require that the gift be returned and to provide the employee the right to contest the Commission's decision within a set period of time. Mr. Hess amended the motion to include a requirement that the letter make reference to the provision in the Ethics Law regarding the acceptance of gifts over \$20. Ms. Davidson seconded the amended motion, which was approved unanimously.

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, February 14, 2018

Present: Stephen K. Hess, Chair
M. Shane Canfield, Commission Member
Christopher D. Glass, Sr., Commission Member
Ernest A. Heller, Commission Member
Alan Shapiro, Commission Member
Linda B. Thall, Senior Assistant County Attorney

Absent: Timothy J. Tosten, Vice Chair
Deborah L. Lundahl, Commission Member
Deidre R. Davidson, Alternate Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on February 14, 2018, in the Winchester Hall 3rd floor meeting room, 12 East Church Street, Frederick, Maryland 21701.

Approval of minutes – The draft minutes from the January 10, 2018 meeting were emailed to the members before the meeting.

MOTION: Mr. Heller made a motion to approve the minutes as drafted. The motion was seconded by Mr. Glass and the motion was approved unanimously.

Update on employee conflict of interest – At the January 2018 Commission meeting, the Commission directed that a County employee be contacted regarding a conflict of interest resulting from the acceptance of a gift and the need for corrective action. The Commission was informed that the employee has taken the corrective action and provided written documentation of his action.

Update on action taken in response to an advisory opinion – In October 2017, the Commission issued an advisory opinion to an employee who was a candidate for election to an Alderman position in a municipality located within Frederick County. The employee was advised of the need to develop a process for identifying and avoiding conflicts of interest that could result from his dual positions if he were to be elected. The employee has since been elected. He provided a letter to the Ethics Commission describing the steps that he has taken to avoid conflicts of interest. The Commission members discussed the letter and asked that a response be drafted to convey the Commission's thoughts on the steps taken to date and to encourage the employee to seek additional guidance from the Commission as specific questions arise.

Discussion of Ethics Law brochure – A question arose as to whether the pending State bill amending the Public Ethics Law would require a revision to the brochure if the bill is

enacted. Mr. Hess requested that the Bill and the brochure be reviewed so that any necessary changes can be made before the brochure is distributed.

Training plan update – Mr. Glass advised the Commission that a person he has worked with who has experience in developing and implementing ethics training programs will attend the March 14, 2018 Ethics Commission meeting to provide information that the Commission can use to develop a training proposal for County employees and officials. Mr. Hess asked that the Commission members consider in advance of the next meeting how the Commission’s proposal for ethics training should be presented to the County Executive and how such a plan should be implemented.

Distribution of the Public Ethics Report – The Commission received the Public Ethics Report from the Office of the County Executive for July 1, 2017 through December 31, 2017. The legal requirement for the report and the Commission’s role under the Public Ethics Law were discussed. The Commission was advised that the Public Ethics Reports are posted on the Commission’s webpage so that the public has access to the reports.

Discussion of legislative proposals – The Commission discussed whether it would recommend changes to the Public Ethics Law, which is adopted by the State General Assembly, or to the Ethics Law, which is enacted by the County Council, and the timing of any recommendations. The discussion focused on the conflict of interest provisions in the County Ethics Law for contracts with companies employing elected officials and the “use of prestige of office” provision as it applies to private business endeavors by County employees. Any Commission member who wants to propose changes to either law should describe the proposed change in an email to the other Commission members before the Commission’s March meeting.

Discussion of question received relating to an advisory opinion – An employee who received an advisory opinion from the Ethics Commission as to how the Ethics Law would apply to a private business venture asked an additional question regarding the use of materials developed as part of the employee’s County job duties. The Commission concluded that the employee should not use materials that the employee created for the County in the employee’s private business.

Adjournment

MOTION: Mr. Glass made a motion to adjourn the meeting. The motion was seconded by Mr. Canfield and approved unanimously.

The Ethics Commission adjourned its meeting at 8:07 p.m.

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

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, March 14, 2018

Present: Stephen K. Hess, Chair
Timothy J. Tosten, Vice Chair
Christopher D. Glass, Sr., Commission Member
Ernest A. Heller, Commission Member
Deborah L. Lundahl, Commission Member
Alan Shapiro, Commission Member
Deidre R. Davidson, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

Absent: M. Shane Canfield, Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on March 14, 2018, in the Winchester Hall 3rd floor meeting room, 12 East Church Street, Frederick, Maryland 21701.

Approval of minutes – The draft minutes from the February 14, 2018 meeting were emailed to the members before the meeting.

MOTION: Mr. Heller made a motion to approve the minutes as drafted. The motion was seconded by Mr. Glass and the motion was approved by Mr. Hess, Mr. Glass, Mr. Heller and Mr. Shapiro. Mr. Tosten and Ms. Lundahl abstained, as they were not able to attend the March meeting. Ms. Davidson was not present at the time of the vote.

Training plan – Mr. John O’Keefe provided a presentation on a learning management system (LMS) that he developed for ethics training in the private sector. Mr. O’Keefe has a background in corporate training and has developed and presented training programs in the past. One of the key elements in developing a training program is identifying the target audience so that decisions can be made as to how the recipients will receive the training. Restrictions such as lack of access to the internet should be taken into consideration. As all County employees do not currently have access to a computer at work, other delivery options such as printed training materials and live training may need to be made available. Mr. Glass noted that it is important to identify the subjects on which training is needed. Mr. O’Keefe observed that the three to five most important points to have the audience learn from the training should be identified early as part of the training development process. There was a discussion of the topics that need to be included in the proposal to the County Executive. Mr. Tosten asked about the cost for a LMS. Mr. O’Keefe indicated that a LMS could cost \$40,000, but that the price would vary. Variables that would have an impact on the cost were discussed. Mr. O’Keefe noted that some LMS products can be obtained at a lower cost, but more work by the County would be needed. The software that Mr. O’Keefe used to develop a training program for a group of 500 to 600 persons was skillsoft. Depending on the resources available, it could take over one year to complete the development of the training

program. In the event that the County wanted to use the LMS for purposes beyond ethics training, the County would gain additional value for the initial amount paid. Shared file access could help make the training more accessible for employees with hearing or vision problems.

Mr. O'Keefe also talked about the process the County should follow if a training plan is implemented. Employees should receive advance notice on multiple occasions that a training program will be available and required, the timing should be announced ahead of time and deadlines should be communicated. During the training window, there will be a need to monitor how many employees have completed the training and follow up reminders should be sent to employees who have not completed their training. Mr. Hess recommended that there be a standard for the ethics training, which could then be delivered through different methods depending on the audience.

Mr. Hess asked the Commission members to think about the following issues he raised in an email message sent before the meeting: (1) the frequency of the training, (2) whether training should be given to all employees or only to select groups, (3) the delivery method(s) for the training, (4) what type of documentation should be required to show that training was completed and (5) printing and distribution of the Ethics brochure. These items will be discussed at the April meeting so that the Commission can start drafting a proposal for the County Executive.

Discussion of Ethics Law brochure – Mr. Tosten requested a few additional changes to the wording of the brochure. Mr. Shapiro noted that the Commission had already voted to approve the language in the brochure prior to the meeting and he disagreed with some of the proposed changes. The Commission discussed the proposed changes and Mr. Shapiro recommended changes to the language in the brochure as a compromise. Ms. Davidson made additional edits to the brochure.

Discussion of legislative proposals – Mr. Glass raised the subject of an amendment to the provision in the Ethics Law that restricts the County's ability to enter into contracts with elected officials, qualified relatives of elected officials and business entities with which they are affiliated or have a direct financial interest. After discussion, the Commission decided not to recommend a change to the law.

Adjournment

MOTION: Mr. Heller made a motion to adjourn the meeting. The motion was seconded by Mr. Tosten and approved unanimously.

The Ethics Commission adjourned its meeting at 8:31 p.m.

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

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, May 9, 2018

Present: Stephen K. Hess, Chair
Christopher D. Glass, Sr., Commission Member
Ernest A. Heller, Commission Member
Deborah L. Lundahl, Commission Member
Alan Shapiro, Commission Member
Deidre R. Davidson, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

Absent: Timothy J. Tosten, Vice Chair
M. Shane Canfield, Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on May 9, 2018, in the Winchester Hall 3rd floor meeting room, 12 East Church Street, Frederick, Maryland 21701.

Approval of minutes – The draft minutes from the March 14, 2018 meeting were emailed to the members before the meeting.

MOTION: Mr. Heller made a motion to approve the minutes. The motion was seconded by Mr. Glass and the motion was approved unanimously.

Training plan – The members discussed how to proceed on developing a plan to implement ethics training for County officials and employees. The next step is to draft a letter to the County Executive to present the Commission's recommendation for mandatory ethics training. Mr. Glass recommended that the letter focus on why mandatory training is needed and keep the other parts of the letter more general. He believes that it is up to the County to decide how to implement the training program that will be developed by the Ethics Commission. Mr. Shapiro recommended that the main focus be on the content of the training recommendation. Mr. Heller recommended creating an outline for the training program and noted that hypothetical scenarios should be included in the training. Ms. Davidson discussed a possible software option that could be used to train employees who have access to a computer.

1. With regard to the frequency of the training, the members unanimously agreed to recommend requiring annual training. The focus of the training could differ each year and take into account any changes to the ethics law and the public ethics law.
2. The members unanimously agreed to recommend that all employees and officials receive training. Mr. Heller supported allowing County management to decide whether exemptions for seasonal employees and contractual employees should be made.

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, July 11, 2018

Present: Stephen K. Hess, Chair
Ernest A. Heller, Vice-Chair
M. Shane Canfield, Commission Member
Deidre R. Davidson, Commission Member
Christopher D. Glass, Sr., Commission Member
Deborah L. Lundahl, Commission Member
Alan Shapiro, Commission Member
Rev. Douglas P. Jones, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on July 11, 2018, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Introduction of new member – Rev. Jones was recently appointed and confirmed as the Commission’s Alternate Member. Rev. Jones was introduced to the other members of the Commission and shared information about his experience and background.

Election of Chair and Vice-Chair – Mr. Hess completed his term as the Commission’s Chair. Mr. Tosten, the Vice-Chair, did not seek reappointment to the Commission when his term expired on June 30, leaving the position of Vice-Chair vacant.

MOTION: Mr. Heller nominated Mr. Hess to another one-year term as the Chair. Mr. Canfield seconded the motion, which was approved by unanimous consent.

MOTION: Ms. Davidson nominated Mr. Glass as the Vice-Chair. Mr. Canfield seconded the motion, which was approved by unanimous consent, subject to Mr. Glass agreeing to take the position.

Mr. Glass subsequently withdrew his name from consideration, due to other time commitments.

MOTION: Mr. Glass nominated Mr. Heller to serve as Vice-Chair. Mr. Shapiro seconded the motion, which was approved by unanimous consent.

Approval of minutes – The draft minutes from the May 9, 2018 meeting were emailed to the members before the meeting.

MOTION: Mr. Heller made a motion to approve the minutes. The motion was seconded by Ms. Lundahl and approved unanimously.

Bill 18-14 – Ms. Thall advised the Commission that the County Council enacted Bill 18-14, which made several changes to the Ethics Law, on June 5 and that the changes would take effect on August 4, 2018.

New annual report requirement – Ms. Thall discussed Senate Bill 474, which was signed into law by the Governor. The Bill requires the Ethics Commission to meet at least once a year and to file an annual report by October 1 each year. The report must state the number of meetings held during the past year and include copies of the meeting agendas and minutes from each meeting. The Bill permits the Commission to include other documents or information in the report to show the work performed by the Commission in the previous year. Items identified for possible inclusion in the first report are the Commission's training recommendations, decisions on complaints and advisory opinions. The report must be submitted to the County Executive and the County Council. The Commission asked that the report be included as a topic for further discussion at the Commission's August meeting.

Vote to conduct an administrative function meeting – The Commission discussed the need to have an administration function meeting to consider a request for an advisory opinion made by an individual seeking guidance about the application of the Public Ethics Law to his situation.

MOTION: Ms. Lundahl made a motion to hold an administrative function meeting to discuss the pending request for an advisory opinion. Mr. Shapiro seconded the motion, which was approved unanimously.

Required information regarding the administrative function meeting – The Commission began its administrative function meeting at approximately 7:30 p.m. on July 11, 2018, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701. All of the Commission members and the Alternate Member were present, as was Ms. Thall. The Commission members discussed the section of the Public Ethics Law at issue, how the provision should be construed and what action was needed on the individual's part to comply with the law. The members unanimously agreed on the law's requirements and the action necessary and directed that an advisory opinion be drafted consistent with the Commission's discussion.

The Commission resumed its public meeting at approximately 7:45 pm.

Discussion of training recommendations – Mr. Heller, Ms. Davidson and Mr. Shapiro updated the other Commission members on the preparation of the Commission's recommendations for training officials and employees on the requirements of the Ethics Law. Ms. Davidson distributed a draft handout that could be used as an attachment to the Commission's recommendations. The members were asked to provide comments and suggestions on the handout before the August meeting.

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, August 8, 2018

Present: Stephen K. Hess, Chair
Ernest A. Heller, Vice-Chair
Deidre R. Davidson, Commission Member
Christopher D. Glass, Sr., Commission Member
Deborah L. Lundahl, Commission Member
Rev. Douglas P. Jones, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

Absent: M. Shane Canfield, Commission Member
Alan Shapiro, Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on August 8, 2018, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Discussion and approval of agenda – The meeting agenda circulated before the meeting called for a discussion of a draft letter to the County Executive conveying the Commission’s training recommendations. As the draft letter is not yet available for discussion, the members agreed that this agenda item will be rescheduled for the September meeting.

Approval of minutes – The draft minutes from the July 11, 2018 meeting were emailed to the members before the meeting.

MOTION: Mr. Heller made a motion to approve the minutes. Rev. Jones seconded the motion, which was approved unanimously.

Discussion of training PowerPoint – Mr. Hess first thanked Mr. Heller and Ms. Davidson for their work on preparing the PowerPoint handout to be attached to the Commission’s letter to the County Executive recommending ethics training for officials and employees. The Commission members then discussed the written comments on the handout that were received from Mr. Heller, Mr. Shapiro, Rev. Jones and Ms. Thall before the meeting. Mr. Heller expressed concern that the second part of slide 17 contained incorrect information about post-employment restrictions. He further asked that the Ethics Brochure be checked to ensure that the incorrect information was not contained in the published brochure. Ms. Davidson confirmed that the brochure did not contain the error. Mr. Heller suggested that only the first part of slide 17 be retained. All of the members agreed.

The Commission members also agreed to make some of the recommended changes to the PowerPoint, including the following:

- To review the word usage of “may” and “must” in the PowerPoint for consistency, where appropriate
- To add a definition of the term “relative”
- To retain the references to “employees and officials”
- To revise the wording on the acceptance of gifts
- To remove Mr. Hess as a designated point of contact on the PowerPoint for questions, while keeping Ms. Thall as the point of contact
- To add the Commission’s email address for persons wishing to contact the Commission
- To add a panel on the disclosure of confidential information
- To delete the slides on kickbacks and contractor ethics and “What is the Ethics Commission”
- Ms. Thall’s suggested edits

The members and Ms. Thall were asked to develop additional questions and answers to be discussed at the next Commission meeting. Mr. Glass asked whether the Commission should make a recommendation to the County Executive to approve mandatory sexual harassment training for employees and officials. Mr. Hess suggested that the recommendation be a part of the letter to the County Executive and that it be noted that this is not a matter within the jurisdiction of the Ethics Commission, but that the Commission believed it was important to raise as an issue. Ms. Davidson recommended that the letter make the point that the type of presentation being developed for ethics training could also be used to develop a format for sexual harassment training.

Annual report – In addition to the mandatory items for inclusion in the Ethics Commission’s annual report (the number of meetings held during the past year and copies of meeting agendas and minutes), the members discussed what other items should be included in the report.

MOTION: Mr. Hess made a motion to have the report contain the number of meetings held, the meeting agendas and minutes and to then focus on the Commission’s identification of the need to provide training to officials and employees and the progress it has made in refining the nature and scope of the proposed training. Further, the Commission should note that it developed a brochure with information about the Ethics Law and that the brochure is posted on the Commission’s webpage. The motion was approved by unanimous consent.

Mr. Hess asked Ms. Thall to prepare a draft of the report for consideration at the next meeting.

Distribution of Public Ethics Report – The Commission received the report prepared by the Office of the County Executive for the reporting period of January 1, 2018, through June 30, 2018. Ms. Thall summarized the provisions in the Public Ethics Law

ILLEGAL GIFTS, KICKBACKS AND CONTRACTOR ETHICS (under umbrella of Ethics Commission authority)

- No contractor may offer or give to public employees a prohibited gift.
- No person may provide or accept a kickback (a payment for obtaining or rewarding favorable treatment in the award of a contract by the County).
- A County contractor may not employ or offer to employ a public employee if the duties of the public employee include significant participation in the contract matter.

POST-COUNTY EMPLOYMENT

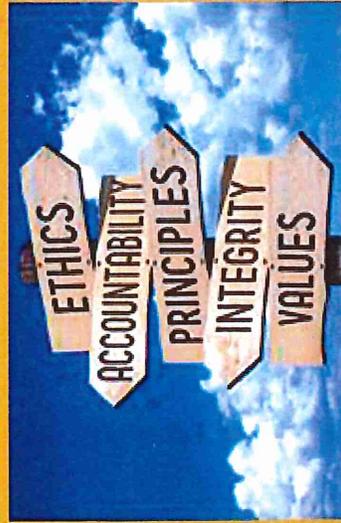
After leaving County service:

- Do not work on a case, contract or other specific matter that you significantly participated in as a public employee.
- For one year, you may not be employed by or enter into an employment agreement with a party if, while working with the County, you significantly participated in regulating the party or in a procurement matter with the party (during the previous three years).



Jurisdiction of the Ethics Commission:

- > Provide Ethics Advice and Advisory Opinions and Waivers
- > Ensure Financial Disclosure Compliance
- > Review Lobbying Registration and Activity Reporting
- > Decide Complaints, Conduct Investigations, and Hold Hearings Based on the County Ethics Law
- > Provide Education and Information on the County Ethics Law



FREDERICK COUNTY ETHICS LAWS



Frederick County Ethics Commission
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12 E. Church St.
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Frederick, MD 21701
301-600-1030

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www.frederickcountymd.gov/1519/Ethics-Commission

COUNTY ETHICS LAW QUICK REFERENCE

This is a summary of the County Ethics Law. This summary is provided to raise awareness about some of the issues that are covered by the ethics law. All county employees and elected officials must comply with the ethics law. A link to the complete ethics law may be found by using the internet webpage link for the County's Ethics Commission that is printed on the front cover of this brochure, then selecting from that page "General Information," and next selecting "Ethics Ordinance." Questions about the ethics law may be submitted to the Ethics Commission at the email provided.

CONFLICTS OF INTEREST

- Do not work on matters that affect your economic interests or those of a relative (if the matter affects these interests differently from the public generally).
- Do not work on a matter where a party to the matter is:
 - An entity you or a relative have an economic interest in or are an officer, director, trustee, partner, or employee.
 - A business with which you or a relative are negotiating for employment.
 - Anyone with whom you or a relative have a contract if the contract could reasonably result in conflict between private interests and official duties.
 - An entity owned by a business you or a relative has an interest.
 - A creditor or debtor who can directly and substantially affect your or a relative's interests.

PROHIBITED HOLDINGS

- You may not have a financial interest in any business that negotiates, contracts or is regulated by your agency.

PROHIBITED EMPLOYMENT

- Do not become employed by any business that negotiates, contracts, or is regulated by your County agency.
- Do not take employment that could reasonably be expected to impair your impartiality in your capacity as an employee or official for the County.

MISUSE OF OFFICE

- Do not use the office inappropriately to gain a benefit for yourself or others.
- Do not use County insignia or agency title for private economic activity.
- Do not use County facilities or property for personal use, except as authorized.
- Do not hire or advocate for the employment of a relative.
- Do not coerce other employees in political activities
- Do not advise parties where the County has an adverse interest (except as law allows).
- Do not disclose confidential information.
- Where a decision is made on the basis of a record, decision-makers may consider only information on the record; information received off record must be tracked.

ACTIONS TAKEN/REQUESTED OF THE ETHICS COMMISSION

- Advisory Opinions can be requested from the Commission at any time to avoid a conflict of interest and be given guidance on a contemplated action while the requestor remains confidential.
- Ethics complaints are filed by any person against officials, employees or lobbyists and the following possible actions could be taken:
 - Complaints will be recorded, notice will be sent to the subject of the complaint, and presented to the Ethics Commission.
 - Possible criminal actions are referred to the appropriate agency and the Commission will not act until the referral is resolved.
 - If the complaint presented to the Commission has merit, a formal investigation is conducted and if a violation determined, an administrative hearing can then be conducted.
 - If an Ethics Law has been violated, the Commission can take steps allowable by law.

FINANCIAL DISCLOSURE

- Filers of disclosure reports will be notified by the Ethics Commission of filing obligations.

SOLICITATION OF GIFTS

- No county employee or elected county official may solicit a gift of any kind.

ACCEPTANCE OF GIFTS (Directly or Indirectly)

You may not accept a gift from:

- Lobbyists on matters pertaining to your jurisdiction or that could be considered by your agency.
- Those doing business with or regulated or controlled by your agency.
- Anyone with economic interests that could be substantially (and not just as a member of the public) affected by the performance or nonperformance of your duties as an official or employee.

Exceptions to Acceptance Prohibitions unless it would Give the Appearance of or Tendency to Impair Impartiality or Judgment:

- Meals and beverages consumed in the presence of the donor.
- Ceremonial gifts of insignificant monetary value; trinkets that cost less than \$20.
- Reasonable food, lodging and travel for speaking, participation on a panel.
- Gifts of tickets or free admission to elected officials as a courtesy to the office to attend a charitable, cultural or political event.
- Informational items with a resale value of less than \$20.
- Gifts from a relative.
- Honoraria (for speaking unrelated to employment).
- Unsolicited gifts of nominal value that do not exceed \$20 in value.

What to do with unacceptable gifts that have been received:

- Immediately report gift amount and from whom the gift was received if required pursuant to financial disclosure requirements; or
- Immediately return the gift to the donor and if it cannot be returned, treat as abandoned property.



FREDERICK COUNTY GOVERNMENT

FREDERICK COUNTY ETHICS COMMISSION Office of the County Attorney

Jan H. Gardner
County Executive

Stephen K. Hess, Chair

Advisory Opinion No. 17-01

A candidate for elective office has requested an Advisory Opinion from the Frederick County Ethics Commission. The candidate, who is on the ballot for election to the position of Alderman on a City Council located within Frederick County, is currently employed by Frederick County in a high-level position where his job duties call for him to represent the County on a regular basis with State and local elected officials throughout Frederick County. The candidate seeks guidance as to whether there would be any concerns under the conflict of interest provisions in the County's Ethics Law should he be elected to the Alderman position and continue to serve in his position with the County.

I. The Ethics Law's Conflict of Interest Provisions

The County's Ethics Law was enacted in order to assure the public's confidence in the impartiality and independence of the County's public officials and employees. As recognized in the law's Statement of Purpose, the public's confidence and trust can be eroded not only when the County's business is subject to improper influence, but extends to situations that may create the appearance of improper influence.

The Conflict of Interest provisions in the County's Ethics Law are found in Section 1-7.1-5. That law states, in part, as follows:

(C) *Participation prohibitions.* Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

- (1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which ... the official or employee ... has an interest.
- (2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
 - (a) A business entity¹ in which the official or employee has a direct financial interest ...;

¹ Under Section 1-7.1-3, the term "business entity" does not include a governmental entity. While that exclusion could assist the candidate in avoiding actual conflicts of interest under subsection (C)(2), the potential for the appearance of a conflict of interest would remain.

- (b) A business entity for which the official, employee ... is an officer, director, trustee, partner, or employee;
- (c) A business entity with which the official or employee ... is negotiating employment or has any arrangement concerning prospective employment

(D) *Employment and financial interest restrictions.*

- (1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:
 - (a) Be employed by or have a financial interest in any entity:
 - (i) Subject to the authority of the official or employee or the County division, agency, or board or commission with which the official or employee is affiliated; or
 - (ii) That is negotiating or has entered into a contract with the division, agency, or board or commission with which the official or employee is affiliated; or
 - (b) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(H) *Use of the prestige of office.*

- (1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another. ...

The Law contains some exceptions to these restrictions, none of which are applicable here.

II. Discussion

The formal written description of the duties assigned to the County position that the candidate holds indicates that he manages governmental affairs for the County Executive and serves as the liaison to municipalities, the Frederick County State Delegation and the County Council. The candidate is the primary point of contact for the County's elected officials and he assists the County Executive with policy initiatives. The list of the essential duties for his position includes improving the relationships between County Government and its municipalities; developing and providing guidance in the design and implementation of policies,

practices and procedures to continually improve the relations between the County Government and its municipalities; and participating in the development and implementation of the County's budget.

While there is a clear potential for conflicts of interest should the candidate be elected to the City Alderman position, the County's Ethics Law does not preclude the candidate from serving as an Alderman on the City Council and continuing to work for Frederick County. Based on the information provided to the Ethics Commission, it is likely that potential conflicts of interest will arise as the candidate navigates the dual responsibilities imposed by his County and City positions. Those conflicts of interest can be addressed and managed through the development of a process that can be used to identify and avoid those conflicts that can be anticipated and by the candidate's recusal when a conflict of interest cannot otherwise be avoided. This process may require some modification of the candidate's County job duties. The candidate must not participate in the discussion of or action on financial matters involving both the County and the City.

The Commission strongly encourages the candidate to put into place a process for identifying potential conflicts of interest before they arise and taking the steps necessary to avoid both actual conflicts of interest and the public perception of a conflict of interest. Once that process is developed, the candidate may return to the Ethics Commission for further guidance, either on the process itself or any specific questions that arise after the election.

It should be noted that the scope of this Advisory Opinion is limited to conflicts of interest that may arise under the County Ethics Law based on the candidate's responsibilities in his County position. It is the Commission's understanding that the candidate has already received guidance from the City with regard to those conflicts of interest that could arise under the City's ethics law.

III. Conclusion

For the reasons stated, the Ethics Commission advises the candidate that in his County position he should not be involved in matters that would affect the City financially. This would include recusing himself from involvement in the development and implementation of County government policies or legislative initiatives having a financial impact on the City.

The Ethics Commission thanks the candidate for seeking the Commission's guidance on the applicability of the Ethics Ordinance to his service as both a County and a City official.

October 30, 2017
Date

/s/
Stephen K. Hess, Chair



FREDERICK COUNTY GOVERNMENT

FREDERICK COUNTY ETHICS COMMISSION Office of the County Attorney

Jan H. Gardner
County Executive

Stephen K. Hess, Chair

Advisory Opinion No. 18-01

A County employee has advised the Ethics Commission that she is in the process of creating a new business that she wishes to engage in while still employed by Frederick County. The employee has requested guidance from the Ethics Commission as to any constraints imposed by the County's Ethics Law and what steps are needed on her part to comply with the law.

Facts

The employee is an instructor who teaches job interviewing skills and reviews and suggests changes to client's resumes. She also teaches basic computer skills, including the use and design of LinkedIn resumes. The employee has started a personal business, in which she plans to perform copy editing, writing, and speaking. She proposes to give paid speeches on some of the material that she covers in a seminar she teaches as an instructor for the County. She also proposes to earn money for critiquing resumes, which is a type of work she performs for the County. She proposes to perform these services inside and outside of the County.

Issues

Would the employee's performance of the services she proposes violate the County's Ethics Law and, if so, what steps need to be taken to ensure compliance with the law?

The Ethics Law

The applicable provision of the County's Ethics Law is the "Use of Prestige of Office" rule in Section 1-7.1-5(H)(1), which states as follows:

(H) *Use of prestige of office.*

(1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

Analysis

Under the above legal provision, the employee may not use the fact that she is employed as an instructor for the County to obtain work for her private business. She may not list her County position or the services that she performs for the County in marketing material or literature for her private business, including her resume and LinkedIn page to the extent that she distributes or refers people to them for purposes of obtaining work for her private business. She may not verbally describe her specific position or work for the County in any aspect of her private business. She could refer generically to her experience and work in her current position. For instance, she could indicate that she has been employed for a number of years as an instructor in a local government program that provides job search skills training without naming the County. She also could indicate that she has experience editing LinkedIn pages and resumes. If she is using a resume or LinkedIn page to try to obtain employment with another government or private entity, she may describe her position and work for the County.

The distinction may seem subtle, but it is important. The Use of Prestige of Office provision is designed to prevent County employees or elected officials from using their status as a County employee or public official and the work they perform for the County to advance their private business interests. It does not prevent them *per se* from performing similar work for pay in a personal business in or outside of the County. It is not designed to hamper their ability to obtain new employment with another entity. It does not prohibit the express disclosure of their position with the County as work history in a resume or LinkedIn page in connection with seeking replacement employment with another entity. In a sense, the provision places some restrictions on the use of a County position or title for purposes of advancing an entrepreneurial endeavor, but not for obtaining replacement employment with another entity. Once the individual in question ceases to be a County employee or elected official, the provision in question no longer applies to them, although at that time the post-employment limitations and restrictions in Section 1-7.1-5(F)(1) will apply.¹

The employee also is prohibited from seeking or accepting business from persons she meets at or through her work for the County because that work either resulted from or has the appearance of resulting from her position with the County. If her work would be different from the work she performs for the County, the work would only be allowed if the employee could show that the work she would perform for someone she met at or through her work for the County is sufficiently different from, and unrelated to, her work for the County and that the opportunity to perform the work was coincidental, not resulting from or enhanced by her position or work for the County. The Ethics Commission would need to review this on a case-by-case basis based on the individual facts presented.

¹ Section 1-7.1-5(F)(1) provides that a former official or employee may not assist or represent any party other than the County for compensation in a case, contract or other specific matter involving the County if that matter is one in which the former official or employee significantly participated as an official or employee.

Conclusion

The employee may perform the services she proposes for her private business subject to the limitations on how she may market herself and obtain clients as discussed above. These restrictions apply to the solicitation of work, whether in Frederick County or elsewhere.

Clearly, the employee should not perform any work for her business while on duty in her County position and the employee should not use a County computer, email address, telephone or materials for her private business.

The Ethics Commission thanks the employee for seeking guidance from the Ethics Commission on how to comply with the requirements of the Ethics Law.

/s/

Stephen K. Hess, Chair

Note: Commission Member Deborah L. Lundahl recused herself from voting on this Advisory Opinion due to her acquaintance with the employee who made request to the Ethics Commission.



FREDERICK COUNTY GOVERNMENT

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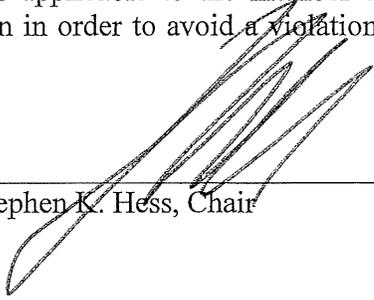
Advisory Opinion No. 18-02

On July 1, 2018, an amendment to the Public Ethics Law¹ took effect. As it pertains to this Advisory Opinion, the amendment states as follows:

Not later than 48 hours after opening a campaign account through a campaign finance entity, as defined in §1-101 of the Election Law Article, an appointed member of the Board of Zoning Appeals, Ethics Commission, Planning Commission, or the Board of License Commissioners who has established an authorized candidate campaign committee shall vacate the position on the board or commission.

An appointed member of one of the listed boards and commissions has asked for guidance from the Ethics Commission as to how the law applies to his situation. The member is currently a candidate for elective office and has opened a campaign account. That account was opened before the new law took effect. The member seeks guidance on whether the law requires him to step down from his appointed position.

The new law recognizes the inherent potential for a conflict of interest when a candidate for elective office, who is also an appointed member of one of the designated boards and commissions, accepts a campaign contribution from a person who has interests that could be affected by the decisions made by the member's board or commission. It is clear that the purpose of the new law is to prevent those types of conflicts of interest from occurring. The Ethics Commission accordingly finds that the law is applicable to the member and that the member should step down from his appointed position in order to avoid a violation of General Provisions Art. §5-866.



Stephen K. Hess, Chair

¹ §5-866 of the General Provisions Article of the Annotated Code of Maryland. This law applies only in Frederick County.