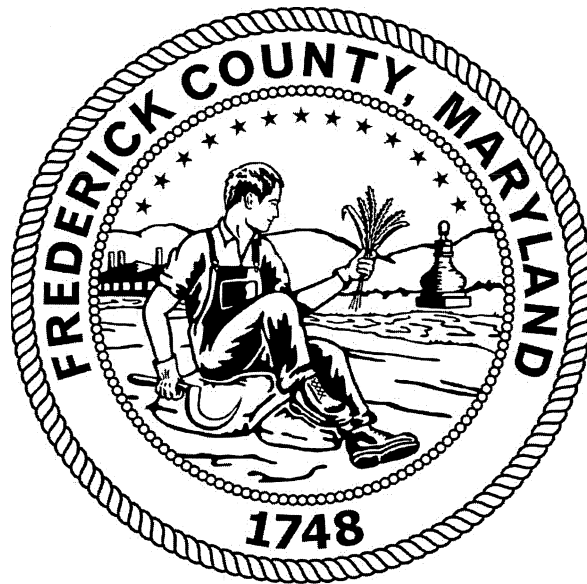


Administration of the  
Frederick County Ethics Law  
October 2019 – September 2020

Report to the  
Frederick County Executive and the  
Frederick County Council



Frederick County Ethics Commission  
September 30, 2020

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# **Report on the Administration of the Frederick County Ethics Law**

**October 2019 – September 2020**

This report to the County Executive and the County Council describes the Frederick County Ethics Commission's work to administer the Ethics Law from October 2019 through September 2020. State law requires that this report be provided annually.

## **I. Ethics Commission meetings**

During the reporting period, the Ethics Commission met on October 9, 2019, January 8, 2020, July 13, 2020, August 10, 2020, August 12, 2020, and September 9, 2020.

Copies of the meeting agendas and the approved minutes for these meetings are included in Appendix A and Appendix B of this report, respectively. The Commission's agendas and meeting minutes are also posted online.

## **II. Review of financial disclosure statements**

### **A. Financial Disclosures**

The Commission members review 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 annual filing requirements. (Financial disclosure statements are due in April of each year. The statements provide information for the previous calendar year.) Once the disclosure statements are received, the Commission reviews the statements to identify and address existing or potential conflicts of interest. Financial disclosure statements that are incomplete or raise questions about potential conflicts of interest are identified and the filers of those statements are contacted to obtain the additional information required for the Commission to determine whether there are conflicts of interest or violations of the Ethics Law. When concerns arise about compliance with the Ethics Law, the Commission provides guidance and direction to the official or employee.

During the period covered by this report, the Ethics Commission completed its review of the financial disclosure statements filed in 2019 and found no conflicts of interest. The Commission is in the process of reviewing the financial disclosure statements it received in 2020.

### **B. Advisory Opinions issued**

The Commission issued no advisory opinions during the reporting period.

### **C. Action on complaints**

The Ethics Commission received an ethics complaint in July 2020. The complaint alleged that a County official violated the “use of prestige of office” provision in the Ethics Law through postings on the official’s Facebook page and public interactions. In August 2020, the Ethics Commission voted to dismiss the complaint, finding that the facts contained in the complaint, even if true, were insufficient to state a violation of the Ethics Law.

There were no other complaints filed during the period covered by this report.

#### Attachments:

Appendix A – Ethics Commission Agendas

Appendix B – Ethics Commission Meeting Minutes

Appendix A  
Ethics Commission Agendas

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## ETHICS COMMISSION

### Public Meeting Agenda for October 9, 2019

Meeting location: Winchester Room, 2<sup>nd</sup> floor, Winchester Hall

Meeting Time: 7:00 PM

#### PUBLIC MEETING

Discussion of financial disclosure statements reviewed by the Ethics Commission

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#### Remaining 2019 meeting dates:

November 13           (Shane unable to attend)  
December 11

#### Annual calendar items:

Month	Item
February/March	Discuss recommendations for inclusion in the County Executive's legislative package
July	Elect Chair and Vice-Chair
August/September	Begin work on annual report to the County Executive and County Council
September	Chair to sign the annual certification to the State Ethics Commission
October	Annual report and annual certification due by October 1

## ETHICS COMMISSION

### Public Meeting Agenda for January 8, 2020

Meeting location: Winchester Room, 2<sup>nd</sup> floor, Winchester Hall

Meeting Time: 7:00 PM

#### PUBLIC MEETING

1. Distribution of the County Executive's Public Ethics Report for January 1, 2019 through June 30, 2019
  2. Discussion of additional information received on financial disclosure statements
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#### Future 2020 meeting dates:

February 12  
March 11  
April 8  
May 13  
June 10  
July 8  
August 12  
September 9  
October 14  
November 11 (County Holiday – will need to reschedule)  
December 9

#### Annual calendar items:

Month	Item
February/March	Discuss recommendations for inclusion in the County Executive's legislative package
July	Elect Chair and Vice-Chair
August/September	Begin work on annual report to the County Executive and County Council
September	Chair to sign the annual certification to the State Ethics Commission
October	Annual report and annual certification due by October 1



# ETHICS COMMISSION

## Public Meeting Agenda for July 13, 2020

Meeting location: Virtual - Webex

Meeting Time: 4:00 PM

### AGENDA

1. Election of Chair and Vice-Chair.
2. Distribution of the Public Ethics Report (January 1, 2020 through June 30, 2020).
3. Discussion of status of financial disclosure statements.

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### Upcoming 2020 meeting dates:

August 12

September 9

October 14

November 11 (County Holiday – will need to reschedule)

December 9

### Annual calendar items:

Month	Item
February/March	Discuss recommendations for inclusion in the County Executive's legislative package
July	Elect Chair and Vice-Chair
August/September	Begin work on Annual Report to the County Executive and County Council
September	Chair to sign the Annual Certification to the State Ethics Commission
October	Annual Report and Annual Certification due by October 1

# ETHICS COMMISSION

## Public Meeting Agenda for August 10, 2020

Meeting location: Virtual - Webex

Meeting Time: 4:00 PM

### AGENDA

1. Approval of the minutes from the July 13, 2020 meeting.
2. Discussion of status of financial disclosure statements.
3. Discussion of forthcoming annual report to the County Executive and County Council.
4. Discussion of forthcoming annual certification to the State Ethics Commission.
5. Meeting schedule for remainder of 2020.
6. Issues or concerns for state legislation.
7. Vote to conduct an administrative function meeting to discuss a new complaint

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### Upcoming 2020 meeting dates:

September 9

October 14

November 11 (County Holiday – will need to reschedule)

December 9

### Annual calendar items:

Month	Item
February/March	Discuss recommendations for inclusion in the County Executive's legislative package
July	Elect Chair and Vice-Chair
August/September	Begin work on Annual Report to the County Executive and County Council
September	Chair to sign the Annual Certification to the State Ethics Commission
October	Annual Report and Annual Certification due by October 1

# ETHICS COMMISSION

## Public Meeting Agenda for September 9, 2020

Meeting location: Virtual - Webex

Meeting Time: 7:00 PM

### AGENDA

1. Approval of the minutes from the August 10, 2020 meeting and the minutes from Administrative Function Meeting on August 12, 2020.
2. Discussion of the Commission's annual report to the County Executive and County Council and Certification.
3. Discussion of 2021 Legislative Considerations (July 30, 2020 Letter from County Executive).
4. Update on Review of Financial Statements

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### Upcoming 2020 meeting dates:

October 14

November 11 (County Holiday – will need to reschedule)

December 9

### Annual calendar items:

Month	Item
September	Finalize Annual Report to the County Executive and County Council
September	Chair to sign the Annual Certification to the State Ethics Commission
October	Annual Report and Annual Certification due by October 1



Appendix B  
Ethics Commission Minutes

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## **Frederick County Ethics Commission Minutes for the Public Meeting of Wednesday, October 9, 2019**

Present:            Stephen K. Hess, Chair  
                     Ernest A. Heller, Vice-Chair  
                     M. Shane Canfield, Commission Member  
                     Deidre R. Davidson, Commission Member  
                     Dr. Anna Johnson-Winegar, Commission Member  
                     Rev. Douglas P. Jones, Commission Member  
                     Deborah L. Lundahl, Commission Member  
                     James Stanker, Alternate Commission Member  
                     Linda B. Thall, Senior Assistant County Attorney

The Frederick County Ethics Commission meeting started at 7:00 p.m. on October 9, 2019, in the Winchester Room on the 2<sup>nd</sup> floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

**Discussion of financial disclosure statements** – Before the meeting, the members of the Ethics Commission received and reviewed the annual financial disclosure statements filed by those County officials and employees who are subject to the Ethics Law’s filing requirements. The more detailed financial disclosure statements submitted by the County Executive, County Council Members, Chief Administrative Officer, County Attorney, Division Directors and members of the Planning Commission and Board of Zoning Appeals were distributed to each Ethics Commission member. The shorter financial disclosure statements filed by the remaining officials and employees who are subject to the financial disclosure requirements were divided into alphabetical groupings. Each grouping was assigned to a single Commission member for an initial review.

At the meeting, the Commission members identified and discussed issues arising out of their reviews. There were a number of disclosure statements that were incomplete or required clarification. The Senior Assistant County Attorney was directed to contact the persons filing those disclosure statements to obtain the additional information needed. The Commission members also identified some potential conflicts of interest that required further contact with the officials, employees or board or commission members to obtain additional information.

Mr. Canfield noted that in the private sector, members of some boards are given notice of their organization’s conflict of interest policy and asked to disclose and address any potential conflicts of interest. He suggested that such a policy be considered for members of County boards and commissions. Mr. Hess noted that this could be accomplished through an amendment of the Ethics Law. Rev. Jones suggested that this could be an issue to raise in the Ethics Commission’s annual report to the County Executive and County Council.

**Adjournment**

**MOTION:** Mr. Heller made a motion to adjourn. Mr. Stanker seconded the motion, which was approved unanimously.

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

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



**Frederick County Ethics Commission**  
**Minutes for the Public Meeting of Wednesday, January 8, 2020**

Present: Ernest A. Heller, Vice-Chair  
Dr. Anna Johnson-Winegar, Commission Member  
Rev. Douglas P. Jones, Commission Member  
Deborah L. Lundahl, Commission Member  
Linda B. Thall, Senior Assistant County Attorney

Absent: Stephen K. Hess, Chair  
M. Shane Canfield, Commission Member  
Deidre R. Davidson, Commission Member  
James Stanker, Alternate Commission Member

The Frederick County Ethics Commission meeting started at 7:00 p.m. on January 8, 2020, in the Winchester Room on the 2<sup>nd</sup> floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

**Public Ethics Report** – The Commission members received copies of the 2019 Public Ethics Report for the period January 1, 2019 through June 30, 2019, which was submitted by the Office of the County Executive. The Public Ethics Law requires that this report be provided to the Ethics Commission.

**Discussion of financial disclosure updates** – Before the meeting, the members received a written chart showing which officials and employees were contacted for additional information or clarification of information provided in their annual financial disclosure statements. After review of the information provided, the Commission members did not see a need for additional action regarding any of the individual forms submitted. The Commission noted that the electronic financial disclosure form needs to require that all of the required information be provided before the form is filed with the Ethics Commission. The County is aware of this need and anticipates that the revisions to the electronic forms will be made before the next distribution of the statements in April 2020.

**November 2020 meeting date** – The Commission noted that the second Wednesday of the month, which is the normal day on which the Commission meets, falls on a County holiday in November. The Commission will discuss whether the November meeting will be held and, if necessary, select a new meeting date later in the year.

**Adjournment**

**MOTION:** Dr. Winegar made a motion to adjourn. Ms. Lundahl seconded the motion, which was approved unanimously.

The Ethics Commission adjourned its meeting at approximately 7:10 p.m.

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

# Minutes of the Public Meeting of the Frederick County Ethics Commission

Monday, July 13, 2019

Present: Stephen K. Hess, Commission Member  
Ernest A. Heller, Commission Member  
Deborah L. Lundahl, Commission Member  
Dr. Anna Johnson-Winegar, Commission Member  
Rev. Douglas P. Jones, Commission Member  
James Stanker, Alternate Commission Member

Absent: Deidre R. Davidson, Commission Member  
M. Shane Canfield, Commission Member

Secretary: Andrew J. Ford, Assistant County Attorney

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The Frederick County Ethics Commission meeting started at approximately 4:00 p.m. on July 13, 2020 via WebEx which was streamed simultaneously on Facebook Live.

Mr. Hess initially chaired the meeting.

**Item One of the Agenda: Election of Chair and Vice-Chair.** Mr. Hess indicated that he was not able to serve another term as Chair, but he recommended Mr. Heller take over the role for the next year. Mr. Heller indicated that he would be willing to serve as Chair if Mr. Hess would be willing to serve as Vice-Chair, which he indicated he would.

**MOTION:** Mr. Stanker moved to have Mr. Heller serve a one-year term as Chair. Ms. Johnson-Winegar seconded the motion, which was unanimously approved.

At this time, Mr. Heller took over the running of the meeting from Mr. Hess.

**MOTION:** Ms. Lundahl moved to have Mr. Hess serve as Vice-Chair. Ms. Johnson-Winegar seconded the motion, which was unanimously approved

**Item Two of the Agenda: Distribution of the Public Ethics Report (January 1, 2020 through June 30, 2020).** The Commission members received copies of the 2020 Public Ethics Report for the period January 1, 2020, through June 30, 2020, which was submitted by the Office of the County Executive. The Public Ethics Law requires that this report be provided to the Ethics Commission.

**MOTION:** Rev. Jones moved to accept the Report, and Mr. Hess seconded the motion, which was unanimously approved.

**Item Three of the Agenda:** Prior to the meeting the Office of the County Attorney distributed information regarding the status of receipt of financial disclosure statements required by the Public Ethics Law. The members agreed to have the Office distribute to the members the financial disclosure statements already received while the Office continued to make efforts to obtain those which are outstanding.

**Adjournment**

**MOTION:** Mr. Hess made a motion to adjourn. Ms. Lundahl seconded the motion, which was approved unanimously.

The Ethics Commission adjourned its meeting at approximately 4:15 p.m.

\_\_\_\_\_/s/\_\_\_\_\_  
Andrew J. Ford  
Assistant County Attorney

# Minutes of the Public Meeting of the Frederick County Ethics Commission

Monday, August 10, 2020

Present: Ernest A. Heller, Chair  
Stephen K. Hess, Vice-Chair  
Deborah L. Lundahl, Commission Member  
Rev. Douglas P. Jones, Commission Member  
James Stanker, Alternate Commission Member

Absent: Deidre R. Davidson, Commission Member  
Dr. Anna Johnson-Winegar, Commission Member  
M. Shane Canfield, Commission Member

Secretary: Andrew J. Ford, Assistant County Attorney

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The Frederick County Ethics Commission meeting started at approximately 4:00 p.m. on August 20, 2020, via WebEx which was streamed simultaneously on Facebook Live.

1. Agenda and Minutes. Mr. Heller chaired the meeting.

**MOTION:** Mr. Jones moved approve the Agenda. Mr. Stanker seconded the motion, which was unanimously approved.

The draft minutes from the July 13, 2020 meeting were emailed to the members before the meeting.

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

2. Financial Disclosures. The members of the Commission discussed the status of the review of financial disclosure statements. Members expressed a desire to have exception report generated to increase efficiency of the review process.
3. Annual Report. Members discussed forthcoming annual report to the County Executive and the County Council. Mr. Ford indicated that he would provide a draft of the report in advance of next month's meeting.
4. Annual Certification. Mr. Ford also mentioned that the annual certification to the State would be drafted in advance of next month's meeting.

5. Upcoming Meeting Dates. Members discussed upcoming meeting dates and expressed a desire to return to 7:00 p.m. meeting time. Next meeting is scheduled for September 9, 2020.
6. 2021 Legislative Considerations. Finally, members were reminded of the deadline (September 9, 2020) for any response to the County Executive's letter dated July 30, 2020 requesting ideas and suggestions for Frederick County's legislative packages to the 2021 General Assembly Session.
7. Administrative Function. The Commission recently received an ethics complaint against a County official. The Commission discussed whether it should conduct an administrative function meeting to discuss the complaint.

**MOTION:** Mr. Hess made a motion to hold an administrative function meeting. Mr. Jones seconded the motion, which was approved unanimously.

**Required information regarding the administrative function meeting** – The Commission ended the WebEx broadcast and after a break, reconvened via Microsoft Teams. The Commission began its administrative function meeting at approximately 4:45 p.m. on August 10, 2020, the via Teams.

Present for the administrative function meeting were members Heller, Hess, Lundahl and Stanker. A motion was made by Mr. Heller to adjourn the administrative function meeting and reconvene on Wednesday, August 12, 2020, at 7:00 p.m. Motion was seconded by Mr. Hess, which was approved unanimously.

The Ethics Commission adjourned its meeting at approximately 4:55 p.m.

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/s/  
Andrew J. Ford  
Assistant County Attorney

