

QUEEN ANNE'S COUNTY ETHICS COMMISSION



Annual Report
2018

Queen Anne's County Ethics Commission



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Introduction

The Maryland General Assembly enacted the State Ethics Law in 1979. The purpose of the law is to protect the public's confidence and trust in government by assuring the impartiality and independent judgment of State Officials and employees. The Maryland Public Ethics Law requires local jurisdictions to enact provisions that are similar to the State Public Ethics Law. The Queen Anne's County Commissioners have complied with this requirement through the passage of and amendments to the Queen Anne's County Public Ethics Law.

The Queen Anne's County Ethics Commission administers the County's Public Ethics Law (Chapter 8 of the Queen Anne's County Code) by encouraging and enforcing compliance with its requirements. The Commission does so by various educational and informational outreach efforts, issuance of Advisory Opinions, consideration and resolution of Complaints, ensuring compliance with public financial disclosure requirements of various County officials and employees, and overseeing lobbyist registration and annual reporting requirements – all more specifically described below.

The Ethics Commission consists of five members and one alternate. Commission members serve a five-year term, and the terms are staggered. In this way it is possible to acquire new ideas and perspectives without sacrificing continuity and experience. At the start of the year in 2018, the Commission consisted of Dale Anderson, who was elected chair for the calendar year by a vote of the Commission, Merle Rockwell, Stan Ruddle, Kaarin Salisbury, Valerie Hirsch, and Francis Roudiez, Alternate member.

The Commission meets formally once a month, usually on the third Monday of each month, in the County Commissioners' Hearing Room in the Liberty Building in Centreville.

Members of the public are welcome to attend the open sessions of each meeting. During the open portion of the meeting the Commission discusses the status of financial disclosure reports, ethics training, requests for Advisory Opinions and other issues, and hears comments from the public. If necessary, the Commission also meets in a closed or executive session to conduct confidential business generally including discussion of requests for advisory opinion, complaints and the progress of any investigations and to consult counsel. Hearings on complaints of ethics violations are also handled during closed sessions. All final actions of the Commission are taken in the open portion of the meetings as required by Section 8-8D of the Queen Anne's County Code.

If there is no formal business to attend to, and no requests for advisory opinions or complaints to hear, the commission may choose to not meet in a particular month. In 2018, the Commission elected to meet only on the following dates: January 22, February 26, April 16, June 18, August 20, October 15, and November 19, 2018.

The Commission is staffed by a part time clerk, Tina Miles, and is advised by an attorney, Lynn Knight, who is appointed by the Commission with approval of the County Commissioners. Both Tina Miles and Lynn Knight respond to informal questions and inquiries to the Ethics Commission.

Maryland Public Ethics Law – Conflicts of Interest Training

Education and Outreach

When the county holds new hire orientation, one of the Ethics Committee members offers an overview of the purpose and concept of the Queen Anne's County Ethics Ordinance in order to prepare the new employees to recognize potential ethics issues, both on the job and off in some circumstances – primarily related to potential conflicts of interest with their county employment. When necessary, a member of the Ethics Committee will provide individual discussion with new hires throughout the year. Queen Anne's County New Employee orientation was held on April 26, 2018.

Advisory Opinions

In 2018, the Commission issued one official Advisory Opinion on November 19, 2018. The Commission considered the facts that were provided regarding a county employee who is a Nuisance Zoning Inspector and also performs handyman work as a side job, and whether this relationship created a Conflict of Interest of the County Public Ethics Law.

The Commission determined that the county employee that is a Nuisance Zoning Inspector does have a conflict of interest under §8-11 regarding any work that he would perform in his county position that involved his former employer (a builder/contractor that may require inspections and permits). The Commission advised the employee that he would need to recuse himself from any County work that would involve his former employer or any other employer, that he would come in contact with through his county employment. As there are two other county employees that could cover the conflict, this would not place an unreasonable burden on the employee or the County Planning and Zoning Department to assure that the conflict, or the appearance of a conflict, would be created. Advisory Opinions are initiated either upon request, or by the Commission itself as a result of issues raised during its regular meetings. Each opinion, redacted as necessary to preserve confidentiality, is announced during the public portion of the meeting and becomes available to the public in written form after notification of the individual requesting the opinion. Unlike a Complaint, Advisory Opinions are as the name states, advisory in nature, and an opinion on the ethics matter rendered by the Commission. Advisory Opinions are based solely on the facts presented by the individual(s) or party requesting the opinion. The Commission does not conduct any investigation of the facts (although it may, on occasion, ask for clarification), and the opinions are not binding.

Complaints

One complaint was filed with the Commission in December of 2017. The matter was not resolved in 2017. but carried over into 2018, whereupon it was resolved. Specifically, the Ethics Commission received a complaint alleging three members of a county board had a conflict of interest in voting as board members, because of their own interest in the agency, as they are a consumer of services provided by the agency.

The Ethics Commission accepted the Complaint as legally sufficient and began an investigation into the allegations. A hearing was held on the Complaint and the Ethics Commission issued an opinion finding as a matter of law that the members have an “interest” distinguishable from the general public in the agency, which would then be a violation under §8-11A for them to participate in any matter before the board. The members filed an appeal to QAC Circuit Court for a judicial review. The judge reversed the decision of the QAC Ethics Commission, relying upon a Federal Law of which the agency is governed under and requires that at least one board member be a consumer of the agency, which preempts any County and State law that would restrict their ability to serve on the board.

§ 8-11 (1) Cannot participate in any matter in which there is an interest in the matter, as distinguished from the public generally, for them or a family member.

Financial Disclosure

The Queen Anne's County Public Ethics Law, Chapter 8 of the Queen Anne's County Code, requires that elected County officials, certain employees, members of decision-making authority boards or commissions, and various other individuals disclose their financial affairs annually, as well as upon employment/appointment and upon leaving office, as a tool to guard against conflicts of interest and to assure the public that Queen Anne's County business is being properly conducted.

In 2018, the Commission received and reviewed 224 financial disclosure statements (an increase from previous years due to additional identified employee levels required to file). The deadline for filing the annual financial disclosure statements is January 31st. It should be noted that the Ethics Commission enjoyed 100% employee participation with the disclosure requirement, due to the efforts of Ethics Commission Clerk, Tina Miles.

Lobbying Disclosure

In 2018 the Commission registered 6 lobbyists from the time period between January 1st, 2018 and December 31st, 2018 and received 7 year-end Lobbying Disclosure Forms.

Lobbying disclosure under the Public Ethics Law has two aspects. First, lobbyists are required to file a registration statement within five days of first acting as a lobbyist, and yearly thereafter. Second, any lobbyist who expends funds or receives compensation to influence County Government action, or who gives gifts, such as meals and beverages to influence County government action, is required to file a detailed year-end disclosure report. These reports are public records available for inspecting and copying.

Conclusion

In 2018, the Queen Anne's Ethics Commission continued to serve the citizens of Queen Anne's County by fulfilling its obligations under Chapter 8, Ethics of the Code of Queen Anne's County.

The Commission ensured that all new County Employees were educated on the Ethics Code, and was available to address any concerns through issuing Advisory Opinions and addressing registered complaints. The Commission additionally made sure that all Lobbyists complied with the required documents necessary according to the Code of Queen Anne's County.

The Ethics Commission has, and will, continue to monitor the Maryland State Ethics Commission, ensuring that Queen Anne's County remains current with any changes to the Maryland State Ethics Code.

Respectfully Submitted,

Queen Anne's County Ethics Commission

Dale Anderson, Chairman

Merle D. Rockwell

Stan Ruddle

Valerie G. Smith Hirsch

Kaarin Salisbury

Jerry Jordan, Alternate member