

QUEEN ANNE'S COUNTY ETHICS COMMISSION



Annual Report
2012



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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 jurisdiction 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 employee's, 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 2012 the commission consisted of Robert C. Mueller, Esquire, who was elected chair for the calendar year by a vote of the Commission, Harold O. Wilson, Jody Schulz, Richard Smith, Robert Udoff and Dale Anderson as Alternate.

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.

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.

Education and Outreach

Due principally to the significant reduction in county employee staffing levels and hiring, the Ethics Commission did not offer many presentations on the Queen Anne's County Ethics Ordinance to new county employees. Chair Robert Mueller did provide training and individual discussion with new hires as needed throughout the calendar year. Mueller offers an overview of the purpose and concept of the 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.

State Ethics Code

In the 2012 State of Maryland Legislative Session the state amended the State Ethics Code making it a requirement of all subordinate jurisdictions to maintain an Ethics Code that is "equivalent to or more stringent than" the State Ethics Code. The Queen Anne's County Ethics Committee spent a significant amount of time analyzing the new state law and then sending recommendations to the County Commissioners on the necessary changes in order to keep Queen Anne's County Government in compliance with the new state laws.

Advisory Opinions

In 2012 the Commission issued 6 Advisory Opinions either upon request, or initiated 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. The following summary of the 6

Advisory Opinions from 2012 should be used as a guide only, and should not be utilized in place of the entire opinion.

12-01

Considered if there was a conflict of interest by a county paramedic who, while acting as a citizen, assisted someone in a medical emergency, and then was given a gift by the store where the act took place. The Commissions determined that there was no conflict of interest.

12-02

Considered whether there was as conflict of interest if a County Commissioner accepted complimentary tickets to attend a function. The Commission determined that it was no conflict for a County Commissioner to accept a gift of complimentary tickets to attend as a County Commissioner.

12-03

Considered whether there was as conflict of interest if a County Commissioner accepted complimentary tickets to attend a function. The Commission determined that it was no conflict for a County Commissioner to accept a gift of complimentary tickets to attend as a County Commissioner. (Same situation as 12-02 above)

12-04

Considered if a county employee participating in acting as an auctioneer or bidder on county items in the Reuse Program would be in violation of the County Ethics Code. The Commission determined that there would not be a violation as the particular employee did not work in the Solid Waste Division. Further, the Commission commented that it would not be appropriate for an individual to bid on an item where they are also acting as the auctioneer.

12-05

The Commission reviewed a letter where the definition of “plainly frivolous and legally insufficient” was applied by the Commission in a Complaint. The Commission determined that it would not provide a definition in which it would be bound by a specific definition. It further stated that it will be more sensitive to this issue when dealing with future complaints.

12-06

The Commission determined that there was a violation of 8-11 (A) 1 & 2 where a vendor for the Department of Recreation was a family member of a Supervisor in that Department. The Commission was informed that the County Administrator had given verbal approval for an exception to the County nepotism clause in this matter. The Commission issued a request for the County Administrator to provide the approval in writing to the necessary parties involved.

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 2012, the Commission received and reviewed 182 financial disclosure statements. The deadline for filing the annual financial disclosure statements is January 31st.

Complaints

The Commission heard 4 complaints in 2012. Three of the complaints were somewhat related in that they were regarding County Commissioners and their participation in decisions regarding the sewer line down Route 8. In all three complaints the Commission generally found no conflict and cited the prior case, Queen Anne's County Circuit Court, #17-C-11-15807 (2011). The summaries that follow provide only a broad and general outline of the circumstances of the complaints and the Commissioner's conclusions. Under no circumstances are the summaries that follow to be used in place of the actual language in the Opinion themselves.

Complaint 12-01

A complaint was filed by a citizen with the Commission alleging that a County Commissioner had violated the County Ethics Law by speaking to a County employee in a public place about another County employee. The complaint was dismissed as the Commission determined that alleged conduct did not fall under the jurisdiction of the Ethics Commission.

Complaint 12-02

A citizen filed a complaint alleging that a County Commissioner was voting on legislation that affected his private real estate practice. The Ethics Commission dismissed the complaint as legally insufficient as no facts were presented that established an actual gain.

Complaint 12-03

A complaint was filed by three of the five County Commissioners alleging that a former board member had violated the County Ethics Law by failing to disclose pertinent information that could have potentially affected the board's decision regarding the sewer line on Route 8. The Ethics Commission dismissed the Complaint as no facts were alleged that provided any evidence of an actual private gain for the individual or for another.

Complaint 12-04

A complaint was filed by a group of citizens against a County Commissioner alleging two separate violations. The first was that a County Commissioner violated the County Ethics Law by not recusing himself on legislative actions that had a direct financial impact on his business. The Ethics Committee dismissed the complaint as there was no evidence provided of any such actual gain by the individual or their business.

The second complaint alleged that three County Commissioners were using the prestige of their office for the private gain of themselves or another citizen. The Ethics Commission determined that one part of the complaint, involving one of the County Commissioners, was legally sufficient to move forward. The County Commissioner in question took affirmative action to remedy the potential conflict by removing their status as a County Commissioner from their business advertising. The Ethics Committee determined that this action was sufficient to then dismiss the complaint.

Lobbying Disclosure

In 2012 the Commission registered 7 lobbyists and received 12 year-end Lobbying Disclosure Forms. Continuing its efforts to make the public, and individuals who may be functioning as lobbyists, aware of the requirements under the County Ethics Law to register and to file a disclosure form, the Commission sent a letter to all County Boards and Commissions requesting their help in identifying lobbyists that appear before them so that the Commission can ensure they are aware of, and comply with, their registration and reporting responsibilities.

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 are public records available for inspecting and copying.

Conclusion

The Queen Anne's County Ethics Commission further continued its efforts on all fronts in 2012. In addition to providing six advisory opinions and reviewing four complaints, the Ethics Commission further educated the County Employees and the general public on the Ethics Code for Queen Anne's County.

Requests for opinions and decisions came from citizens, County Employees and County Executives implying that there is a further and expanding understanding of the role of the Ethics Committee for all citizens that reside and do business with Queen Anne's County.

It is expected that as the Ethics Code at the State level changes and evolves that the Queen Anne's County Ethics Committee will play a pivotal role in keeping Queen Anne's County compliant. Furthermore, continuing its efforts in protecting the public's confidence and trust in the Queen Anne's County Government and its departments.

Respectfully Submitted,

Queen Anne's County Ethics Commission

Robert C. Mueller, Esquire, chairman

Harold O. Wilson

Jody Schulz

Richard Smith

Robert Udoff

Dale Anderson, Alternate Member