

QUEEN ANNE'S COUNTY
ETHICS COMMISSION



Annual Report
2013

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 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 2013 the commission consisted of Robert C. Mueller, Esquire, who was elected chair for the calendar year by a vote of the Commission, Jody Schulz, Richard Smith, Robert Udoff, Steffan R. Sonneveldt 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 opinions, 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.

Advisory Opinions

In 2013 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 2013 should be used as a guide only, and should not be utilized in place of the entire opinion.

13-01

The Commission considered if there was a conflict of interest by a county employee for holding secondary employment with a Community Services Board that served interests in the county. The Commissions determined that there was no conflict of interest.

13-02

The Commission considered whether there was as conflict of interest if a member of the Planning Commission did not recuse themselves from agenda topics and discussions where there was potential financial impact on the individual. The Commission determined that from the facts presented that there was no conflict and cited reference to Complaint No. 10-01 for previous opinions on this matter.

13-03

The Commission considered whether there was as conflict of interest if an individual serving as a commissioner on a County Board listed that information on their web site. The Commission determined that it was an appearance of conflict under 8-11 A (7) and suggested that the Board member remove that reference.

13-04

The Commission considered if a county employee hired as a contractual employee for a County Board that had some connection to their county department there would be a violation of the County Ethics Code. The Commission determined that would not be a violation as the particular employee would not be involved in any other issues or decisions related to the project. Further, the Commission commented that it was comfortable with that representation that the appearance of a conflict was eliminated.

13-05

The Commission considered a request by an employee regarding serving on a county board that would also review bids submitted by the company they work for. The Commission determined that it would be a conflict of interest for this individual under 8-11 A 2 (d) and 8-11 A 3 (b). Although not preventing their participation on the Board, the Commission commented that the individual would have to recuse themselves from any discussions or activities related to the company for which they are employed. Furthermore, the Commission stated that it would be extremely difficult to prevent a conflict or appearance of conflict under these conditions.

13-06

The Commission considered if there was a conflict of interest regarding an employee that works for the county and their spouse that works for a company that contracts with the county. The Commission determined that there was no violation because there was not supervision or management between the two, and that the county employee had no input on the control of the contract.

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 2013, the Commission received and reviewed 191 financial disclosure statements. The deadline for filing the annual financial disclosure statements is January 31st.

Complaints

The Commission heard 2 complaints in 2013. Both complaints involved potential conflicts of interest related to a County Commissioner. In both cases the Ethics Commission cited the recently revised Ethics Law which can be found on the Queen Anne's County Ethics Commission web site. In both of the complaints the Commission generally found no conflict and in both cited the prior case, Queen Anne's County Circuit Court, #17-C-11-15807 (2011) as well as prior decisions, most importantly Complaint No.'s 10-01, 10-02, and 12-04. 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 13-01

A complaint was filed by a citizen with the Commission alleging three separate violations by a County Commissioner. The County Commissioner filed a request for an Advisory Opinion on the same matter, and through counsel provided an unsolicited response to the Ethics Commission prior to the Board reviewing the complaint.

The first complaint was in reference to supporting the Four Seasons Wetlands application. The complaint was dismissed as the Commission determined that complaint was legally insufficient under 8-10 G (4) (a).

The second allegation was that the County Commissioner violated 8-11 A (2) by supporting the Four Seasons Wetlands application to the Board of Public Works. The Ethics Commission dismissed the complaint as legally insufficient under 8-10 G (4) (a)

The third allegation was that the County Commissioner violated 8-11 A (8) by using the prestige of their office for the private gain of themselves. The Ethics Committee dismissed the complaint as legally insufficient under 8-10 G (4) (a).

As the advisory opinion request was from the County Commissioner regarding the same subject matter and same alleged actions, the Ethics Commission took no specific action believing this opinion would resolve the request.

Complaint 13-02

The second complaint was filed by a citizen alleging that a County Commissioner was violating County Ethics Laws by signing a county document related to the Queen's Landing Community Marina. The Ethics Commission dismissed the complaint as legally insufficient under 8-10 G (4) (a) as no facts were presented that established an actual gain that was distinguishable and distinct from any other business in the area in question.

An unsolicited response through counsel was received by the Ethics Commission prior to the Board Meeting to review with the complaint.

Lobbying Disclosure

In 2013 the Commission registered 9 lobbyists and received 11 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 2013. In addition to providing six advisory opinions and reviewing two complaints, the Ethics Commission further educated the County Employees and the general public on the Ethics Code for Queen Anne's County. Additionally, the Ethics Commission dedicated time to ensuring that the Queen Anne's County Ethics Code was in compliance with the Maryland State Ethics Commission.

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

Jody Schulz

Richard Smith

Robert Udoff

Steffan R. Sonneveldt

Dale Anderson, Alternate Member