

# **Queen Anne's County Ethics Commission**

## **2007 Annual Report**

### **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.

By amendment of the Code, adopted by the County Commissioners on January 16, 2007, the membership of the Ethics Commission was increased from three members and one alternate to 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. In 2007, after the Chairman, Mary Glenn "Dee" Orr resigned, effective March 30, 2007, the membership consisted of Francis H. Roudiez, Robert C. Mueller, Kendall R. Ruffatto, Shannon McClellan, C. Irving Pinder, Jr., and Reverend Nanese A. Hawthorne, alternate member. Mr. Mueller was elected Chairman by the members. Later in the year Mr. Pinder and Mrs. McClellan resigned, and Reverend Hawthorne was appointed as a regular member. Mr. Roudiez's term expired on December 31, 2007.

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 each meeting the Commission discusses the status of financial disclosure reports, ethics training 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 meeting 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 the approval of the County Commissioners.

## **Education and Outreach**

The Ethics Commission received training on Maryland's Public Information Act and Open Meetings Act, which fully apply to the Ethics Commission.

Commissioner Shannon McClellan developed a nine-page booklet entitled A Guide to the Ethics Law of Queen Anne's County as well as one-page fact sheets on Financial Disclosure Requirements, Conflicts of Interest and Gifts, which are disseminated to employees, officials and citizens. These materials summarize and explain the requirements of the Queen Anne's County Ethics Law in order to assist in the understanding of and compliance with the law.

Chairman Robert Mueller, with the occasional assistance of members Kendall Ruffatto and Francis Roudiez, conducted nineteen ethics training sessions for county employees. Copies of the Guide to the Ethics Law and the fact sheets were distributed to all attendees. The sessions were designed to familiarize county employees with the scope and approach of the Ethics Law, with particular emphasis on the conflicts and gifts provisions, using hypothetical examples to illustrate the applicable principles.

## **Advisory Opinions**

In 2007, the Commission issued 20 written advisory opinions upon request or initiated as the result of issues raised by the Commission. Each opinion, redacted as necessary to maintain confidentiality, is announced in the public portion of the meeting and becomes available to the public after notification to the individual who requested it. The opinions are summarized below. A person should not rely on this summary for guidance but should request and review the entire opinion and ask the Commission for specific advice.

### 07-01

The members of the Queen Anne's County Department of Public Works Advisory Board are not subject to the financial disclosure requirement of the Queen Anne's County Public Ethics Law. (issued 3/26/07)

### 07-02

A County employee may not hold outside employment that is similar in nature and duties to the county employment. (issued 6/11/07)

07-03

A conflict of interest exists where a private company owned by a County Commissioner had a contract to provide catering services for a County Department. (issued 7/16/07)

07-04

A conflict of interest exists where the county Finance Director also acts as Treasurer and member of the board of directors of Day Care, Inc, which received funding from the County. (issued 7/16/07)

07-05

The Queen Anne's County Partnership for Children and Family Services is subject to the conflict of interests and gifts provisions of the Queen Anne's County Public Ethics Law but not the financial disclosure requirement. (issued 7/16/07)

07-06

A conflict of interest exists where a County Department head has ownership interests in a corporation that has been hired as a painting contractor for the County. (issued 7/16/07)

07-07

A County employee has a conflict of interest if he holds secondary employment with an organization that receives funding from the County department in which he works. (issued 7/16/07)

07-08

There is an appearance of a conflict of interest, and thus a violation, where a member of the Queen Anne's County Commission on Aging holds a position as Senior Outreach Coordinator for the campaign of a Congressional candidate. (issued 8/20/07)

07-09

Amending an advisory opinion issued on 7/16/07, where no financial or programmatic connection existed between the Queen Anne's County Partnership for Children and Family Services and the County employment, there would be no conflict of interest as long as the County employment does not involve programs or services in the areas in which the employee provides counseling in his secondary employment. (issued 8/20/07)

07-10

There is no conflict of interest, or appearance thereof, for a County employee in the Department of Economic Development and Agriculture to serve as a volunteer member of the Farm Bureau Board of Directors. (issued 9/17/07)

07-11

A member of the Queen Anne's County Ethics Commission does not have a conflict of interest, or the appearance thereof, as a Board member of Community Mediation Upper Shore. (issued 9/17/07)

07-12

There is an appearance of a conflict of interest if a County Commissioner, who is also a member of the Board for the Queen Anne's County United Way, votes on issues directly related to the United Way. The commissioner should continue to recuse himself from any vote as County Commissioner that involves the United Way. (issued 9/17/07)

07-13

A member of the Queen Anne's County Ethics Commission does not have a conflict of interest, or the appearance thereof, in serving as a board member for Queen Anne's County Hospice.

A member of the Queen Anne's County Ethics Commission does not have a conflict of interest, or the appearance thereof, as an independent contractor in the law office of counsel to the Ethics Commission. (issued 9/17/07) (See opinion 07-20, clarifying)

07-14

There is no violation of the Queen Anne's County Public Ethics Law by a County employee who, as part of his County job, purchases parts from a business where his son is employed as a counter man. (issued 11/19/07)

07-15

An employee of the Queen Anne's County Department of Aging, who plans to accompany seniors and community members on a trip sponsored by the Department of Aging, may not accept a free or reduced cost trip from the travel agency that arranged the trip. (issued 11/19/07)

07-16

An individual in a county position that is a grade 12 or above and whose position is managerial, supervisory or administrative in nature is subject to the provisions of Section 8-5(B)(1) of the Queen Anne's County Public Ethics Law. (issued 11/19/07)

07-17

A County employee is precluded from secondary employment by an entity that is doing business with that employee or with the government unit for which the employee works. (issued 11/19/07)

07-18

It would be a conflict of interest for a County employee to make the decision on approving an application for public housing for an individual with whom the employee has a private business relationship. (issued 12/11/07)

07-19

There would be an appearance of conflict of interest for a County Commissioner, whose spouse serves on the Queen Anne's County Library Board, to vote on any matter involving the Queen Anne's County Library. (issued 12/17/07)

07-20

The scope of a September 2007 advisory opinion (No. 07-13), that a member of the Ethics Commission did not have a conflict of interest while associating professionally with the law firm of counsel to the Commission, is clarified and, as such, is affirmed; and a request for reconsideration of that opinion is denied. (issued 12/20/07)

**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.

The annual financial disclosure statement was revised and two additional forms were created for the required filing of financial disclosure upon employment/appointment and upon leaving office.

In 2007, the Commission received and reviewed 228 financial disclosure statements. The deadline for filing the annual financial disclosure statement is January 31<sup>st</sup>.

**Complaints**

In 2007, the Commission filed 19 complaints for late filing or failure to file financial disclosure forms. Such complaints are initiated by the Commission when the required forms have not been received by the deadline. Letters were sent to those individuals advising them that a complaint had been initiated and that they could cure the violation by filing the required form before a certain date and if they did not file they could appear on the date of the scheduled hearing.

As of the date of the hearing, nine financial disclosure forms remained outstanding and none of those individuals appeared. The Commission imposed a fine of \$200.00 against each of those individuals.

Of the nine individuals fined, three paid the fine and five fines were rescinded after personal appearances or written explanations.

The matter involving the one outstanding fine was referred to the Queen Anne's County State's Attorney for enforcement pursuant to Section 8-16 of the Queen Anne's County Public Ethics Law.

### **Lobbying Disclosure**

In 2007, the Ethics Commission registered four lobbyists and received fifteen year-end disclosure reports for 2006.

The Public Ethics Law defines a lobbyist as someone who communicates with any official or employee, for the purpose of influencing that person in performance of his or her official duties and who:

- Spends or intends to spend \$100 or more on food, entertainment, services, or gifts for officials or employees or spouses or dependent children during a calendar year;
- Is compensated \$500 or more in a calendar year for lobbying;
- Spends \$500 or more in a calendar year to compensate another person or persons for lobbying to influence an official or employee in the performance of his or her official duties; or
- Spends at least \$2000 or more in a calendar year for salaries, contractual employees, postage, telecommunications services, electronic services, advertising, printing and delivery services for the express purpose of soliciting others to communicate with an official or employee to influence that person in performance of his or her official duties.

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 of those activities. The registration statement and year-end disclosure report are public records available for inspection and copying.

## **Conclusion**

The Queen Anne's County Ethics Commission continues to strive toward its goal of effective and fair administration of the Public Ethics Law by providing advice and educational opportunities to County employees and volunteers as well as aggressively enforcing the law through the complaint process for ethics law violations as necessary. In partnership with and cooperation of County employees and officials, the Ethics Commission's implementation of the Public Ethics Law seeks to ensure open and ethical governance that is focused on the best interests of the citizens of Queen Anne's County.

Respectfully submitted,

Queen Anne's County Ethics Commission:

Robert C. Mueller, Esquire, Chairman  
Reverend Nanese A. Hawthorne  
Kendall R. Ruffatto, Esquire  
Benjamin C. Tilghman, Jr.  
Harold O. Wilson