

# Ethics Update

Issue 22

March - April 2003

"When they call the roll in the Senate, the Senators do not know whether to answer present or not guilty."

- Theodore Roosevelt

## ABOUT THE USE OF COUNTY RESOURCES

Section 3-104(a) prohibits an employee from using "the prestige, title, or authority of the employee's office or position for the employee's private gain or the gain of another."

Although you might not have thought about it before, part of the authority you have been given includes the authority to use county resources, i.e., your computer, office, telephone, fax machine, copier, county car, etc.

Section 3-104(a) prohibits you from using any of these resources for your own private gain, or for the gain of another. That means that you may not use these county resources for your second job or for any outside organization. You may not use the office copier to print party invitations for your child's scout troop or the agenda for the next Save the Eels Foundation meeting. You may not send directions to the Annual Eel Eat-a-Thon from your county computer to the other members and you may not use county email to sell your grandfather's old bassoon. The use of these resources constitutes a "gain" to you or to your organization.

You should also check out the county's administrative procedures

(admin pros) on the intranet for further guidance on the use of the internet.

Section §3-104(a) prohibits the use of other attributes of the prestige, title, and authority of your office or position as well. (Hint: check out this month's test.)

## EMPLOYEE OR VOLUNTEER - IT'S ALL THE SAME ETHICS LAW

The ethics law covers all county employees. An employee is defined to include volunteer members of county boards and commissions. §1-101(f)(1)(ii). Volunteers are subject to most of the same conflicts of interest rules as compensated county employees. In addition, many county volunteers are required to file annual disclosure statements.

Most volunteers cheerfully cooperate with the disclosure requirements. Some volunteers aren't so cheerful, but they cooperate anyway. And some volunteers complain that they shouldn't have to file disclosure forms because they don't get paid or because they are volunteering out of the goodness of their hearts and requiring the filing of a form is an insult and a turn-off to many would-be volunteers.

The good news is that most volunteers - like the Plumbing Commission or Personnel Board members - have only to file a simple Conflict of Interest Statement. This type of

disclosure form only requires volunteers to list those interests that may be impacted by the decisions of the board or commission upon which they serve. Doesn't that seem like an important disclosure?

Other volunteers - like the members of the Ethics Commission and the Planning Advisory Board - must file the longer Financial Disclosure Statement. In this statement, volunteers must list their real property and business interests, and other assets and liabilities.

We'd like to hear from volunteers, by POLITE email, letter, or phone call, giving us your thoughts on the trials and tribulations of filing disclosure forms.

Oh and by the way, get ready. Everyone who is required to file will be hearing from us soon - disclosure forms will be due on April 15, 2003.

## ETHICS COMMISSION OPINIONS

Opinions issued by the ethics commission since December of 2002 are summarized below. But don't rely on a summary when you can have the real thing. Ask for a copy of any opinion of interest. Applicable sections of the Public Ethics Law, Article 9 of the County Code, are noted where applicable.

**AO-02-137:** An employee of the fire department may not serve as the president of the Volunteer

Firefighters Association. §3-105(b) and (c).

**AO-02-143:** A county police captain may not employ police officers in a private corporation of which the captain is half owner and manager. §3-104(a).

**AO-02-151:** The legislative counsel to the county council did not violate the ethics law by serving as a compensated expert witness in a case in which the county was a witness but not a party. §§3-104(a), 3-105(c) and 3-109(a).

**IO-02-146:** A member of the Planning Advisory Board may be employed by the Tipton Airport, but may not participate on the PAB in any matters relating to the Airport. §3-101(a).

**IO-02-147:** A legislative assistant may serve on the central committee of a political party.

**IO-02-150:** The members of the county council may interview current members of the board of appeals as part of the appointment process.

**IO-02-152:** Employees may accept a scholarship to attend a work-related conference, offered by the sponsor of the conference, since the sponsor is not a controlled donor. §3-106(b).

**IO-02-155:** An employee may serve on the fund-raising committee of a private organization in the employee's personal capacity only, and may not target controlled donors in fund raising efforts. §3-104(a).

**IO-03-08:** The county executive may authorize the county government to promote a charitable event sponsored by a private entity if the event will benefit county citizens. The authority includes the right to use county facilities.

**IO-03-05:** A council member may not participate in legislative

activity related to binding arbitration where the member's relative is part of a group that will receive the primary benefit of this legislation. §3-102. See also IO-03-12.

**IO-03-14:** Prohibitions on participation in matters involving relatives do not extend to matters involving cousins. Where a council member believes that an appearance of a conflict of interest would be created by participating in legislative activity where a cousin has an interest, the council member may exercise discretion in determining whether to act on the matter. §1-101(t), 3-101 and 3-102.

**IO-03-15:** Employees involved in the herculean efforts to remove this winter's excessive snowfalls may accept a one-time coupon worth \$2.50 from a local retailer since it is of nominal value and since the retailer is not a controlled donor. §3-104(a).

### **AND NOW, A TEST!**

Anna Dugood, a high-ranking official in a Maryland county, recently received extensive national press coverage for her very public handling of a crisis. Many people thought that she provided calm and effective leadership that culminated in a successful outcome - that she was a hero. She has received numerous invitations to travel and lecture about her handling of the crisis, and she is considering writing a book about it. What if any ethics issues might be raised by her decision to travel, give speeches, and write a book about her experiences? Please e-mail us your answer, or any thoughts you may have on this issue.

### **ETHICS TRAINING**

What are you waiting for? Learn something for nothing! Receive a gift (of nominal value, naturally), and a genuine letter of attendance to show your boss. Bring your friends. Call or e-mail to sign up for one of the following training sessions:

- ☞ Wednesday, March 19
- ☞ Friday, April 25
- ☞ Wednesday, May 14

Sessions start at 9:00 a.m. and finish by 11:30. As an alternative, the commission will gladly schedule a special training session for any group of employees, at a time and place of your choosing.

### **ANNUAL REPORT**

The 2002 Annual Report - always a hot item - is out and copies are available upon request. Also, look for the Annual Report online soon. Don't miss yesterday's ethics news.

### **WHERE WE ARE (and when)**

**Hours:** M-F: 8:00 to 3:00

**New Address:**

Heritage Office Complex  
2666 Riva Road, Room 160  
Annapolis, MD. 21401

**Phone:** 410-222-4412

**Fax:** 410-222-4414

**E-mail:**  
etdaws00@mail.aacounty.org