

Ethics Update

A newsletter from the Anne Arundel County Ethics Commission

March 2004, Issue 26

"Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate for a moment to prefer the latter."

-Thomas Jefferson

ABOUT THE NEW IMPROVED ETHICS LAW:

With the passage of Bill 38-03 in the latter part of 2003, some provisions of the ethics law were changed. In this issue, we will talk about Advisory Opinions - what you sort of wanted to know, but didn't bother to ask. The changes to these provisions are not substantive, but you ought to know something about how to ask for an opinion, when to expect it, and what to do about it when you get it.

1. Anybody may ask for an opinion. The ethics commission **must** issue an opinion to any employee or volunteer about an issue concerning the conduct of that employee or volunteer. The ethics commission **may** issue an opinion to anybody else on the subject of the conduct of others, but is not required to do so.

2. There is no right way to ask for an opinion. You may write a letter to the executive director, send an e-mail, or call on the phone.

You may choose to ask your



question to the whole commission at its regularly scheduled meeting. You may include any and all documents that you think would help the commission in understanding your concern. The ethics commission is here to help employees and to make it easy to get help.

3. You may request anonymity, and if you do, this is what you'll be told: Every ethics commission opinion is released to the public after it is received by the person who requested it. Prior to releasing an opinion, the name of the person who is the subject of the opinion **must** be deleted. The opinion will not include any facts that might identify the subject of the opinion unless those facts are essential to understanding the opinion. We try very hard to protect the privacy of the people who ask for an opinion.



You are entitled to receive at least a preliminary response to your request for an opinion within 14 days after you ask for one. You are entitled to receive the opinion within 60 days after you ask for it, or more promptly if it is feasible and required by circumstances. Generally, the commission is pretty quick about responding to requests for advice because we know that it's important to you.

If you do not like the advice offered in the opinion, you may ask for a reconsideration. If you believe that the opinion misstated important facts, or that the commission failed to consider specific evidence, the commission will be glad to reconsider the opinion. On the other hand, if you simply don't like the advice, don't expect a reconsideration. After all, who enjoys getting advice?

If you *really* don't like the opinion you have three choices:

★ you **may** be able to appeal the opinion to a court of law.

★ you may ignore the advice and do whatever you want to do. If you make this choice, the commission may file a complaint against you, alleging violations of the ethics law. This complaint may lead to a hearing and if you are found, after due process, to have

violated the law, you will be subject to various sanctions. In enforcement cases, you are entitled to be represented by a lawyer, and the commission always encourages you to exercise this right.

★ you may just decide to grin and bear it. Take the advice that is offered to you. The ethics commission consists of 7 people who have been around the block and who understand the ethics law. In most cases, the advice they offer is based on well accepted precedent, and is typical of the advice offered by ethics commissions in other jurisdictions.

Now you know about advisory opinions, and knowing is half the battle.

THE ETHICS LAW- WHO'S COVERED?

Once in a while, when employees call up for advice or to sign up for training we can't help them. As pleased as we are to hear from people, sometimes we must refer them to the State Ethics Commission for assistance.

Not all county employees are covered by the county ethics law- some are covered by the state ethics law. It's confusing for sure, but it's the law.

Officials or employees who are covered by the **state** ethics law include:

- ☞ the sheriff
- ☞ the sheriff's deputies
- ☞ all employees of the sheriff's office
- ☞ the state's attorney
- ☞ the assistant state's attorneys
- ☞ all employees of the state's attorney's office
- ☞ all employees of the health department
- ☞ all employees of the department of social services

And by the way, employees of the soil conservation district office are not covered

by any ethics law at all. Even if you are not covered by the county's ethics law, you are still welcome to sign up for training, but you should be aware that there are a few differences between the state and county ethics laws.

RECENT OPINIONS

Summaries of opinions issued since the last *Ethics Update* follow. Call or e-mail for a copy of the complete opinion.

IO-03-106: A 20% discount offered to all county employees may be accepted since the discount has been offered to other large groups of employees in the past, it is being offered to all employees on an equal basis, and employees will still be required to pay legal and adequate consideration for the discounted services.

AO-04-07/08: Council members who have qualified relatives employed by the school board may participate in legislation to allocate funds to pay for a raise for those employees, since the raise had already been approved. The relatives have no interest, distinguishable from the interest of the public generally, in the actual source of the funding.

ONLINE AT LAST

After much effort (and a little procrastination), the ethics commission finally has its own website on the Internet. It's not complete, but it's up and running. Our thanks go to Betsy Kirkpatrick-Howatt and Christine Boschert for their assistance and Herculean patience. Eventually, the website will contain all opinions issued by the ethics commission since 1996. And under the "Forms" tab, you can currently print out blank financial disclosure forms, or fill them out and then print them. (Unfortunately, we can't offer interactive forms.). The "Forms" page also contains lobbying and other forms required by the ethics commission. The "Registered Lobbyists" page periodically lists lobbyists who are currently registered. You can also review previous annual reports and newsletters. In other words, you'll be able to see just about everything we do!



Check us out at:

www.aacounty.org/ethics

And as always, we would appreciate your comments and suggestions on our web pages, offered in a civil and constructive way.

ETHICS TRAINING

Ethics training is available and encouraged for every county employee. Employees may sign up individually, or with co-workers for even more fun. As always, everybody who attends receives a *free gift*- to keep as a souvenir, and a certificate of completion to file proudly away. Training begins at 9:00 a.m. and ends sort of promptly, between 11-11:30 a.m. So sign up today, by calling or e-mailing The dates are:

- ☞ Wednesday, March 17- St. Patrick's Day
- ☞ Wednesday, March 24
- ☞ Wednesday, April 14
- ☞ Wednesday, April 21
- ☞ Wednesday, May 12
- ☞ Friday, May 21

CHANGES IN THE COMMISSION

The ethics commission is pleased to welcome Karen W. Posey as its new administrative assistant. Karen will assist primarily with lobbying and financial disclosure forms and with training scheduling. A former systems analyst and project manager for NASA Goddard Space Flight Center, Karen is certain to bring the ethics commission to new atmospheric - dare we say- stratospheric - heights of full and speedy service to employees and members of the public.

AN ETHICAL DILEMMA: WHAT'S YOUR OPINION? (No test this time!)

After denying his involvement for 14 years, Pete Rose, former baseball star, recently admitted betting on baseball games when he was the manager of the Cincinnati Reds. He stated that he came clean in the hopes that the lifetime ban on his participation in baseball would finally be lifted and that he would be

eligible for induction into the Baseball Hall of Fame. On January 5, 2004, The Washington Post quoted Rose as saying, "I've consistently heard the statement: 'If Pete Rose came clean, all would be forgiven.' Well, I've done what you've asked. The rest is up to the commissioner and the big umpire in the sky."



Leaving out the umpire in the sky, do you think that Pete Rose should be forgiven and that he should qualify for induction into the Hall of Fame?

Do you believe that "coming clean" after 14 years of denying wrongdoing is an adequate fix?

Do you believe as Rose said, that since he never bet against his team or used insider information in his betting, he violated only the letter and not the spirit of the law?

Fax or e-mail us your thoughts and if they're reasonably coherent and polite, we'll put them in the next issue- anonymously if you request it.



WHERE TO FIND US

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