



Ethics Update

A newsletter from the Anne Arundel County Ethics Commission

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Judge not that ye be not judged... is an abdication of moral responsibility. It is a moral blank check one gives to others in exchange for a moral blank check one expects for oneself.

*- Ayn Rand,
Russian writer, philosopher
(1905-1982)*

PUBLIC ETHICS LAW 101

The ethics commission occasionally receives inquiries about ethics issues that it cannot resolve because they are not covered by the ethics law. Recently for example, the ethics commission received a number of inquiries about the "ethics" of allowing an elected official continuing to serve after being convicted of a crime.

The ethics law simply does not deal with criminal misconduct unless that conduct also implicates the ethics law. The ethics law deals only with conflicts of interest, that is, conflicts between an employee's public duties and that employee's private interests. Engaging in criminal activity that does not otherwise conflict with one's public duties is not, in and of itself, an ethics law violation.

In some jurisdictions, the Public Ethics Law is called the Conflicts of Interest Law, or the Public Integrity Law. Likewise, the agency enforcing the ethics law may be called a Conflicts of Interest Board or a Public Integrity Commission.

Simply because an action may be characterized as *unethical* does not make it a violation of the county ethics law.

PROPOSED CHANGES TO THE COUNTY ETHICS LAW

In 2011, the General Assembly passed a law requiring that all local governments enact certain amendments to their ethics laws. These amendments are designed to ensure that all local elected officials are subject to the same or more stringent standards of conduct as state elected officials. As of this writing, the county may be preparing to introduce the necessary legislation. The proposed changes will:

- (1) require elected officials to disclose annually their interests in mutual funds. This requirement was dropped as to all filers in 2003, but is now required by state law for elected officials only.
- (2) prohibit former county council members from lobbying on behalf of any non-governmental entity before the county council for one year after leaving office.
- (3) decrease the value of gifts of nominal value to \$20 (previously \$25). This provision will apply to ALL county employees and to ALL donors- not just lobbyists. The presumed reason for this change is that employees who file annual disclosure statements must disclose any gift received from a controlled donor that is worth at least \$20. So at least theoretically,

a gift of nominal value is one that does not have to be disclosed.

- (4) change the deadline for filing financial disclosure statements to April 30th (previously April 15th).

The state law also requires the county ethics commission to certify annually that the county's ethics law pertaining to elected officials meets the level of conduct required of all elected officials.

No man can tell whether he is rich or poor by turning to his ledger. It is the heart that makes a man rich.

*-- Henry Ward Beecher,
clergyman, abolitionist
(1813-1887)*

RECENT ETHICS OPINIONS

Since the last edition of the *Ethics Update*, the ethics commission has issued 10 advisory opinions:

[AO-11-80](#): An elected official may accept tickets to the boat shows from the holder of the event if neither the donor nor the event sponsors are "controlled donors" and if the gift was offered a courtesy to the office.

[AO-11-85](#): A council member should refrain from participating in legislative activity where close economic associates are likely to have an interest in the outcome.

[AO-11-86](#): Employees of the library may purchase raffle tickets sold at the library, and they may accept any prizes they may win,

under the circumstances described in the opinion.

[AO-11-88](#): A county official may not accept the gift of a lunch from a controlled donor if the lunch exceeds \$25 in value.

[AO-11-92](#): A controlled donor may give a gift to a retired employee but may not incorporate an official county logo in any part of the gift.

[AO-11-93](#): An agency may not promote a charitable fundraiser, even one that will benefit the agency, without the prior approval of the county executive.

[AO-11-95](#): Determining the value of an invitation to a party or other event depends mostly on whether the event is free to all who attend or whether some people must pay to attend.

[AO-11-98](#): Employees may not accept an invitation to attend a party from a lobbyist where the cost of the meal/beverages will exceed \$25.

[AO-11-103](#) : Police officers and other first responders who work in one county district may not accept an invitation to attend a reception hosted by a controlled donor, either for free, or at a discount, where the reception is held solely for the employees and where the cost to the donor is significant. These factors create the appearance that the gift is designed to impair the impartial conduct of the county's business.

[AO-11-105](#): Employees, who receive gift cards of minimal value offered to customers as a business promotion, may donate those gift cards to another county agency for its charitable activities, under the

circumstances set forth in the opinion.

Win or lose, do it fairly.

*-Knut Rockne, American
football player and coach
(1888-1931)*

ETHICS TRAINING

Sign up for ethics training in 2012- satisfaction guaranteed or your money back!* Sessions start promptly at 9:00 a.m. and end around noon. Coffee and water will be provided. * It's free.

Wed., Jan.25

Wed., Feb.22

Wed., March 21

Wed., April 18

WHAT YOU NEED TO KNOW ABOUT: SECONDARY EMPLOYMENT

In addition to their jobs with the county, many employees want or need second jobs. That's generally permitted, but there are some exceptions of which these employees should be aware. For example:

1. [§7-5-102\(a\)\(1\)\(i\)](#): Don't go to work for, contract, or invest with anybody over whom you have authority or over whom your agency has authority.
SUPERVISORS- THIS MEANS YOU.

2. [§7-5-102\(a\)\(1\)\(ii\)](#): Don't go to work for, contract, or invest with any person (or entity) who is negotiating or has a contract with your agency. **YOU CAN'T DO BUSINESS WITH THE COUNTY WHILE YOU WORK FOR THE COUNTY.**

3. [§7-5-102\(a\)\(1\)\(iii\)](#): You can't work for a subcontractor on a contract with your agency either.
SAME PRINCIPLE.

4. [§7-5-104\(a\)\(1\)](#): You can't represent a person (or entity) before a county agency or another county employee. **KEEP IT OUT OF THE FAMILY.**

5. [§7-5-104\(a\)\(2\)](#): You can't represent or assist a person (or entity) in any matter in which you may be adversarial or competing with an interest of the county. **YOU'RE SUPPOSED TO BE ON THE SAME SIDE AS THE "BOSS."**

If one of these provisions looks like it might apply to the second job you hold or might accept, you ought to call the ethics commission. **IGNORING THE PROBLEM WON'T MAKE IT GO AWAY.**

AND NOW- A TEST!

What elected official made the following response to ethics charges before being found guilty of ethics violations (and a number of felonies)?

"It is abundantly clear that their fundamental strategy revolves around attacking me and working to tear down [my party's] leadership."

[Hint: There are a lot of possibilities.]

*All that is necessary for the triumph
of evil is that good men do nothing.*

*-Edmund Burke
political philosopher
(1729-1797)*