

**2007 ANNUAL REPORT**  
**OF THE**  
**ANNE ARUNDEL COUNTY ETHICS COMMISSION**

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**INTRODUCTION**

The Anne Arundel County Ethics Commission met 11 times in 2007. During the open portion of each meeting, the commission discusses the status of financial disclosure and lobbying reports, budget matters, proposed legislation, ethics training, and other issues that are required or permitted by law to be reviewed during an open meeting. After the open session, the commission meets in a closed or executive session to conduct its confidential business. This portion of the meeting includes a discussion of pending inquiries, requests for advisory opinions, complaints, and the progress of investigations. Hearings on complaints of ethics violations are also handled during closed meetings, as required by Article 7, §7-4-106 of the Anne Arundel County Code. The ethics commission welcomes county employees and members of the public to attend the open portion of its meetings and, with reasonable notice, will generally allow time for those in attendance to address the commission with questions or concerns. Anybody wishing to address a matter before the commission during a closed session may do so, provided that the matter is of a confidential nature.

The ethics commission is comprised of seven volunteer members. It is a bipartisan group consisting of no more than four members of one political party. As an effort to ensure an independent commission, the law provides that commission members may not be lobbyists or government employees of any jurisdiction. Members may not participate in the campaign of a candidate for any elective public office except by voting and making monetary contributions.

Each commission member is appointed to serve a four-year term and the terms are staggered. In this way, it is possible to acquire new ideas and perspectives without sacrificing continuity and experience – very important qualities for an agency with ongoing issues and investigations. Current members include :

Christopher S. Rizek, Democrat	(2002, reappointed 2004-Owens), Chairperson
Carol S. Lewnes, Republican	(2000, reappointed 2006-Owens), Vice-Chairperson
P. Thomas Shanahan, Republican	(2007-Leopold)
Cynthia H. Caldwell, Democrat	(2007-Leopold)
Cathleen M. Conlyn, Republican	(2006-Owens)
John Ridgley Moses, Republican	(2002, reappointed 2006-Owens)
Richard L. Hillman, Democrat	(2004-Owens)

The commission is staffed by two part-time employees: Betsy K. Dawson, the executive director, who is a lawyer licensed to practice in the State of Maryland, and Gina S. Scerbo, the secretary to the commission. As required by law, the commission periodically retains the

services of an additional lawyer to advise the commission when the executive director prosecutes a complaint alleging violations of the Public Ethics Law. This procedure helps ensure that parties appearing before the commission will receive adequate due process protections. In addition, all respondents being investigated for, or charged with, ethics violations may be represented by a lawyer during all phases of the enforcement procedure. The commission staff promptly notifies all respondents of their opportunity to employ legal representation.

The State Ethics Law and the Anne Arundel County Charter and Code mandate the duties of the ethics commission and staff. These duties include:

- ▶ providing advice on ethics questions to county employees and citizens
- ▶ investigating complaints of alleged ethics violations
- ▶ initiating inquiries into possible ethics violations and filing complaints as appropriate
- ▶ conducting enforcement proceedings
- ▶ providing forms for financial disclosure and conflicts of interest reports for county employees, volunteers, and candidates for public office
- ▶ providing forms for lobbying registrations and activity reports
- ▶ assisting people in filling out and filing required forms
- ▶ reviewing all reports and notifying the filers of omissions and deficiencies
- ▶ maintaining all reports for public access
- ▶ recommending amendments to the ethics law as may be desirable
- ▶ reviewing all ordinances and resolutions pertaining to the ethics law and providing its findings and recommendations to the county executive and county council
- ▶ publishing explanatory information about the ethics law
- ▶ providing a minimum of one-hour ethics law training to county employees

## **INQUIRIES**

In 2007, the ethics commission responded to 99 ethics inquiries as well as a large number of lobbying, financial disclosure, and other types of inquiries. There is no requirement that

inquiries be submitted in writing; inquiries also come to the commission via telephone, e-mail, personal visit, and fax. Inquiries come from elected and appointed officials, employees, members of the public, the media, local, state, regional, or federal government agencies, or private business entities, including those that do business with, or are regulated by the county. In addition to these types of documented inquiries, many people call with quick questions or requests for information or copies of publications. Employees and lobbyists frequently call requesting information about registration and reporting requirements or for help in filling out required forms. Inquiries from lobbyists and other filers are not generally documented and they are not summarized in this report.

Ethics inquiries are handled in various ways. Advisory opinions are issued by the ethics commission pursuant to the Anne Arundel County Charter, §1001B(f) and the Anne Arundel County Code, Article 7, §7-3-101. The law provides that an opinion *shall* be issued upon the request of any employee and *may* be issued upon the request of any other person. The commission routinely issues advice that is requested by an employee's supervisor and occasionally when a member of the public or an entity doing business with the county requests an opinion. In every case, the full ethics commission considers each and every inquiry before issuing a written advisory opinion. In some circumstances, the director may respond by phone to questions with obvious or easily ascertainable answers.

Requests for confidentiality are honored within the constraints of the law, unless the person receiving the opinion expressly waives confidentiality or fails to follow the commission's advice and is subsequently found to have violated the ethics law. Even when confidentiality is not requested, the charter, §1001B(g) requires that facts not material to the opinion that may identify the person who is the subject of the opinion shall be deleted to the fullest extent possible. The commission takes this responsibility very seriously, making every effort to generalize the facts, including the position held by the subject employee, the agency in which the employee works, and the nature of the employee's job. Opinions are also drafted to avoid reference to gender.

## **ADVISORY OPINIONS**

Each opinion, redacted as necessary, becomes available to the public after receipt by the person who requested it. Every opinion issued since 1996 is available on the commission's website, <http://www.aacounty.org/ethics>. The opinions are indexed by the year in which they were issued and by a subject matter index to facilitate the search by specific issue. A summary of each new opinion is included in the *Ethics Update*, a newsletter published quarterly by the ethics commission.

In 2007, the ethics commission issued 54 written opinions, its fourth highest number since 1994. The opinions are summarized below and are available for full viewing on the commission's website.

AO-07-01: A county council member may not use the prestige of office to provide character or any type of testimony for compensation before the board of appeals, but the ethics law does not apply to factual testimony provided in response to a subpoena.

AO-07-02: A member of the board of appeals may not participate in any matter in which the community association to which the member belongs has an interest or takes a position.

AO-07-03: An elected official may accept complementary ticket to a cultural event from the sponsor of the event.

AO-07-04: Police officers may not accept employment with private security firms to work as uniformed security guards.

AO-07-06: A council member may vote on legislation affecting the fire department, where the member's spouse is a firefighter, because the spouse has no interest in the legislation and it will have no impact on the spouse's terms or conditions of employment.

AO-07-08: The administrative officer to the county council may engage in secondary employment as an inspector for the liquor board.

AO-07-09: The Anne Arundel Economic Development Corporation may solicit sponsorships for a planned event, following the guidelines set forth in the opinion.

AO-07-11: A volunteer firefighter may be hired as the fire department's volunteer coordinator but as an employee of the county, the volunteer coordinator may not serve as an officer or director of the Anne Arundel County Volunteer Firefighters Association.

AO-07-12: A member of the Severn River Commission who is also an employee of the United States Naval Academy may not participate in any matter before the SRC in which the USNA has an interest.

AO-07-13: An employee who participates in the administration of pension benefits may participate in those matters that involve employees that work in the same department as the employee's spouse, but the employee may not participate in any matter concerning the employee's spouse's benefits.

AO-07-14: A member of the planning advisory board, who is also the president of the National Association for the Advancement of Colored People, may not assist or represent the NAACP in any matter either before a county agency or employee, or in which the county has a potentially adversarial interest.

AO-07-15: A member of the county council, who is also an attorney, may not participate in legislation that will affect the interests of a client of the member's law firm.

AO-07-17: A member of the county council who also owns a tavern may not participate in legislation having to do with smoking inside bars and restaurants since the member has an interest in the outcome of the legislation.

AO-07-18: A member of the disabilities commission may not assist or represent private clients in proposed legal action against the school board because the county has an interest in the matter.

AO-07-19: A volunteer who is required to file financial disclosure but who does not have access to certain information that is required to be disclosed, may in lieu of complete disclosure, disclose only the nature of the interest and other facts of which the volunteer has specific knowledge.

AO-07-20: Public safety officers may accept a discount on rental property where the discount is part of an offer made to large groups of people and where the recipients will still be required to pay legal and adequate consideration for the rental property.

AO-07-21: Police officers may not engage in secondary employment where alcohol is sold or served.

AO-07-23: A member of the board of appeals may be employed by the Anne Arundel County public schools, under the circumstances described in the opinion, and subject to the provisions on non-participation in certain matters.

AO-07-25: The former planning and zoning officer may participate in a contract involving the office of planning and zoning where the contract does not involve confidential information or matters in which the former employee participated significantly as an employee.

AO-07-26: A planner may join the board of a land trust organization under the circumstances described in the opinion, provided that the employee does not assist or represent the organization in matters in which the county may have an interest.

AO-07-27: A member of the planning advisory board may host a radio show on a local station owned by a community association, subject to provisions on non-participation.

AO-07-29: An employee may not accept travel expenses to a meeting from a donor doing business with the county because the employee is not a scheduled speaker or panelist at the meeting.

AO-07-32: An employee may not accept a ticket valued at \$500, to attend an awards dinner that is offered by a business entity because of the employee's position with the county.

AO-07-34: A county council member may not participate in legislative activity on a bill that is proposed by a local council of an organization to which the council member belongs, even though the member belongs to a different local council.

AO-07-34(Addendum): Council members affiliated with a national organization through different local councils may not participate in legislation proposed by a private entity that was incorporated to support another local council of the national organization.

AO-07-35: As volunteers who are covered by the Public Ethics Law, members of the commission on disabilities face certain restrictions concerning outside employment and advocacy.

AO-07-37: County employees may not solicit prizes from private business entities to give to county employees who participate as contestants in a county sponsored contest that is open to the public. County employees may not accept gifts of significant value that are offered to them because of their positions with the county. Prizes may be accepted by county employees only on the same terms and under the same conditions as other contestants.

AO-07-38: The county webmaster may work as a volunteer webmaster for a private entity that has a contract with the county.

AO-07-39: County employees may not accept an invitation to attend an event sponsored by a controlled donor to “honor” a county employee.

AO-07-40: An employee in county executive’s office may not accept free tuition from a membership organization made up primarily of controlled donors because as a gift, it is not a permissible exception to the gift prohibitions and because acceptance would constitute an abuse of position.

AO-07-41: A county liquor board inspector may accept an appointment to the city liquor board.

AO-07-42: The county may not permit a private for-profit entity to use a county facility to hold a seminar for profit, even if the *quid pro quo* would include free tuition for one or two county employees.

AO-07-44: Employees of central district roads may accept unsolicited tickets to the Renaissance Festival offered to all the neighbors who live near the festival because the gift does not exceed \$25 per person and because it was not offered to the employees because of their status as employees.

AO-07-45: A county employee who won a prize in a contest that was open to anybody renewing a membership in a professional organization may keep the prize even though the county paid for the renewal, under the specific circumstances described in the opinion.

AO-07-46: A department head who is disqualified from participating in a certain matter, may, if permitted by law, designate a deputy to serve as acting department head. If not permitted by law, the department head may participate provided that full disclosure of the nature and circumstances of the conflict of interest is made.

AO-07-49: County council members may not accept a free dinner of more than a modest value from an entity that does business with the county.

AO-07-54: Fire department personnel may approve the use of a photograph of a fire department vehicle in a commercial advertisement by a private entity, provided that the county and department logos do not appear in the photo.

AO-07-55: Business entities in which a council member is employed or has a qualifying relative with a financial interest may bid on a county contract but the council member may not participate in any activity involving the contract, either as a council member, or as an employee of one of the entities

AO-07-58: An employee may not participate in a task force to study issues relating to a special event if that employee participates in a group that contracts with the holder of the event to perform at the event.

AO-07-60 and AO-07-60 (revised): An agency may contract with an entity where the owner is qualified relative of the employee, but the employee may not participate in any matter having to do with the contract. Additionally, the employee must terminate any financial, employment, or contractual relationship with the entity.

AO-07-61: An employee in the department of public works may not sign a building permit application in Anne Arundel County on behalf of an entity for which he serves as a trustee, and the employee may not participate in any review of the application.

AO-07-67: A county council member may participate in legislation that will affect the agency that employs the member's spouse in the absence of an actual conflict of interest.

AO-07-71: A county council member may participate in legislative action on a bill that would require applicants for certain permits to pay a fee to be applied to stormwater management and restoration even though the council member is a permit applicant, because current and future applicants comprise a large class of the general public.

AO-07-74: A department may not participate as a vendor in an event sponsored by a private entity and for reasons set forth in AO-07-42, may not permit the private entity to use county facilities to hold this event.

AO-07-76: A council member may participate in legislative action on a bill affecting zoning for certain liquor licenses where the council member's license will not be affected.

AO-07-77: A gift card worth \$100 given to a department by a vendor is a gift to the county, to be accepted and disposed of pursuant to the county's published administrative procedures.

AO-07-78: A county council member whose spouse works for the health department may generally participate in legislation affecting the health department as long as the member's spouse does not have an interest in the legislation.

AO-07-80: A county council member who is a veteran may participate in legislation concerning veteran's preferences in hiring for county jobs, because the member is not currently looking for a county job that would be subject to the preference.

AO-07-87: This opinion summarizes previous opinions dealing with a county council member's participation in legislative actions in matters involving the fire department where the spouse of the council member is a career firefighter. The opinion also addresses the definition of "legislative action" and the propriety of a council chairman presiding over matters in which the council member's participation is restricted.

AO-07-89: A former assistant planning and zoning officer may participate on behalf of his new employer, in bidding for, and if successful, working on, a contract to conduct a housing impact analysis of BRAC for the county.

AO-07-90: An employee of the auditor's office may serve on the board of directors of a non-profit organization that is seeking a grant from the county, subject to certain ethics law constraints described in the opinion.

AO-07-93: A member of the planning advisory board may continue to belong to various civic associations but the ethics law will limit the board member's participation in both the private organizations and the PAB.

AO-07-95: The members of the county council may participate in matters affecting retiree benefits even though the members may be affected by the outcome of this participation. Previous commission opinions addressing this issue acknowledge that the ethics law permits participation in the presence of a conflict of interest, when there is nobody else who may act and when the conflict is publicly disclosed.

## **COMPLAINTS**

In 2007, the commission received two complaints alleging ethics violations. One of the complaints was withdrawn by the complainant and the other complaint was dismissed by the ethics commission.

A third complaint, filed in 2006, was resolved in 2007 by consent agreement, including the payment of \$500 to cover the commission's costs in pursuing the enforcement action. A fourth complaint, filed in 2006, was resolved in 2007 with substantial compliance by the respondent.

Also in 2007, the ethics commission's Findings of Fact and Conclusions of Law in the matter of Robert J. Dvorak and Phillip S. Scheibe, C-04-10, was affirmed in the Circuit Court for

Anne Arundel County and then by the Court of Appeals in *Dvorak, et. al. v. Anne Arundel County Ethics Commission*, 400 Md. 446 (2007). The commission then filed a petition for injunctive and other relief in the Circuit Court, in an effort to enforce its order. The Court denied granting any relief. On January 15, 2008, the commission filed a notice of appeal of this decision.

As part of its enforcement responsibilities, the ethics commission takes steps to actively protect employees from retaliation for reporting violations or assisting the commission. The commission works with supervisors and department heads to monitor ongoing conditions in the employee's work environment, to ensure that whistle blowers are neither singled out nor mistreated for cooperating with the commission. Throughout the ethics commission's 13 year history, it has never received a complaint of retaliation against a whistle-blower. There have been no reports of any retaliatory demotions, suspensions, terminations, or other personnel actions taken as a result of any enforcement-related activities of county employees.

## **FINANCIAL DISCLOSURE STATEMENTS**

Since the establishment of a charter form of government in Anne Arundel County, certain public officials, employees, and non-compensated volunteers in county service have been required to file financial disclosure statements. The disclosure statements required under the current Public Ethics Law require much more information than did the early statements, but the charter, then as now, unequivocally establishes the importance of financial disclosure as a means of preserving public confidence in the integrity of county employees.

The ethics commission annually receives between 200 and 250 financial disclosure and conflict of interest statements. Prior to or during county elections years, there are usually an additional 30 or more candidate statements filed. People who are required to file disclosure statements are also required to file termination statements upon their departure from county service. As a general practice and in lieu of requiring the filing of an additional financial disclosure statement, the ethics commission permits a departing employee to declare by letter that there have been no substantive changes to the employee's financial circumstances since the previous filing. This letter may be used when the last financial disclosure statement was filed within the previous nine months. This practice is less onerous, easier to enforce, and takes much less time than requiring the filing of a whole new financial disclosure statement. The commission staff frequently provides assistance in filling out forms.

The commission is charged with the responsibility of reviewing each statement received for completion as well as for potential conflict of interest issues. In 2007, all statements were reviewed and a fair number were sent back for corrections or additions. As always, these statements, along with the corrections and additions, are available for public inspection during ethics commission office hours. The law requires the commission to notify any official, employee, or volunteer whose statement is examined, providing the name and address of the person who requested the document. In 2007, there were only two requests to examine and/or copy filings. It is apparent that this information does not appear to be of great interest to the public. The commission believes that the most likely reason for this lack of interest is that

the statements do not require disclosure of much relevant information. The information required to be disclosed is primarily dictated by state law, and neither the county ethics commission nor the county government has the authority to effect significant change in the disclosure requirements.

## **LOBBYING**

In 2007, the ethics commission registered 42 lobbyists, representing 72 clients. These numbers are almost identical to the numbers for 2006. The ethics law requires lobbyists to register annually and to submit employer authorizations for each registration. The law definition of a lobbyist may encompass lawyers, volunteers, citizen groups, business coalitions, chambers of commerce, unions, community groups, other grassroots lobbyists, and others for whom the label of "lobbyist" does not traditionally seem to apply. In local jurisdictions like Anne Arundel County, some lobbyists register for one issue, and never lobby again. The activities that require a person or entity to register as a lobbyist are as follows:

1. A person (or entity) who communicates with a county employee *for the purpose of influencing executive or legislative action*, and who for that purpose spends or earns \$100 or more in a six-month period;
2. A person (or entity) who spends \$50 or more in a six-month period on a gift or gifts for employees, *in connection with or for the purpose of influencing executive or legislative action*;
3. A person (or entity) who spends \$1000 or more, including postage, in a six-month period, for the purpose of soliciting others to communicate with an employee to influence executive or legislative action (e.g., community newsletters, other mass mailings); or
4. A person (or entity) that spends \$500 or more to provide compensation to one or more persons required to register as lobbyists.

The ethics commission does not require a person who qualifies under the last category to file a separate lobbyist registration form unless that person personally engages in lobbying activity. While this type of lobbyist is not required to register, the ethics laws pertaining to gifts from lobbyists and other provisions apply to unregistered as well as registered lobbyists.

A lobbyist registration automatically expires at the end of each calendar year. There is no fee to register as a lobbyist, and the ethics commission staff frequently assists individuals or entities that need guidance on whether their activities require registration.

Registered lobbyists are required to submit activity reports every six months, disclosing compensation and expenses for the previous six-month period. The ethics commission sends these forms to all registered lobbyists, with instructions, well before the date upon which they must be filed. The commission staff also assists lobbyists in filling out the forms and provides free notary services to lobbyists upon request.

Lobbying registrations, employer authorizations, and activity reports are public documents. In 2007, the ethics commission staff received, reviewed, and compiled the statistics on all received activity reports. The commission staff prepares and publishes a monthly list of currently registered lobbyists that is sent via e-mail to all elected officials and department heads. The list is also updated monthly on the ethics commission’s website.

The following information summarizes the compensation and expenditures reported by registered lobbyists in 2007:

Compensation paid to lobbyists .....	\$322,674.84
Office expenses in addition to compensation .....	9,413.60
Professional and technical research and assistance .....	0.00
Publications or letter writing campaigns.....	845.00
Witnesses .....	3,220.00
Meals and beverages for county employees and their immediate families.....	67.00
Special events (parties, dinners, athletic events, entertainment, and other functions) .....	180.00
Food, lodging, or other expenses at a conference or meeting.....	0.00
Other gifts .....	0.00
Miscellaneous expenses.....	135.00

The numbers indicate that in 2007, the same number of lobbyists earned less, spent more in office and general expenses, and reported about 75% less spending on all categories of gifts to county employees than in 2006. (These figures do not reflect the amounts, if any, spent by lobbyists on campaign contributions, which are expressly excluded from the definition of “gifts” in the ethics law.) In addition to the increases in reported office expenses, significantly more money was spent on compensated witnesses.

The following list includes all the lobbyists registered at any time during 2007 and the employers they represented:

Nathan S. Betnun	Stone & Youngberg, LLC
Harry C. Blumenthal	Comcast of Maryland Constellation Energy Group Ribera Development, LLC/Ribera Land Company, LLC St. John Properties, Inc. The Maryland Jockey Club Towne Park Diane Wagner 1 <sup>st</sup> Parole LLC Millennium Digital Media, LLC

John A. Bruno	SRC 214, LLC
Robert W. Burdon	Annapolis & Anne Arundel County Chamber of Commerce
Kathryn J. Dahl	Annapolis Neck, LLC Dimitri Sfakiyanudis Kanaris 811, LLC Gordon & Joyce Phipps Westfield Annapolis Victoria Stagmer
Charles F. Delavan	Annapolis Towne Centre @ Parole, LLC Petrie/Chaney Wayson's Corner, LLC Regency's Centers
Eric M. DeVito	Ribera Development, LLC/Ribera Land Company, LLC
Joseph F. Devlin	U.S. Home Corporation
Robert J. DiPietro	Annapolis Town Centre @ Parole BBSS, Inc. Centre at Wayson's Corner Ribera Development, LLC/ Ribera Land Co., LLC
D. Robert Enten	UnitedHealthcare
Jerome Feldman	Maritime Autowash, Inc.
Susan T. Ford	Arbutus Banks, LLC & Steven Rabbitt, Managing Member
Alan J. Hyatt	Annapolis Neck, LLC Michael Hebb David Jones Kanaris 811, LLC Gordon & Joyce Phipps Severn Savings Bank, FSB Dimitri Sfakiyanudis
Torrey Jacobsen, Jr.	Mid-Atlantic Retail Food Industry Joint Labor Management Fund
Bonnie L. Johansen	Constellation Energy Group, Inc.

Robert Johnston	Anne Arundel County Association of Realtors
Nicholas J. Kallis	Orville L. Bowen
William A. Kress	Management Two-Thousand, Inc.
Florence Beck Kurdle	Snyder Development Corporation
Albert L. Lord, II	Anne Arundell Mannor/Albert L. Lord, III
Albert L. Lord, III	Anne Arundell Mannor/Albert L. Lord, II
Raymond Lubrano	SRC 214, LLC
Walter Lynch	The Maryland Jockey Club
Jack Neil	Anne Arundel Medical Center
Robert Noble	Northrop Grumman Corp.
John S. Pantelides	Anne Arundel County Alliance for Fair Land Use Dee Corporation Donald Segal Dr. John D. Ritter Flagship Development, LLC/Four Star Properties, LLC Regency Land Associates Rolf Schou Tom Munz Denny Coale Martin Hartge
Midgett S. Parker, Jr.	Shelter Development, LLC
Timothy A. Perry	UnitedHealthcare
J. William Pitcher	Adventist HealthCare, Inc. Management Two-Thousand, Inc.
Julia L. Pitcher	Adventist HealthCare, Inc. Management Two-Thousand, Inc.
David M. Plott	Columbus Club of Annapolis Susan & Marshall Steele Wright Investment Group Anne Arundell Mannor/Albert L. Lord, III

Russell Roeding	Associated Builders and Contractors-Chesapeake
Douglas C. Sade	DRS Contracting, LLC
Linda M. Schuett	Shelter Development, LLC The Thomas C. Lindsay, Sr. Revocable Trust
John C. Stamato	Ribera Development, LLC/Ribera Land Company, LLC
Robert M. Stevens, Jr.	Anne Arundel County Prof. Fire Fighters Local 1563
Susan A.M. Stroud	Home Builders Association of Maryland
Melvin A. Thompson	Restaurant Association of Maryland
J. Shepard Tullier	AA Recycle and Sand, Inc. Ferguson Trenching Co., LLP Les Folies Restaurant Maritime Autowash, Inc. Orville L. Bowen SRC 214, LLC The Bernstein Companies Parvilla Enterprises, LLC
Thomas Walker	Anne Arundell Mannor/Albert L. Lord, III
Rhoda Washington	Wal-Mart Stores, Inc.
Sager A. Williams, Jr.	Baltimore Gas & Electric Company Catholic Charities Constellation Energy Group Dr. John D. Ritter Regency Land Associates, LLC c/o Altman Companies Donald Segal W.F. Chesley Companies

## **EDUCATION**

In 2007, the ethics commission staff presented 16 training sessions to 279 county employees. Because the training sessions are interactive, the optimum number of people attending each session is between 10 and 20. The typical session begins with a video and includes significant group participation through questions and answers and discussion of

hypothetical ethics issues. Outlines and explanations of the conflicts of interest provisions of the Public Ethics Law are given to each participant. Employees who attend the session receive a certificate of completion. They are also encouraged to submit an anonymous evaluation of the training class. The evaluations are public documents. Response to the training has been positive although enthusiasm about attending the session in the first place remains low. While some employees attended the sessions voluntarily, in about an equal number of cases, department heads or supervisors mandated attendance. The commission even welcomes to its training programs those county employees who are covered by the state's ethics law, since the state does not offer general ethics training to its employees.

In 2007, for the eighth consecutive year, the commission published four issues of its newsletter, the *Ethics Update*. The purposes of the newsletter are to familiarize employees and other interested people with the duties and methods of the commission, highlight ethics issues of concern to employees, and encourage people to call or visit the commission office with questions, concerns, and comments. Previously published *Ethics Update* issues are also available on the commission's website.

In 2007, the commission reissued its popular brochure, the *Employee Pocket Guide to the Public Ethics Law*. Consisting of 16 pages, the brochure provides an overview of the commission's duties, the public ethics law, and the opportunities available for employees to seek advice. The brochure is regularly provided to the personnel office for distribution to new employees and is given to all ethics training participants. The *Pocket Guide* is also available to groups of employees upon request by any county office, department, board or commission.

All annual reports, newsletters, advisory opinions, and other public commission documents are free and available to the public on the ethics commission's website.

The ethics commission is an active member of the Council on Governmental Ethics Laws (COGEL), an international organization of ethics agencies and ethics law practitioners. For the first time since 1996, as part of the county executive's decision to curtail out-of-state travel, the director did not attend the 2007 COGEL conference held in Vancouver, B.C.

## **BUDGET**

During 2007, as in all previous years, the ethics commission conserved public resources by carefully controlling costs. Use of paper was kept to a minimum by increased reliance on the commission's website and by electronic mail. The commission has phased out printing its newsletters and annual reports. (The downside of reduced printing is the likelihood that employees who do not have regular access to the internet have limited access to the ethics newsletter or even the county bulletin board.) It also continued to save money by printing its own financial disclosure statements and other required forms. At the end of fiscal year 2007, the commission returned over \$22,000 of its approved budget to the general fund. Part of the refund was due to the three month vacancy in the secretary's position. Although this refund was the largest yet, the commission has returned a portion of its approved budget to the county at the end of every fiscal year since 1997. In addition, the commission forwarded about \$1,000 to the general fund from monies received for late filings and reimbursed costs.

In the upcoming year, the commission anticipates continued spending needs for outside legal services for one ethics violation enforcement proceeding that is now pending on appeal as well as other enforcement proceedings. The use of occasional outside attorneys is required by law to ensure due process for respondents. The commission has always received a lower than market rate for outside legal services.

## **LEGISLATION**

In 2007, the county enacted Bill 59-07, creating an exception for uniformed police officers to the general restrictions on secondary employment. According to new Section 7-5-102(b)(5), secondary employment restrictions no longer apply:

(5) to secondary employment by a County police officer in an establishment where liquor is sold or served, provided that the secondary employment:

(i) does not take place in a tavern;

(ii) is not performed for a business that offers as its primary service the sale or dispensing of alcoholic beverages; and

(iii) does not include the duty under that secondary employment to sell, serve, or handle alcoholic beverages, check identification or otherwise screen patrons for admission to the establishment, or remove intoxicated or unruly patrons from the establishment; or

(6) to secondary employment by a County police officer in an establishment licensed by the County to conduct commercial bingo, provided that the secondary employment does not include the duty under that secondary employment to operate or assist with the operation of the bingo games, or enforce the prohibition against underage patrons.

Prior to its enactment, and pursuant to §1001A(d) of the Anne Arundel County Charter, the ethics commission submitted a report to the county council and the county executive detailing its findings and recommendations with regard to the proposed legislation. After its enactment, the ethics commission forwarded Bill 59-07 to the State Ethics Commission for its consideration as required by charter §1001A(b)(4). The state commission's review is still pending.

During 2007, a number of citizens and citizens groups expressed interest in amending the ethics law to create additional post-employment (or revolving door) restrictions. The ethics commission decided to refrain from making any recommendations for new legislation as it is authorized to do by charter §1001A(c), with the expectation that an appropriate response would be forthcoming from elected officials.

## CONCLUSION

The Anne Arundel County Ethics Commission continues to fulfill its mission to administer the Public Ethics Law by providing advice and by offering educational opportunities to all county employees and volunteers. The commission responds promptly, well within the time required by law, to all requests for opinions, averaging about one week between the request and the issuance of the opinion, but occasionally responding within 24 hours. The commission aggressively enforces the law, initiating investigations and filing complaints for ethics law violations as necessary. The commission also responds to anonymous allegations of ethics violations, conducting at the very least a cursory investigation to determine whether the allegations may have merit.

The commission holds its regular meetings on the second Monday of each month, in the conference room at the commission office. Notices of its meetings are published as required by law, and members of the public are welcome to attend the open sessions of each meeting. Questions or comments about this report are welcome and may be sent or faxed to the ethics commission or e-mailed to the director at [etdaws00@aacounty.org](mailto:etdaws00@aacounty.org).

The ethics commission acknowledges with gratitude the employees of the office of information technology, particularly Christine M. Hagan and Betsy Kirkpatrick-Howat, whose endless patience, assistance, and advice keep the commission's website current. The commission also acknowledges the support of the county executive and the county council, who may not always agree with the outcome, but who always support the process.

Respectfully submitted by the

**Anne Arundel County Ethics Commission:**

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