

2008 ANNUAL REPORT
OF THE
ANNE ARUNDEL COUNTY ETHICS COMMISSION

INTRODUCTION

The Anne Arundel County Ethics Commission met 11 times in 2008. The open portion of each meeting includes 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. The closed or administrative portion of the meeting includes a discussion of pending inquiries, requests for advisory opinions, complaints, and the progress of investigations. Enforcement 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. 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 :

Carol S. Lewnes,	Republican	(2000-Owens, reappointed 2006-Owens), Chairperson
Cynthia H. Caldwell,	Democrat	(2007-Leopold)
Cathleen M. Conlyn,	Republican	(2006-Owens)
Richard L. Hillman,	Democrat	(2004-Owens, reappointed 2008- Leopold)
John Ridgley Moses,	Republican	(2002-Owens, reappointed 2006- Owens)
Craig A. Reynolds,	Democrat	(2008-Leopold)
P. Thomas Shanahan,	Republican	(2007-Leopold)

In 2008, the county council enacted Resolution 31-08, proposing a charter amendment that would affect the way three of the seven ethics commission members are selected. As approved by the voters in November, the charter now requires the county council to nominate three people for appointment to the commission by the county executive. By the terms of the

resolution, the council would choose three of the currently serving commission members as its first three nominees, at its December 15, 2008 meeting. As of the end of the year, the county council has taken no action on its own resolution to nominate the three currently serving members. As this charter change was initiated by the county council, the ethics commission hopes that the council will follow through with prompt action to comply with the terms and intent of the resolution.

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 outside counsel 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 receive adequate due process protections. 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 2008, the ethics commission received 88 ethics inquiries as well as many lobbying, financial disclosure, and other types of inquiries. These inquiries come to the commission by 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 or e-mail to questions with clear 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. 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, with the name and address of the inquirer redacted, becomes available to the public after receipt by the inquirer. 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*, the commission's quarterly newsletter.

In 2008, the ethics commission issued 25 written opinions. The opinions are briefly summarized below and are available for full viewing on the commission's website.

AO-08-07: Section 7-5-104(a) prohibits employees who are the owners of an entity from assisting or representing that entity in a contract with the county.

AO-08-07: (Supplemental) Granting a power of attorney to a third person to assist or represent an entity that seeks to contract with the county does not effectively eliminate the appearance of a conflict of interest where the owners of the entity are county employees, under the circumstances described in the opinion.

AO-08-12: A member of the county council may not accept an invitation to attend a cocktail reception, dinner and show that is offered by a commercial establishment regardless of whether the donor is a "controlled donor" because the gift is offered to the council member in an official capacity and exceeds \$100 in value.

AO-08-23: A member of the PAB may make presentations to organizations concerning matters of interest to the county as long as the member expressly states that the presentation is not being made on behalf of the PAB and the member is not representing or assisting an entity in making the presentation.

AO-08-23: (Supplemental) A PAB member may not represent or assist any person or entity in any matter in which the county has an interest. Since the county generally has an interest in any matter that may come before the PAB, a member may not represent or assist any person or entity as to any of those matters. As long as the member is not advocating the position of any person or entity, or promoting the agenda of any person or entity, the member is free to express personal opinions or provide public information in any forum.

AO-08-24: An employee may not use county resources to promote discounted services offered to employees by a private vendor under the circumstances described in the opinion.

AO-08-25: The county administration may solicit prize donations for a contest where the prize winners are county citizens and where the solicitation does not target "controlled donors."

AO-08-41: A legislative assistant may serve, in a personal capacity, on the board of directors of an organization that receives a grant from the county, subject to certain limitations.

AO-08-45: An elected official may accept a free ticket to the Rotary Club annual crab feast, from the organization conducting the event, as a courtesy to the office.

AO-08-46: A former employee may bid on contracts under a program the employee previously administered since the employee did not previously work on the specific contracts that will be put out for bid and since the employee does not possess confidential information that will give the new employer an advantage over other potential bidders.

AO-08-49: A firefighter may not contract to sell equipment to the volunteer company where the firefighter is stationed and over which the firefighter has some operational control.

AO-08-50: An employee in the auditor's office may continue to serve on the board of the employee's community association but is subject to the ethics law's non-participation provisions.

AO-08-53: A forester in the department of inspections and permits may engage in secondary employment as a forester as long as the secondary employment does not include clients who are subject to the authority of the department. The forester may also continue to serve on the agricultural preservation board, since that board is not considered a secondary employer.

AO-08-54: Employees of the fire department may not accept travel expenses to attend a conference from an organization representing controlled donors.

AO-08-56: An employee in the office of planning and zoning has the same rights as any property owner to sell real property, to apply for permits, and to permit potential purchasers of the property to apply for permits through the planning and zoning office. The employee may not participate in any matter in an official capacity that involves the employee's real property.

AO-08-57: A county council member may accept an invitation to participate in a foursome at a charitable golf tournament where the official was invited by one of the tournament sponsors. Acceptance of the gift, while permitted, does create the appearance of impropriety because of the close business relationships between the donor and the county.

AO-08-57: (Revised) A county council member may not accept an invitation to participate in a foursome at a charitable golf tournament where one of the investment partners of the tournament's sponsor is seeking the county's help in financing \$62.8 million to develop a project and where that partner recently made a presentation in support of its request to the county council during a recent council work session.

AO-08-58: The proper authority to provide advice concerning distribution of county printed resource materials is the chief administrative officer, not the ethics commission.

AO-08-61: Council members may accept free tickets to the boat show from the holder of the event since the donor is not a controlled donor and since the value of the gift is under \$25.

AO-08-64: An employee, who received certification in ArcGIS at county expense to qualify to train county employees, may use the certification to teach others as a secondary employment in order to keep the certification current.

AO-08-68: An appointed official may not accept a gift to attend the anniversary celebration of a local restaurant where the value of the gift is \$200.

AO-08-75: A member of a volunteer board may not contract with a person who has a contract with the member's board.

AO-08-78: An elected official may use that official's county website to promote support for ballot questions that will change the County Charter, since it is a facet of constituent services, and does not promote the candidacy for political office of any candidate. The official may also make a public service announcement on television to encourage people to vote.

AO-08-85: Under §7-5-104(a), an employee may not act as a subcontractor on a contract with the county because that subcontract would constitute prohibited assistance or representation of a person (the general contractor) in a matter in which the county has an interest.

AO-08-88: A county council member may serve on the board of directors of Leadership Anne Arundel, Inc., subject to a number of limitations imposed by the ethics law. The council member is advised to fully disclose prior to participating in any official county matter the name of any other director, sponsor or other associate of the LAA who may be affected by a decision in the matter.

COMPLAINTS

In 2008, the commission received or filed eight complaints. All but two of the complaints were for late disclosure filings. Two of the complaints alleged other violations of the ethics law. One complaint was dismissed for lack of evidence, and one complaint, C-08-20, resulted in a reprimand and cease and desist order by consent.

Also in 2008, the ethics commission continued to pursue compliance with its 2006 order in the case of Robert J. Dvorak and Phillip S. Scheibe, C-04-10. This case, which began in 2004 with a complaint filed by then County Executive, Janet Owens, resulted in a finding by the commission that Mr. Dvorak and Mr. Scheibe had violated the post-employment provisions of the Public Ethics Law. This decision was affirmed by the Court of Appeals at [*Dvorak v. Anne Arundel County Ethics Commission*](#), 400 Md. 446 (2007). When Mr. Scheibe and Mr. Dvorak continued to ignore the order of the commission, the commission unsuccessfully sought an order from the circuit court to compel compliance. The commission appealed the circuit court's decision to the Court of Special Appeals, which heard argument on December 10, 2008. A decision should be forthcoming in early 2009.

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 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 at any time prior to the date when a new financial disclosure statement is required for the next calendar year. 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 is always available to provide 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 2008, all statements were reviewed and about one fourth of those were sent back for corrections or additions. As always, the statements, including corrections and additions, are available for public inspection during ethics commission office hours. There were only six late disclosure filings in 2008.

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 2008, there were only 2 requests to examine and/or copy filings. It is apparent that the public lacks interest in these filings, possibly in part because 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 2008, the ethics commission registered 41 lobbyists, representing 72 clients. These numbers are almost identical to the numbers for 2007. The ethics law requires lobbyists to register annually and to submit employer authorizations for each registration. The 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 a limited time to lobby for only one issue. A lobbyist is:

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 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 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 who 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. The ethics commission notifies currently registered lobbyists of the need to re-register each year. The 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, regardless of whether they engaged in any lobbying activity during that period. Reports require disclosure of compensation earned and expenses incurred during that period. The ethics commission sends these forms to all registered lobbyists, with instructions, well before the date upon which they must be filed. The forms and instructions are also regularly updated and provided on the commission's website. 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 2008, the ethics commission staff received, reviewed, and compiled the statistics on all received activity reports. There were only three late activity reports received in 2008. 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 2008:

Compensation paid to lobbyists	\$316,910.54
Office expenses in addition to compensation	8,641.00
Professional and technical research and assistance	0
Publications or letter writing campaigns	845.00
Witnesses	0
Meals and beverages for county employees/families	58.44
Special events	84.00
Food, lodging, or other travel expenses	0
Other gifts	0
Miscellaneous expenses	0

The numbers indicate that in 2008, the same number of lobbyists earned less and spent less in office and general expenses than they did in 2007. They reported spending about the same on gifts to county employees as in 2007. (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 2008, lobbyists spent no money on compensated witnesses, compared to \$3220 in spending in 2007. Amounts spent on letter writing/publications were unchanged from last year.

All Lobbyists Registered in 2008

Gary R. Alexander	Lakemont Memorial Gardens
Bruce C. Bereano	Management 2000, Inc.
Nathan S. Betnun	Stone & Youngberg LLC
Harry C. Blumenthal	Constellation Energy Group G.W. Koch Associates, Inc. Ribera Development, LLC & Ribera Land Company, LLC Snyder Development Company St. John Properties, Inc. The Maryland Jockey Club Towne Park Diane Wagner 1 st Parole LLC
Robert W. Burdon	Annapolis & Anne Arundel Co. Chamber of Commerce
George A. Carras	S/C Odenton Holdings, LLC
David H. Carroll, Jr.	Annapolis & Anne Arundel County Conference & Visitors Bureau
Kathryn J. Dahl	Glen Abbey, LLC, Glen Abbey I, LLC, Glen Abbey II, LLC, Glen Abbey V, LLC S/C Odenton Holdings, LLC
Charles F. Delavan	Annapolis Towne Centre @ Parole, LLC Corporate Office Properties Trust 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

Lyle F. Fowlkes	Lakemont Memorial Gardens
Erin Appel Giannetti	Annapolis & Anne Arundel County Conference & Visitors Bureau
Alan J. Hyatt	Glen Abbey, LLC, Glen Abbey I, LLC, Glen Abbey II, LLC, Glen Abbey V, LLC Admiral One, LLC
Bonnie L. Johansen	Constellation Energy Group, Inc.
Robert G. Johnson	Annapolis & Anne Arundel County Conference & Visitors Bureau
Robert Johnston	Anne Arundel County Association of Realtors
Nicholas J. Kallis	Orville L. Bowen
Florence Beck Kurdle	Associated Property Management, Inc. Schafer Snyder, LLC Snyder Development Corporation
Walter Lynch	The Maryland Jockey Club
Timothy M. Mennuti	Teachers Association of Anne Arundel County
Ellen G. Miller	S/C Odenton Holdings, LLC
Jack Neil	Maryland-Delaware Waterwell Association
Robert Noble	Northrop Grumman Corp.
Valerie Overton	Anne Arundel Health System
John S. Pantelides	A.A. County Alliance For Fair Land Use C and C Liquors/Bessie Samaras & Mary Samaras Flagship Development/Four Star Properties, LLC Regency Land Associates, LLC Patricia Baldwin and Christine O'Meara Maisel Brothers, Inc.
Midgett S. Parker, Jr.	TCR Mid Atlantic Properties, Inc.

J. William Pitcher	Adventist HealthCare, Inc. Maryland Hotel and Lodging Association
Julia L. Pitcher	Adventist HealthCare, Inc.
David M. Plott	DMS Development LLC
Hannah J. Powers	Lakemont Memorial Gardens, Inc.
Kenneth W. Schmid	S/C Odenton Holdings, LLC
Linda M. Schuett	DMS Development LLC TCR Mid Atlantic Properties, Inc.
Sushant Sidh	Annapolis & Anne Arundel County Conference & Visitors Bureau
John C. Stamato	Ribera Development, LLC, Ribera Land Company, LLC
Susan A.M. Stroud	Home Builders Association of Maryland
Melvin R. Thompson	Restaurant Association of Maryland
J. Shepard Tullier	AA Recycle and Sand, Inc. Orville L. Bowen The Bernstein Companies Parvilla Enterprises, LLC
Rhoda Washington	Wal-Mart Stores, Inc.
Sager A. Williams, Jr.	Baltimore Gas & Electric Company Catholic Charities Constellation Energy Group Elizabeth's Landing Community Association, Inc. G. W. Koch Associates, Inc. Regency Land Associates, LLC c/o Altman Companies

EDUCATION

In 2008, the ethics commission staff presented 10 training sessions to 131 county employees. Training, which begins with a video, includes significant group discussion and typically involves 10-15 people per session. 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. Although employees are

not legally required to attend training, most attendees report that their supervisors require that they attend. Most attendees respond positively to the training in the evaluations submitted. 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 2008, 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. The *Ethics Update* is available on the commission website; a printed version must be specifically requested.

In 2008, 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 or citizens upon request by any county office, department, board or commission, or organization.

All annual reports, newsletters, advisory opinions, and most other public commission documents are free and available to the public at the commission's office, or on the commission's website. In 2008, the commission added its monthly meeting calendar to the website and provided a link to its most recent meeting minutes.

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. Due to budget constraints and a general limit on out-of-state travel, the director did not attend the 2008 COGEL conference held in Chicago, Illinois.

The commission's director was invited to attend and speak about government ethics to the Friday Morning Democratic Club in November of 2008. The director and commission members participated in the two initial conferences held by the Southern Regional Ethics Commissions, hosting the second one in Anne Arundel County in November. This new organization, consisting of members and staff of the Anne Arundel, Calvert, Charles, and St. Mary's County ethics commissions, was created to provide educational and networking opportunities for its participants.

BUDGET

During 2008, 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 electronic mail. The commission has phased out printing its newsletters and annual reports. It also continued to save money by printing its own financial disclosure statements and other required forms. The commission will cease publishing its meeting dates in the newspaper in January of 2009, but has recently provided a calendar of its

meetings on the ethics commission's website. This form of notification has been approved by the Open Meetings Compliance Board. Cancellations of the meetings will also be posted, when necessary, on the website calendar.

The commission has always practiced frugality, returning a portion of its approved budget to the county's general fund annually since 1997. At the end of fiscal year 2008, the commission returned \$24,552 of its budget to the county, a record amount. In addition, the commission forwarded \$908 to the general fund from monies received for late filings.

Facing gloomy economic indicators as the new year approaches, the commission will reduce its paper costs even more, by encouraging all filers to print their own disclosure and other forms from the internet where possible. (County employees who file will be required to print their own statements.) Although mailing costs are already low, the commission will be instituting an "e-mail only" policy for communications with all county employees and county volunteers, whenever possible.

In an effort to comply with the county executive's budget directions, the commission anticipates proposing a budget that will decrease the commission's operating budget by 84% (not including personal services.) The remaining operating budget will cover only fixed costs, such as equipment leases and maintenance, phone and fax services, and all printer and copier costs. This proposed reduction may necessitate significant cuts in some services, most notably in enforcement and training. The ethics commission will continue to explore new, efficient, and less costly ways of fulfilling its mission.

LEGISLATION

In 2008, the State Ethics Commission concluded that Bill 59-07, creating an exception for uniformed police officers to the general restrictions on secondary employment, was not "similar" to the Maryland Public Ethics Law. For this reason, the State Ethics Commission could not grant the approval that is required for any county ethics law by the charter, §1001A(b)(4).

The county executive requested the county ethics commission to grant an exemption to the law permitting police officers to engage in secondary employment where alcohol is sold or served, or in bingo establishments. The commission held a public hearing to consider this request, but after deliberating, did not reach the four-member majority vote needed to grant the exemption.

The county attorney, by letter dated December 29, 2008, asked the State Ethics Commission to reconsider its earlier conclusion. The county attorney stated that he believed Bill 59-07 was "validly enacted" and remains in effect. He further indicated that county employees, i.e. police officers, would observe the law as amended by Bill 59-07. The county attorney's request is pending.

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.

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:

Carol S. Lewnes, Chairperson
Cynthia H. Caldwell
Cathleen M. Conlyn
Richard L. Hillman
John R. Moses
Craig A. Reynolds
P. Thomas Shanahan