



MONTGOMERY COUNTY ETHICS COMMISSION

Public Meeting of February 13, 2012

Minutes

IN ATTENDANCE:

Commissioners:	Nina Weisbroth, Chair Stuart Rick, Vice Chair Antar Johnson
Staff Members:	Robert Cobb, Chief Counsel

Item 1. The Meeting was called to order at 7:15 p.m.

Item 2. The Minutes from the January 10, 2012, meeting were approved with two minor edits.

Item 3. Robert Cobb reported on several matters.

- Police Outside Employment requests. Cobb raised the recurring issue of review of outside employment requests from police department employees. Cobb pointed out the differing ethics standards applicable to police department employees from other employees, and commented that the difference in standards was a product primarily of labor negotiations rather than decision, action, or recommendation of the Ethics Commission. As a result of this, the Ethics Commission has taken on a significant administrative burden in processing hundreds of police requests for outside employment on a complex form designed to meet police department special needs. Moreover, the Ethics Commission applies standards to reviewing these forms that it may have never agreed to (although there are regulations that more or less outline the standards) and which are less restrictive than they are as to other employees. The Commission discussed the issue, and also the issue of the challenges of Ethics Commission enforcement in the context of the labor agreement and police procedures for internal investigations. Some discussion followed as to whether it would more sensible to carve the police department out of the jurisdiction of the Ethics Commission altogether or whether it would be better to obtain legislative approval for the Ethics Commission to apply a different set of standards to police officers than it does for other employees. No issue was presented for decision of the Ethics Commission, but the Commission suggested that Counsel may wish to conduct research into the manner of application of ethics rules to police in other Maryland jurisdictions.

Montgomery County Ethics Commission

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- Status of Legislative Project. Cobb reported that he had scheduled a meeting with legislative and executive counsel to further the project to revise the ethics laws in accordance with state requirements. He also indicated that based on a conversation he had with Jennifer Allgair of the State Ethics Commission, this matter requires heightened attention as Montgomery County is behind other jurisdictions in the process of having ethics laws reviewed. Some discussion of proposed legislative changes to the financial disclosure laws followed. Commissioner Rick proposed that the disclosure laws distinguish between new entrants, incumbents, and termination filers as regards what content should be required. In his view, new entrants should not have to file information about assets other than those possessed at the time of entering service, unless possibly, there is provision for previously held assets or interests associated with County business (looking back to the prior calendar year.) Also, termination filers should be given the option to file a form that reflects “no change” from a prior annual filing. Mr. Rick also suggests that there should be a reporting threshold so that assets below a certain value, such as \$1000, would not have to be reported. There was additional discussion about the variance between the County law and the State ethics law as regards the County’s confidential financial disclosure program and how the County requires more employees to file disclosures.
 - Status of Financial Disclosure Transfer. Cobb indicated that no progress was made on this as the Office of Human Resources has no person that has been assigned the task of handling the Financial Disclosure System.
 - Adjustments of Financial Disclosure Processing. Cobb indicated that he had been in discussion with Stephen Farber about review assignment for legislative branch entities. As a result of those discussions, Mr. Farber would undertake the review of those entities. Cobb also discussed proposed changes in handling two entities, the Arts and Humanities Council and the Montgomery Community Television. The end result would be that these entities would be addressed in a manner that is more consistent with the law, is better suited for the identification of conflicts, and makes filing easier.
 - Comment on proposed legislation relating to post-employment bar. Cobb stated that he had responded negatively to a proposed change to the State Ethics Law. The proposal would mandate that Counties limit the bar on working on matters that employees had substantially participated in as employees for the County to one year. This loosening of the restriction is inconsistent with the Public Ethics Law.
 - Enforcement of Financial Disclosure Reports. Cobb discussed measures taken to enforce disclosure filing by current board and commission members. Mr. Rick suggested that it would be important that enforcement letters be supported by prior notices so that recipients of a penalty letter are not surprised by the content.
 - Annual Report Drafting. Cobb stated that he is working on a draft Annual Report for the Commission.
4. Elections of Chair and Vice-Chair. Cobb stated that through an oversight, the election of the Chair and Vice-Chair, which had been held at the end of an administrative meeting on

January 10, 2012, should have been conducted a the public meeting. The Commission decided that a reference to that vote should be made in the minutes of this meeting.

The meeting adjourned at 8:30 p.m.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Robert W. Cobb". The signature is written in a cursive style with a long horizontal stroke at the end.

Robert W. Cobb
Chief Counsel