



MONTGOMERY COUNTY ETHICS COMMISSION

Public Meeting of January 14, 2014

Minutes

IN ATTENDANCE:

Commissioners:	Kenita Barrow, Chair Mark L. Greenblatt Stuart Rick
Staff Member:	Robert Cobb, Counsel Erin Chu, Program Manager I

Item 1. The meeting was called to order at 7:30 p.m.

Item 2. The minutes from the 12/10/13 meeting were approved with one minor edit.

Item 3. Robert Cobb stated that confirmation was scheduled to occur for two new members of the Ethics Commission on January 28, but that schedule could change and the appointments are subject to a political process.

Item 4. Cobb discussed the roll-out of the annual financial disclosure cycle on January 2. With all of the new processes in place, the roll-out went smoothly, though there were a number of technical glitches that required addressing. Cobb mentioned that the Executive regulation regarding designation of filers is in the works and that the regulation is being adjusted to conform to the many changes in the annual reporting process.

Item 5. The Commission discussed provisions of the law pertaining to the filing of financial disclosure reports by candidates. These reports are required to be filed by new candidates by February 25, the last date to file a certificate of candidacy, and by February 27 for supplemental reports to be filed by those who filed a certificate of candidacy prior to January 1, 2014. Mr. Cobb expressed concern about persons who are public employees who have filed or intend to file a certificate of candidacy. In particular, since the normal advertised date for public employee filers to file a financial disclosure is April

15, he is concerned that candidates and potential candidates who are public employees will not know they are required to file by the February deadlines. This concern is exacerbated by the February deadlines being new in this election cycle as a result of changes to Maryland election law. On the other hand, and especially after discussing the issue with the County Attorney's office, there is substantial trepidation about notifying particular individuals, such as incumbents in elected positions, about the filing requirements for fear of appearing to be interfering or showing preferential treatment for particular persons in an election process. The Commission discussed the issue and agreed that Commission staff should not notify any particular group about the filing requirements. Instead, recognizing that a missed filing deadline could be terminal to the viability of an individual's candidacy, the Commission recommended the following actions: Commission staff to place on the Commission website a notice indicating something to the effect that "If you are or intend to be a candidate for County Council or County Executive in Montgomery County, there are deadlines for filing financial disclosure reports of February 25 or February 27; current Montgomery County employees who are seeking or intend to seek one of these positions are not exempt from these requirements even though they are separately required in the Public Ethics Law to file their annual financial disclosure reports by April 15. Failure to file a financial disclosure report as required can be terminal to a candidacy. Questions regarding the requirements to file financial disclosure by candidates should be directed to the County Board of Elections." The Commission directed Cobb to work with the Board of Elections to the extent possible to encourage it to take the lead in publicizing the disclosure requirements, especially as they regard County employees who may be confused by the April 15 filing date for annual financial disclosure reports. Other actions the Commission staff may contemplate for explaining the requirements that do not discriminate among candidates would be the issuance of a press release or a notification being sent to political parties (though it was recognized that this would not notify independent candidates). Cobb was also to examine the question of whether an extension of time to file a financial disclosure report could be granted.

Item 6. Cobb discussed the roll-out of the 2014 lobbying registration season. He reported that there were some glitches in the online system resulting from the first year to year turnover using the new system, but that the system is working.

Item 7. Cobb reported that he had developed an ethics orientation training PowerPoint for use in training new County employees. Marc Hansen reviewed the PowerPoint and had no objection to its use. Cobb reported that the next step is to work with OHR in incorporating the ethics orientation into the County's new employee orientation operations.

Item 8. The Commission reviewed proposed legislation concerning, primarily, financial disclosure and to a lesser extent gifts and certain definitions. The Commission suggested a number of minor edits to the text. The Commission indicated that access to confidential information alone was not a sufficient basis to warrant designation for financial disclosure. The Commissioners believed that existing language in the designation provision would result in the designation of persons who should be reporting on conflicts

of interest. The Commission directed Cobb to follow up on the acceptability of the language presented with the State Ethics Commission, and in light of comments made by the County's Legislative Counsel, to promote a meeting between the State Ethics Commission, the County Attorney and the Legislative Counsel so that concerns about proposed legislation and what would be acceptable to the State Ethics Commission could be addressed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert Cobb", written in a cursive style.

Robert Cobb
Counsel