



MONTGOMERY COUNTY ETHICS COMMISSION

Public Meeting of October 24, 2018

Minutes

IN ATTENDANCE:

Commissioners:

Steve Rosen, Chair
Kenita Barrow, Vice-Chair
Susan Beard
Rahul Goel
Bruce Romer

Staff Members:

Robert W. Cobb, Chief Counsel
Erin Chu, Program Manager

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

Item 2. The Commission approved the minutes from the September 5, 2018, meeting with a minor edit.

Item 3. The Commission discussed data relating to public access to lobbying information posted online. The data concerned the number of instances of access to lobbying information on the Commission's website and on dataMontgomery.

The Commission concluded that the information reflected that those seeking information about lobbyists in the County could get the information. The Commission also concluded that trying to develop a detailed forensic understanding of the all the information obtainable about public access to lobbying data is not worthwhile.

The discussion about data was to provide some foundation to understanding the extent to which resources should be dedicated to ensuring that all persons and entities who are engaged in lobbying activities actually register. In this context, the Commission discussed the sign-in sheets obtained by Commission staff from the County Council and how these sign-in sheets inform Commission staff about potential lobbyists. The Commission believes this process would be improved if the sign-in process for visiting County Council members was improved through the institution of an electronic system, using computers, laptops or tablets for those visiting Council members to sign-in on.

This would result in more reliable data and eliminate the creation of an electronic list from handwritten sign-in sheets by Ethics Commission staff. The Commission directed Mr. Cobb to write to the Council President with a request that Council implement a new system for collecting this information.

Item 4. Mr. Cobb and Erin Chu described the reposting of Advisory Opinions and Waivers from 1990 to 2001 on the Commission's website. Mr. Cobb gave an overview of how the opinions and waivers were likely posted in the first instance, when technology options were substantially more limited. The reposting allowed for these opinions and waivers to have improved formats, individual view pages (consistent with the posting of all opinions and waivers after 2001), inclusion of previously omitted footnotes, and correction of obvious typographical errors.

Item 5. The Commission reviewed a proposed compliance manual presented by staff for the Department of Health and Human Services. The Commission agreed with Mr. Cobb's assessment that the manual does not effectively communicate the standards and requirements of the County's ethics law and would be confusing to those being oriented as to what applicable requirements are. Mr. Cobb is to communicate these views to the DHHS staff.

Item 6. Mr. Cobb informed the Commission that the State Ethics Commission would be reviewing the changes to the Montgomery County Public Ethics Law on October 25.

Item 7. Pursuant to GP Art. 3-305, at 7:55 p.m. the Commission voted unanimously to close the meeting to the public to discuss legal advice and confidential matters.

- a. The Commission considered action on a lobbying registration matter.
- b. The Commission examined three instances of ethics advice provided by Mr. Cobb and confirmed that the advice was appropriate.
- c. The Commission was advised as to the status of a pending legal matter.
- d. The Commission considered an informal complaint and directed Mr. Cobb to seek additional information to assist the Commission in determining whether an investigation is necessary to resolve the matter or that other action is warranted.
- e. The Commission considered another informal complaint and directed Mr. Cobb to seek additional information to assist the Commission in determining whether an investigation is necessary to resolve the matter or that other action is warranted.
- f. The Commission considered a number of different scenarios regarding possible gifts posed by a County agency and determined appropriate advice to be issued in response.
- g. The Commission considered requests for outside employment and approved the requests.

The meeting reopened at 9:20.

Item 7. The Commission rescheduled its next meeting from November 28, 2018, to December 5.

The Public Meeting adjourned at 9:30.

Respectfully Submitted,

Robert W. Cobb
Chief Counsel