



## MONTGOMERY COUNTY ETHICS COMMISSION

Public Meeting of March 27, 2018

### Minutes

#### IN ATTENDANCE:

Commissioners:	Steve Rosen, Chair Kenita Barrow, Vice-Chair Rahul Goel Claudia Herbert
Staff Members:	Robert W. Cobb, Chief Counsel Erin Chu, Program Manager I
Representative of County Attorney's Office:	Edward Lattner

Item 1. The meeting was called to order at 7:20 p.m.

Item 2. The Commission approved the minutes from the February 5, 2018, meeting as presented.

Item 3. Mr. Cobb gave a brief overview of the status of the Commission's proposed regulation and its consideration by the Government Operations committee. After a brief history of the positions taken by the Commission on the issue of police outside employment, Mr. Cobb explained the progress that had been made to bring the ethics law into line with practices that had developed regarding outside employment of police – practices that the Government Operation Committee clearly is not troubled by. In terms of progress, it appears that the consensus is that police will conform their practices to the system that applies to all other County employees in terms of submission of outside

employment requests. It is anticipated that the Commission will receive police outside employment submissions in the same manner as it receives outside employment requests from all other employees. When and how this will be implemented is not yet fully defined. Mr. Cobb discussed the ethics law as it relates to the outside employment of police. Currently, 19A-14(a) is permissive of using the prestige of office for private gain, when authorized by regulation. 19A-14(c) permits the use of County property for the benefit of others when such use is authorized by County law. A draft bill prepared by Bob Drummer, counsel to the County Council, provides that the prohibitions of 19A-12(b)(1) and (b)(2) do not apply to police officers engaged in outside employment by virtue of the employment being in the County or in the district where the officer is assigned. This provision is intended to result in the Commission's striking its limitation in the proposed regulation prohibiting officers from working in the districts where they are officially assigned.

The other proposed change in the draft bill concerns 19A-11 and the potential for public safety officials being drawn into official action affecting their economic interests in an emergency. Mr. Cobb and Kenita Barrow expressed that this provision did not address circumstances where police officers were working in outside employment (and especially in uniform) and nonetheless were acting officially in what constituted less than emergency situations. Mr. Cobb was concerned that this occurred anytime a police officer was in uniform in outside employment – using the authority of office to advance the private interests of the outside employer. Ms. Barrow addressed the circumstance of officers who would be required to engage in police action to address a violation of law that did not amount to an emergency situation.

In reviewing language that had previously been suggested by Mr. Cobb for the proposed bill, Mr. Goel suggested the deletion of language relating to uniform and equipment, so that the Commission's proposed suggestion would focus on the use of police authority in the outside employment being excluded from coverage of 19A-11. The Commission thought that this was a reasonable approach; further, the consensus was to delete from Mr. Cobb's suggested language the portion exempting work for County funded organizations to simplify the Commission requested change to 19A-11.

Edward Lattner of the County Attorney's office articulated the view that 19A-11 was not implicated in those circumstances where a County employee was engaged in outside employment. Further, Mr. Lattner expressed that the provisions in 19A-14 authorize the use of County office and property in outside employment when authorized by regulation, so changes recommended by Mr. Cobb to 19A-11 are not required.

Mr. Cobb reported that the State Ethics Commission had not approved statutory changes sought by Anne Arundel County to address outside employment of police in certain establishments, such bingo halls or those selling alcohol.

The Commission decided that Mr. Cobb should resubmit to Mr. Drummer the language concerning 19A-11 as recommended. Ultimately, if the Government Operations

Committee or full County Council reject the Commission's recommendation, that will be their choice.

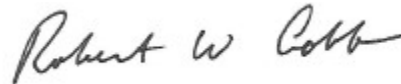
Item 4. Mr. Cobb gave an overview of the status of financial disclosure submissions: 518 had completed the process, 610 have not begun the process and approximately 400 are someplace in between, with most having submitted a disclosure statement with the statement being in the review queue.

Item 5. Mr. Cobb reported that the candidate financial disclosures were filed timely in accordance with the statutory deadlines.

Item 6. Mr. Cobb indicated to the Commission that he had recommended an additional change to the ethics bill that is pending concerning deletion of Board of Liquor Control members from coverage of the County's ethics law as a result of changes to state law that result in coverage of these persons under the State Ethics Law.

The Public Meeting adjourned at 8:30.

Respectfully Submitted,

A handwritten signature in black ink that reads "Robert W. Cobb". The signature is written in a cursive, flowing style.

Robert W. Cobb  
Chief Counsel