



MONTGOMERY COUNTY ETHICS COMMISSION

Public Meeting of July 10, 2019

Minutes

IN ATTENDANCE:

Commissioners: Rahul Goel, Chair
 Steven Rosen, Vice-Chair
 Kenita Barrow
 Susan Beard
 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 June 5, 2019, meeting as presented.

Item 3. The Commission discussed the status of the Commission's June 5 decision to go forward with an August 1 date for implementation of the outside employment online system for sworn police. After the June meeting, Mr. Cobb sent an email relating the Commission's decision to interested County agencies. On June 17, Mr. Cobb met with representatives of the Fraternal Order of Police, Fariba Kassiri, the Deputy CAO, and the County's labor negotiator. At that meeting, details of the implementation of the OEOS along with the questions implementing the County's executive regulation for sworn police were discussed. Possible minor changes were identified, and it was agreed that if the changes could be made, that there was no fundamental issue in moving forward with the new system. The changes that were agreed to were all made. Mr. Cobb told the Commission that all that remains is the roll-out of the system for sworn police and the implementation of the new system by DTS. The roll-out is anticipated to involve a cooperative effort between the Department of Police and the Ethics Commission. Mr. Cobb has already forwarded a draft announcement of the system implementation to the Department. If all goes as scheduled, the Commission will not accept paper forms from sworn police submitted after July 31 and all submissions of outside employment request of sworn police will occur in the OEOS beginning August 1.

Item 4. The Commission discussed the adoption of an exemption to the gift prohibition for bona fide awards. Mr. Cobb had prepared a draft exemption and shared it with the County Attorney who commented on it. The comments probed whether the gift prohibition applied and whether misuse of prestige of office was implicated instead. If the misuse of prestige of office was implicated by acceptance of a particular gift, then would the objective be better served through the issuance of a waiver rather than an exemption to the gift rule?

The Commission considered the comments and concluded that moving forward with the exemption made sense, notwithstanding the questions raised. In addition, the Commission examined the proposed \$200 cap on gifts subject to the exemption – above which additional approvals would be required. It was noted that the Federal rule upon which the \$200 figure was established was established in 1991, with no subsequent adjustment to the number. The Commission thought it worthwhile to seek additional comment from agencies most likely to be affected by the exemption, DHHS, the Department of Police, and the Department of Fire and Rescue Services. The Commission directed Mr. Cobb to seek comment on the proposed exemption and bring particular focus on the proposed 200 dollar figure.

Item 5. Pursuant to GP Art. 3-305, at 7:35 p.m. the Commission voted unanimously to close the meeting to the public to discuss legal advice and confidential matters.

- a. The Commission was advised by counsel on the status of ongoing litigation.
- b. The Commission was advised by counsel on the status of ongoing litigation.
- c. The Commission considered a question about a gift to an elected official. The Commission decided the gift could be accepted on the basis of the exemption for ceremonial items or awards of little intrinsic value. Mr. Cobb is to draft an advisory opinion.
- d. The Commission considered an allegation of a violation of the ethics law.
- e. The Commission considered tentative advice given to a former DHCA employee.
- f. The Commission considered advice that had been given to an employee about use of letterhead in connection with private activity.
- g. The Commission considered outside employment requests and approved the requests, excepting only those that require a waiver and one that requires additional information.

The meeting reopened at 8:10.

Item 6. The Commission's next meeting is scheduled for August 27, 2019.

The Public Meeting adjourned at 8:20.

Respectfully Submitted,



Robert W. Cobb
Chief Counsel