



MONTGOMERY COUNTY ETHICS COMMISSION

Rahul K. Goel
Chair

Susan Beard
Vice Chair

Montgomery County Ethics Commission Annual Report for Calendar Year 2019

I. Introduction

Section 19A-6(f) of the Montgomery County Public Ethics Law requires the Ethics Commission (the Commission) to publish an annual report. The report is to summarize the actions the Commission has taken during the preceding calendar year and describe the waivers it approved and advisory opinions it issued during the year.

The mission of the Commission is to promote the public's trust of County government through the independent administration, including enforcement, of laws designed to ensure the impartiality of County employees, including elected officials, in the execution of their responsibilities. It does this through the administration of three programs: financial disclosure, lobbying disclosure, and outside employment approval -- and through myriad other activities.

The Commission currently has five members which is a full complement under the Public Ethics Law. They, along with the respective dates of their terms' expiration, are:

Rahul Goel, Chair	10/2020
Susan Beard, Vice Chair	10/2021
Kenita V. Barrow	10/2019
Bruce Romer	10/2021
Steven Rosen	10/2019

Rahul Goel was Chair of the Commission during 2019, with Steven Rosen serving as Vice Chair. At the December meeting of the Commission, Rahul Goel was elected Chair and Susan Beard was elected Vice Chair for 2020. In accordance with the Public Ethics Law, members whose terms have expired serve until they are reappointed or the Council confirms a successor.

In 2019, the Commission made substantial progress towards its primary objectives for the year. Going into the year 2019, the Ethics Commission reported the following objectives over and above the expectation to continue to successfully conduct required operations during the year:

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- 1) Implementing ethics law changes and new regulations.
- 2) Developing an online application process for outside employment of sworn police.
- 3) Assuring alignment with new County Executive and County Council initiatives, consistent with the Public Ethics Law.

With respect to the third objective, a proposed executive branch initiative concerning communication about ethics and integrity related topics was delayed until late 2019. It is anticipated that Commission staff will coordinate with the County's Internal Auditor and Office of County Attorney in 2020 to develop ethics related content for communication to executive branch managers and agency leaders. Otherwise, the steps taken to implement objectives one and two are described in the substantive program sections further below.

The Commission met in regular Public Meetings nine times during 2019. A portion of each of those meetings was in closed session pursuant to Maryland General Provisions Article 3-305(b).

Major Objectives for 2020

The Commission will continue to focus on the management of its core programs, the financial disclosure system, the lobbying program and the outside employment approval process. The Commission has four priorities for 2020:

1. Preparing and conducting 2nd generation ethics training for those executive branch financial disclosure filers who are repeating training on the 3-year cycle established in 2017;
2. Ensuring Commission staff is sufficient to address staff responsibilities;
3. Examining new opportunities for training and educational activities;
4. Identifying and recommending adjustments to the Public Ethics Law.

The executive branch instituted one-hour ethics training for financial disclosure filers in 2017. Those required to take the training are required to take the training once every three years. Commission staff has systems in place to identify and notify those required to retake training every three years. Instead of having filers take training very similar in content to what has previously been taken, it is contemplated that the training will introduce new content. Commission staff will continue to conduct ethics training as it has over the last three years for those who are meeting the requirement for the initial one-hour training.

During 2019, a valued member of the Commission staff took a job with the Circuit Court of Montgomery County reducing the total staff of the Commission to two persons. The Commission has delayed refilling the open position to evaluate the need for the position. Over the past several years, there have been dramatic developments in the use of technology solutions to manage Ethics Commission programs. In particular, these solutions have included:

1. The creation of an online lobbying registration and activity reporting system. (2013).
2. The creation of an outside employment online system for all employees other than police. (2015).
3. The revamping of the online financial disclosure system. (2018).

4. The creation of a system for submission of police outside employment requests online (merging police requirements with ethics requirements.) (2019).

These initiatives have resulted in a substantial reduction in manual data entry for Ethics Commission staff (and others as well.) In addition, there have been substantial process changes that have reduced the need for dedicated staff time to resolve anomalies. The most significant change is explained in the Commission's 2014 Annual Report regarding the County's process for identification of annual financial disclosure filers. This process was extremely cumbersome for the County and Ethics Commission staff and was changed to a process that eliminated a substantial number of inefficient and cumbersome steps by County and Commission staff. One of these steps included the County's generation of an annual Executive Regulation identifying financial disclosure filers. Upon the institution of new processes, the Executive Regulation became unnecessary, and amendments to the ethics law in 2015 resulted in the elimination of the requirement for a regulation altogether.

As a consequence of these measures over time, there have been a substantial reduction in the number of manual processes required of Commission staff, generating a genuine possibility that the remaining staff, particularly the program manager, can absorb the work load of the departed program specialist. The Commission is examining the consequences of working with a staff of two as opposed to three. Part of the analysis involves assessing the extent to which the Commission staff is executing on the implementation of effective ethics training for County employees and whether the existing training programs (new employee orientation) and mandatory training for executive branch financial disclosure filers should be expanded. The Commission plays a role in this decision, but so does the executive and legislative branches in determining the scope of ethics education that is desired. These decisions impact staffing considerations due to the level of effort involved in establishing and maintaining training programs. Similarly, aside from the main statutory programs, Commission staff is involved in several other activities that require staff attention. For example, the Department of Finance uses the Ethics Commission as a resource to examine potential employee conflicts of interest identified through its vendor registration system. The Commission reviews (now electronic!) sign-in sheets at the County Council to identify parties that may be required to register as lobbyists. Having additional staff allows for a degree of flexibility in addressing needs as they arise and to be creative in advancing ethical government in the County. The Commission is weighing all of these variables in considering whether to fill the position of the staff member that left.

The Commission plans to examine the County's ethics laws in 2020 for purposes of making recommendations for needed change.

II. Status of Programs and Operations

Ethics program statistics:

Performance Measures	Actual 2017	Actual 2018	Actual 2019	Target 2020	Target 2021
Number of Issuances of Formal Opinions, Waivers, or Guidance	22	15	19	19	19
Number of Lobbyists Registered	270	172	135	135	135
Number of Lobbyist Activity Reports	405	259	219	219	219
Number of Financial Disclosure Statements for Calendar Year	1768	1786	1814	1814	1814
Number of Outside Employment Requests	1045	882	2241	2241	2241

This annual report summarizes the work of the Commission in each of the following areas:

- 1. Financial Disclosure**
- 2. Outside Employment**
- 3. Lobbying**
- 4. Complaints, Investigations and Hearings**
- 5. Advisory Opinions, Interpretation and Advice, and Waivers**
- 6. Education**
- 7. Legislative and Regulatory**
- 8. Outreach**
- 9. Administration**

1. Financial Disclosure:

The Public Ethics Law promotes the public's confidence in the integrity of County employees by requiring certain employees, including elected officials, to file financial disclosure reports that are required to be made publicly available. The reports detail financial holdings and relationships so that conflicts of interest between an employee's County duties and the employee's personal activities and interests can be identified and addressed. The Public Ethics Law requires filings of financial disclosure reports when individuals are first appointed to a filing position, annually thereafter, and when terminating from a filing position. The Commission prepares financial disclosure forms and makes them available electronically and maintains reports filed by employees; it currently administers the electronic filing system for reporting and coordinates with the Office of Human Resources and all County agencies regarding the status of filers. It also resolves all anomalous circumstances and questions associated with the filing of financial disclosure reports.

There were no major changes to the Financial Disclosure System in 2019. There were a couple of changes to the financial disclosure form made pursuant to changes in the County ethics law in 2018 that were deployed for use in the filing cycle for annual reports that were due by April 15, 2019. One change was to add a question regarding whether an employee's spouse is a paid lobbyist. The second provided an opportunity for employees to identify whether a property identified on the form was the employee's residence (so the Ethics Commission would redact that information from any released financial disclosure reports.)

There were 1814 financial disclosure forms completed by public employees in 2019. Successful program administration is dependent on the accuracy of the database of employees and their status as filers. It is also dependent on the employees who file the forms and on County senior management who are the designated reviewers of forms. Lastly, it is dependent on County human resources liaisons and managers to follow-up with employees who have not filed and to obtain final reports from employees who are terminating from filing positions. Members of certain County boards, commissions, and committees, who are considered "public employees" for purposes of the public ethics law, are also required to file reports. As these persons are not normally tracked in the County's personnel system, a separate system has been established to track the status of these persons.

With respect to full-time County employees, there was one hundred percent compliance with the requirement to file annual financial disclosure reports. Those terminating service as full-time employees were also universally compliant, and the Commission ensures this by having the County withhold the final paycheck of employees until a final disclosure statement has been filed. There are instances where the Commission is not notified of a filing employee's departure from service, and the employee is paid without having filed a final disclosure. Due to notification and enforcement challenges associated with obtaining these reports, on occasion Commission staff treats the last filed report by the filer as a final report. This also occurs with some terminating board, commission, and committee volunteers who terminate service without filing a disclosure report after leaving County service.

2. Outside Employment: The Public Ethics Law requires that County employees obtain approval from the Commission prior to engaging in any employment other than County employment.

The Commission utilizes the outside employment online system (OEOS) to process requests for outside employment. The system provides a vehicle for review by the employing department's management and the Ethics Commission. The Commission's staff prepares all requests for consideration by the Commission, to include obtaining additional information from requestors and County agencies and conducting preliminary legal analysis of requests. The Commission approves requests, as appropriate, setting conditions on approval as necessary to ensure compliance with ethics requirements, and staff notifies requestors by email of the disposition of requests by the Commission. The Commission publishes approved Outside Employment information required to be made publicly available by the Public Ethics Law.

Up until August of 2019, the OEOS was used only by employees other than police to make requests for outside employment. Sworn police did not use the OEOS and instead used a form created by the Department of Police that conformed to the policies and practices of the Department. Those police forms were then submitted to the Ethics Commission for processing and approval.

As detailed in prior Annual Reports, the Ethics Commission was concerned with compliance with ethics requirements regarding outside employment of sworn police. Amendments to the ethics law in 2018 made clear that the County Council wanted sworn police to be able to engage in outside employment that the Ethics Commission believed to be inconsistent with the ethics law prior to its amendment.

Given the resolution of issues that had been raised by the Ethics Commission, and with a clear legal and regulatory path, the Ethics Commission staff worked with the Department of Police and the Department of Technology Services to develop, within the OEOS, an online application which would allow the Department of Police to have all the questions that it needs to have answered in connection with outside employment and at the same time have the questions that all County employees are asked by the Ethics Commission to be answered as well. As a result, sworn police seeking outside employment would fill out one form in the online system, and that

one form would serve two purposes: to answer the questions relevant to police requirements and to answer the questions relevant to ethics review. The portion of the form speaking to ethics concerns would be reviewed by the Ethics Commission while the additional questions beyond those asked by the Ethics Commission would be reviewed in the police approval process. DTS built an elegant technical solution within the framework of the existing OEOS to satisfy all the ethics and police requirements for the outside employment requests for sworn police. For the first time in more than 20 years, the Ethics Commission now receives the answers to questions it needs to have answered to properly evaluate requests for outside employment by sworn police.

This system was implemented in August of 2019. And in connection with its implementation, another policy of the Commission was implemented at the same time. When the Commission first rolled out the OEOS for all County employees other than sworn police, it established that approvals would only be effective for a maximum of three years. Towards the end of effective period of approval, the affected employee would be notified of the expiration of the period. This three-year limit was established for police as well. It is anticipated that somewhat larger numbers of outside employment requests will be received as some requests that would have received “indefinite” approval will expire after three years and require a new form to be submitted. In addition, the police department notified its employees in connection with the implementation of the new program that police with existing approvals should submit new requests for outside employment in the OEOS with respect to that employment. This resulted in a sharp spike in applications beginning in August 2019 and continuing through the end of the year.

As expected, the new electronic form is simple to fill out, does not involve undecipherable handwriting, and can be processed by the police and the Ethics Commission in a much quicker, more manageable and efficient way. And because the system is electronic rather than paper, the manual data processing burden on Commission staff of keying in data from hundreds of paper forms has disappeared.

The Commission approved 2241 requests for outside employment in calendar year 2019. This constitutes a dramatic increase from the 882 processed during the prior year and is likely a result of matters relating to the transition to the use of the OEOS by sworn police as described above.

The Ethics Commission maintains a current list of outside employment approvals that it publishes online and which is also incorporated into dataMontgomery’s publicly available information of all currently approved outside employment of County employees. Employees are notified both prior to and then after the expiration of their approvals.

The Outside Employment Online System (OEOS) allows for substantial benefits in program management as Commission staff has insight to all pending applications for outside employment. Previously, an employee filling out a paper application would submit the paper through the employee’s chain of command and the Commission would have no notice or opportunity to ensure the process was operating effectively until it received the paper form after it had been processed by the employee’s agency.

3. Lobbying: The Public Ethics Law requires persons meeting certain criteria and thresholds who communicate with County employees to register as lobbyists and to file semi-annual activity reports with the Commission. Annual registration fees are required and are paid to the Commission and processed and deposited into the General Fund.

Since CY 2013, lobbying registration and activity reporting has been effected through an online application developed by the Commission and the Department of Technology Services. The system has made registration easier for registrants, allowed data to be captured electronically rather than by manual processes of Commission staff, and promoted transparency for the public in accessing the online data.

These systems have resulted in almost instantaneous availability of lobbying information on the Ethics Commission's website.

<https://www2.montgomerycountymd.gov/Lobbyist/ActivityReport.aspx>

As a result of having implemented a lobbying filing system with reliable data sets, Commission staff has focused additional time on proactive steps to educate those who might meet registration thresholds in the Public Ethics Law to register as lobbyists.

As the system is easy to use, registering lobbyists' compliance with requirements is very high. For example, 100 percent of required semi-annual reports on lobbying activity for the last several years (including 2019) have been filed. This compliance rate is in stark contrast to the system in place prior to 2013 where compliance was irregular and there were no systems in place to measure compliance.

For the first years after the online lobbying system was launched for calendar 2013, registration numbers increased substantially. However, there was a downturn in total registrations for 2018 from 2017, though, and this downturn continued in 2019. The total receipts for calendar year 2019 are \$18,116.42, down from \$20,500 in 2018 and \$30,625 and in 2017. The Commission has no explanation for this drop as processes for filing registrations have only been made easier for 2019. For 2019, the Commission has implemented an online payment process, which has facilitated the payment part of registration. Also, the Commission has, pursuant to a change in the ethics law, been able to drop a requirement that employers of lobbyists sign the registration. These changes have resulted in lobbyists being able to complete all registration steps online and without having to mail completed registrations to the Commission.

4. Complaints, Investigations and Hearings: Pursuant to the Public Ethics Laws, the Commission receives complaints and, as appropriate: conducts investigations and hearings, makes findings, and imposes sanctions and penalties. During 2019, the Commission received a formal complaint of an ethics violation and several other allegations of violations. The complaint that was received was dismissed by the Commission. Subsequently, the complainant appealed the Commission's dismissal to the Circuit Court and the matter is pending. The County is representing the Commission in the pending Circuit Court matter. During 2018, a complaint

of an ethics violation was received which was dismissed by the Commission. Subsequently, the complainant appealed the Commission's dismissal to the Circuit Court. The Circuit Court granted Montgomery County's Motion to Dismiss the appeal. The matter was appealed to the Maryland Court of Special Appeals and a disposition of the matter by that court is pending.

There were no pending formal complaints at the close of 2019.

Aside from formal complaints, many issues were brought to the attention of the Ethics Commission during 2019 including several "complaints" that did not meet the criteria for filing a formal complaint under the Public Ethics Law. Matters that do not raise issues within the jurisdiction of the Commission are closed or referred to a more appropriate office for disposition. Others are brought to the attention of the Commission and considered and addressed by the Commission. When appropriate, matters are coordinated with the County Attorney, the relevant County agency or the Inspector General. The Commission is authorized to conduct investigations on its own initiative and to bring complaints. At the end of 2019, the Commission had one pending investigation.

5. Advisory Opinions, Interpretation and Advice, and Waivers: The Ethics Commission is expressly authorized to interpret the Public Ethics Law and advise persons as to its application. It does this proactively or in response to or as a result of formal or informal inquiries. Commission staff receives a substantial number of informal inquiries from County employees and from members of the public. These questions relate to each of the programs operated by the Commission and with respect to the overall mandate of the Commission under the ethics law.

The Commission is authorized to publish advisory opinions and grant waivers of ethics law requirements, as appropriate. The Commission is required to publish its advisory opinions, or, in the event an opinion is not published, state the reasons for not publishing the opinion.

The Commission published five advisory opinions during calendar year 2019, the full text of which can be found at:

<https://www.montgomerycountymd.gov/Ethics/Decisions/Opinions/2018.html>

The Ethics Commission issued 13 waivers, which are published at:

<https://www.montgomerycountymd.gov/Ethics/Decisions/waivers/2018.html>

Brief summaries of the opinions and waivers appear below. The decisions made were limited to the facts presented and no assumption should be made to the application of any opinion or waiver to any other circumstances.

Advisory Opinion 19-03-008 addressed whether it would be appropriate for a County employee to complete a reference questionnaire and submit it to a city in North Carolina with respect to a vendor and its performance with respect to a contract with Montgomery County.

The County's Department of Finance had a contract with a vendor for services relating to accounts payable software. A city in North Carolina issued a request for proposals (RFP). The vendor, in connection with the RFP, stated in an email to a contact person in the County that it needed three business references and requested the contact at Montgomery County to provide a reference for it. The city in North Carolina's "Reference Questionnaire" was provided along with the request. The request stipulated that the vendor did not need to see the answers as the answers could be sent directly to the city.

Section 19A-14(a) of the County's Public Ethics Law states that "[u]nless expressly authorized by regulation or as may be permitted under Section 19A-16 [alluding to limited allowances for solicitations to charities], a public employee must not intentionally use the prestige of office for private gain or the gain of another. Performing usual and customary constituent services, without additional compensation, is not prohibited by this subsection."

The question was whether 19A-14(a) of the ethics law barred the provision of a reference by the County to the city as requested by the vendor. The Ethics Commission concluded that 19A-14(a) does not bar the provision of the requested reference.

Advisory Opinion 19-04-009 addressed a question about the scope of a condition that had been placed on an employee's approved outside employment.

The employee asked whether the employee could provide couple's therapy in the employee's outside employment position to a couple where one of the persons to receive the therapy is an individual the employee provided services to at the Department of Health and Human Services (DHHS). The Ethics Commission declined to exempt the individual from the condition that had been attached to its approval of the employee's outside employment. This decision was consistent with the position of DHHS that the employee could not represent the employee's DHHS client until at least six years had passed since services were provided to the client at DHHS.

Advisory Opinion 19-04-010 addressed whether an employee could appropriately hire a specific attorney to prepare the employee's will and related personal estate planning documents. One of the attorneys the employee was considering to hire is an elder law attorney who the employee understood as being a person who had represented persons in matters falling under the scope of the employee's supervisory responsibilities as a manager at Department of Health and Human Services (DHHS).

The employee is a manager with supervision responsibilities over several sections, one of which determines eligibility for certain benefits for Montgomery County residents. Some of these residents are represented by attorneys with respect to applications or appeals of staff's eligibility determinations. When a determination is appealed, staff and the customer's attorney appear before an administrative law judge to argue the case. While the employee is not directly involved in the eligibility determinations or appeals, the employee could become involved through the exercise of supervisory responsibilities.

The Commission concluded that it had no objection to the employee's private engagement of an attorney who may be engaged by other persons to represent them before a section that the employee supervises as a DHHS manager. The Commission conditioned its advisory opinion on the employee's recusal from any County matter where the private attorney is representing any person.

Advisory Opinion 19-05-012 involved a denial of a request for a waiver of section 19A-12(b)(1) of the County's Public Ethics Law prohibiting an employee from engaging in outside employment with an entity that contracts with the employee's agency unless the employee obtains a waiver from the Ethics Commission.

The employee indicated that in full-time position with Suburban Hospital as a Senior Treatment Coordinator, the employee would render services to adolescent and adult clients. A source of funds for the employee's work at Suburban was the contract between Suburban and the County. While the employee did not handle the billing or financial aspects of the contract between DHHS and Suburban Hospital, the employee, for Suburban, would report monthly to the Montgomery County contract monitor on the implementation and administration of the contract. In denying the request for a waiver, the Commission noted that the DHHS employee was assigned the duty of communicating with DHHS on behalf of the outside employer with regard to the very contract triggering application of the prohibition of 19A-12(b)(1)(B). The Commission could not reach a conclusion that there was an absence of an actual conflict of interest pursuant to 19A-8(b)(3). Accordingly, the Ethics Commission denied the request for a waiver as work the employee would be doing at the outside employer was sufficiently related to management of the contract between the DHHS and the outside employer to establish the actual conflict of interest that 19A-12(b)(1)(B) is intended to prevent. With regard to 19A-12(b)(1), the Commission stated:

This prohibition addresses the conflicts of interest or appearances of conflicts of interest that arise from employees profiting in their private employment from actions of their County colleagues who may be positioned to confer benefits through contract awards and administration. The law is intended to keep others in County government from taking action or appearing to take action that create or enhance employment opportunities and benefits for colleagues in their agency. The negative appearance to the public of employees profiting privately from agency action is an important harm the statutory provision is intended to address. The law is also intended to prevent the use or appearance of use of County employees to advance the interests of outside employers in their dealings with the County.

The Special Assistant to the Chief Operating Officer of DHHS, the person charged with approving these requests on behalf of the department, concurred in and supported the request for a waiver and recommended to the Ethics Commission that it approve the waiver. The Commission understood that the employee's County position would not materially impact the contract between DHHS and the outside employer.

The Commission noted that a waiver can be granted for prohibited outside employment if the waiver is necessary to assure competent services to a County agency or that the failure to retain services would limit the County agency's ability to hire and retain qualified personnel. (See 19A-8(b)(1) and (2)). After inquiry by Ethics Commission staff to the Special Assistant to the Chief Operating Officer, DHHS would not represent that the waiver was needed to assure competent services to the County or that the failure to retain the employee's services would limit DHHS's ability to hire and retain qualified personnel. As such, a waiver could not issue on either of these bases.

Advisory Opinion 19-06-013 addressed whether a presentation item to an elected official is a prohibited gift pursuant to 19A-16(c) of the Public Ethics Law and, if so, whether the gift could be turned over to the County and displayed in the elected official's office. The Ethics Commission found that the gift was not prohibited and the question of turning the gift over to the County moot.

The elected official, along with other County employees, attended an event conducted by a local civic group. The group presented the elected official with a piece of wood, laser-engraved with a likeness of the historic Grey Courthouse, a quote from a song, and a note of appreciation for the elected official's support of the organization. The approximate cost of the item was over \$20. (According to an employee of a company that was the source of the item, the materials cost just over \$20, and the laser engraving was performed by the company on its own laser engraving machine.)

The Commission considered the gift prohibition of 19A-16(c) and that it does not apply in a number of circumstances, including with respect to "ceremonial gifts or awards that have insignificant monetary value." 19A-16(d)(2). The Commission views the gift presented to the elected official as falling within this exception. The gift here was a presentation item with no other use than presentation and display. The item carries with it little, if any, material or monetary worth. The Commission deemed that the gift's value is insignificant and therefore can be kept by the elected official.

The Commission made clear that the decision was limited to the facts presented. The Commission recognizes that there will be circumstances when ceremonial gifts have monetary value that is not insignificant; accordingly, determinations of whether monetary value is significant or must be made on a case by case basis.

Waivers.

The Ethics Commission issued 13 waivers in 2019.

All of these waivers related to outside employment activities that were found not to create an actual conflict of interest. A public employee must not, pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a

waiver. Many employees are notified of the prohibition after they have submitted a request for outside employment, and it has been reviewed by management or the Ethics Commission. One of the waivers concerned § 19A-12(b)(1)(A), which prohibits being employed by an entity regulated by the employee's County agency.

These outside employment waiver applications are granted where there is no relationship between the conduct of the employee's County duties, the duties performed in the outside position, and the contract between the County and the outside employer. In short, they are approved where there is no actual conflict of interest. These requests are not discussed in detail and can be reviewed in full at:

<https://www.montgomerycountymd.gov/Ethics/Decisions/waivers/2018.html>.

6. Education: The Commission conducts public education and other information programs regarding the Ethics Law. Commission staff routinely provides individual instruction on filling out and review of financial disclosure forms, outside employment requests and lobbying reports, and other matters falling within its jurisdiction.

Ethics Commission staff participated in biweekly orientation sessions for all new County employees. This activity, conducted since 2014, has resulted in several hundred new County employees receiving basic information about their responsibilities under the County's ethics law each year.

Mandatory ethics training for executive branch public financial disclosure filers has been conducted since May of 2017 under the authority of the Chief Administrative Officer. The Office of Human Resources Training and Organizational Development Division has provided support in the implementation of this training and compliance initiative.

In 2019, Commission staff conducted 7 of the mandatory one-hour sessions in the OHR training room. As the program was rolled out in 2017, most of the persons who were required to take the mandatory training took it in 2017. The bulk of persons attending training in 2019 were persons who either were new employee public financial disclosure filers or County employees who have been promoted into positions that require a public financial disclosure.

The original number of persons in the target group of employees (executive branch financial disclosure filers) was 1266 employees. The exact number in the target group is variable as it increases when new public filers come on board and decreases when individual employees (who had not yet been trained) depart from service. As of the end of 2019, there had been 1616 attendees to mandatory training since May of 2017. The number of persons attending the mandatory training was 155 in 2019. There are 24 persons who have not taken the training as required.

In addition to the training being monitored through OHR's learning management system, the Ethics Commission is tracking compliance and notifying, with the help of HR liaisons, those who have yet to take the training. Commission staff is not allowing persons who show up for training more than 10 minutes late to enter the training sessions and Commission staff tries not to extend credit to those who miss a substantial portion of a session, such as those who leave early

to address other business. Where the Commission is able to identify such employees, the employee is notified that they are not receiving credit and are informed that they may attend the portion of the session that they missed. In short, the Commission staff is treating the training as a compliance program.

The Commission will continue the program as follows:

- The Commission will notify new executive branch employees entering filing positions of their obligation to take the training within 6 months of the date the employee began in an executive branch public filing position.
- The Ethics Commission will conduct monthly or as needed training sessions in either a human resources training facility or at another suitable location. This training is intended to cover those who have yet to take the training, the new filers, and any other persons who want to take ethics training.
- Those who have taken the training will be notified when 3 years has passed and training is required to be taken again.
- The Chief Administrative Officer's office will be notified periodically (not less than annually) of those persons who are required to take the training but have not and any who have failed to take the training within the required timeframe. In instances where there is systemic failure of an agency's employees to take the training, the agency director will be notified of the issue.

7. Legislative and Regulatory: The Commission recommends and prepares new ethics legislation and regulations.

There were no new legislative or regulatory developments in 2019. In 2018, the Public Ethics Law was amended and the Ethics Commission's regulations were adopted. These matters have been addressed in detail in prior annual reports. The changes to the ethics law and regulations have had significant impact on Commission programs, particularly with respect to the outside employment of police. There have also been some changes to the Commission's education activities as the new provisions have been incorporated into the Commission's training programs.

8. Outreach and Other Activities: The Staff also serves as the principal public resource on the County's ethics laws, to include managing a website that reflects Commission programs, activities, and publications such as annual reports, approvals of outside employment requests, lobbying data, and waivers and opinions.

9. Administration: The Staff of the Commission is responsible for assuring that Commission meetings are run in accordance with the Open Meetings Act and other applicable law. The Staff informs and advises the Commission as to all material matters under its jurisdiction; Commission staff are also responsible for budget, procurement, human resources, and resource management for the operation of the office in accordance with Montgomery County policies, and attends required training in these and other office management areas.

For the Commission:

Respectfully Submitted,



Rahul K. Goel, Chair

02/28/2020
Date