



MONTGOMERY COUNTY ETHICS COMMISSION

Susan Beard
Chair

Bruce Romer
Vice Chair

Public Meeting of September 9, 2021
Conducted via Zoom call
Minutes

IN ATTENDANCE:

Commissioners: Susan Beard, Chair
Bruce Romer, Vice-Chair
Kenita Barrow
Rahul Goel

Staff Members: Robert W. Cobb,
Chief Counsel
Erin Chu, Program Manager

Item 1. The meeting was called to order at 7:05 p.m.

Item 2. The Commission approved the minutes from the February 25, 2021, meeting as presented.

Item 3. The Commission discussed the move from Broome School back to the COB and the general environment concerning Covid-19 and the County workspace.

Item 4. Regarding possible appointments to the Ethics Commission, Mr. Cobb indicated that progress was being made.

Item 5. Mr. Cobb indicated that a State Delegate had contact him about purported weaknesses in the County's lobbying registration requirements. The Commission discussed the variances between the County's approach to lobbying registration as compared to the State Ethics Commission's model law for local jurisdictions and other local Maryland counties, including Prince George's County, Howard County, and Frederick County. In particular, the State's model provides for registration in connection with certain grassroots lobbying efforts and with respect to certain communications intended to influence executive or administrative action. Mr. Cobb indicated that Montgomery County's lobbying registration requirements included a grassroots registration requirement until 1990 but was dropped after questions were raised about requiring registration from groups like parent teacher associations for publishing newsletters that might recommend that parents contact the County for support to schools. Mr. Cobb also

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indicated that he had questions regarding the meaning of the model law and other local County provisions with respect to the use of the term “in the presence of” and with respect to the scope of the provision on executive and administrative lobbying. Mr. Cobb indicated that he had communicated with the State Ethics Commission concerning the meaning of “in the presence of” and that the State indicated that this meant “physical presence” notwithstanding the dramatic change in the conduct of business to online communications in the wake of the pandemic. Mr. Cobb also indicated that he had reached out to other Counties with the question of whether attorneys representing County residents in executive and administrative matters, such as challenging real estate tax assessments, would be required to register. Mr. Cobb had heard back from one County ethics official who indicated that jurisdiction receives zero registrations for either grassroots lobbying or lobbying for executive and administrative action. The Commission approved Mr. Cobb’s further examination of the issues and consultation with the County Attorney and Counsel to the County Council regarding whether changes to the County’s lobbying laws were warranted.

Item 6. Mr. Cobb asked for guidance from the Commission concerning lobbying registration enforcement. In particular, Mr. Cobb indicated that some issues concerning late registrations had recently come up, with a notion that the Commission could be more aggressive in imposing late fees for failure to timely register. Mr. Cobb cited that the Commission’s approach has been to take steps to encourage registration, but without taking enforcement steps without some indication of willful intent to evade registration. Mr. Cobb indicated that the State Ethics Commission’s approach was to consistently fine any late filers. The Commission discussed the idea of posting the date of registration adding transparency to the timing of filing. Commission staff will examine the feasibility of having this information added to the online publicly available information.

Item 7. Mr. Cobb stated that a platform was being developed by the Technology and Enterprise Business Solutions (TEBS) department to present ethics training to executive branch BCCs as part of orientation. This is intended to go along with other required training for BCC members. Mr. Cobb is to present content in connection with the training activities.

Item 8. Pursuant to GP Art. 3-305, at 7:30 p.m. the Commission voted unanimously to close the meeting to the public to discuss legal advice and confidential matters.

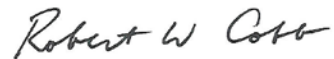
- a. The Commission considered the scope of application of the ethics law to an agency.
- b. The Commission considered a request for advice under the ethics law.
- c. The Commission reviewed correspondence concerning application of the ethics law to an individual.
- d. The Commission was advised as to the status of a matter for which a Commission investigation had been authorized.
- e. The Commission discussed ethics issues involving several individuals at a County agency.

The meeting reopened at 8:45.

Item 9. The next meeting was not scheduled.

Item 10. The meeting adjourned at 8:55.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Robert W Cobb".

Robert W. Cobb
Chief Counsel