



Montgomery County Ethics Commission Annual Report for Calendar Year 2024

I. Introduction

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

The Commission's mission is to promote the public's trust of County government through the independent administration and enforcement of laws designed to promote and ensure the impartiality of County employees, including elected officials, in the execution of their responsibilities. The Commission undertakes a myriad of activities in support of the mission.

The Ethics Commission's first Chief Counsel, Robert Cobb, retired in February of 2024. After a competitive recruitment process, the Commission selected Erin O'Connor as Mr. Cobb's successor. Ms. O'Connor had served as the Commission's Program Manager since 2013 and has the legal and programmatic knowledge and experience to ensure a smooth transition.

Recognizing the importance and complexity of the ethics education program, the Program Manager I position was reclassified to a Program Manager II position. The Commission welcomed Ms. Hiwote Yohannes as the new Program Manager II. Ms. Yohannes brings nearly two decades of training experience from her prior roles with a federal-state hybrid entity as well as experience in the County's Office of Human Resources.

Longtime Ethics Commission member Rahul Goel was scheduled to cycle off the Commission in October 2024 after serving two terms. However, in light of the significant staffing changes in the Ethics Commission office, the Commission's Chief Counsel sought and was granted a term limit waiver allowing Mr. Goel to seek a third term. Ultimately, he was the selected candidate and has begun his third term on the Commission.

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

| | |
|---------------|---------|
| Kenita Barrow | 10/2025 |
| Susan Beard | 10/2025 |
| Eric Gallun | 10/2027 |

MONTGOMERY COUNTY ETHICS COMMISSION

**100 MARYLAND AVENUE, ROOM 204, ROCKVILLE, MARYLAND 20850
OFFICE: 240.777.6670**

Elizabeth Kellar
Rahul Goel

10/2027
10/2028

The selection of officers for calendar year 2024 was held in December 2023, at which time Elizabeth Kellar was voted in as Chair, and Rahul Goel was selected as Vice Chair. They both served in these capacities for the entire year. And, in November 2024, elections were again held, at which time the Commission voted to continue with Ms. Kellar as Chair and Mr. Goel as Vice Chair in 2025.

The Commission held ten public meetings in 2024. The January and August meetings were held online on the Zoom platform. The meetings held between February and June were in person. Hybrid meetings were held in September through November, with some members attending in person while others joined via Zoom. There were no meetings held in July or December of 2024. At the June meeting, the Commission briefly discussed moving to a hybrid model for meetings due to the need for flexibility from Commissioners. Thus, moving forward, any in-person meeting will be conducted in a hybrid fashion utilizing the Zoom platform.

II. Status of Programs and Operations

Ethics program statistics:

| Performance Measures | Actual 2022 | Actual 2023 | Actual 2024 |
|---|----------------|----------------|----------------|
| Number of Issuances of Formal Opinions, Waivers, or Guidance | 21 | 18 | 15 |
| Number of Lobbyists Registered | 184 | 153 | 162 |
| Number of Lobbyist Activity Reports | 287 | 251 | 261 |
| Number of Financial Disclosure Statements for Calendar Year | 1872 | 1895 | 1964 |
| Number of Outside Employment Requests | 2042 | 1852 | 1506 |

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, makes them available electronically and maintains reports filed by employees. It 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 anomalous circumstances and questions associated with the filing of financial disclosure reports.

There were 1964 financial disclosure forms completed by public employees in 2024. Successful program administration is dependent on the accuracy of the database of employees and their status as filers. It depends on the employees who file the forms, on County senior management who are the designated reviewers of forms, and 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.

All full-time County employees required to file annual financial disclosure reports were 100 percent in compliance. Those terminating service as full-time employees were also compliant. The Commission ensures this by having the County withhold the final paycheck of employees until a final disclosure statement has been filed, in accordance with the ethics law. 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 compensated service 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 reviews and prepares all requests for consideration by the Commission, 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 to ensure compliance with ethics requirements. The staff notifies requestors by email of the disposition of requests by the Commission. The Commission publishes approved Outside Employment information as required by the Public Ethics Law.

The Commission acted on 1506 requests for outside employment in calendar year 2024.

A current list of outside employment approvals for County employees is incorporated into a database, publicly available. This can be found at:

<https://data.montgomerycountymd.gov/Government/Outside-Employment/j6hr-qfpx/data>.

Employees are notified prior to the expiration of their approvals so they can submit new filings if they desire to continue the outside employment.

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 2013, lobbying registration and activity reporting has been implemented through an online application developed by the Commission and Technology and Enterprise Business Solutions. The system has made registration easier for registrants, allows data to be captured electronically rather than by manual processes of Commission staff, and promotes 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 the system is easy to use, registering lobbyists' compliance with requirements is high. For example, 100 percent of required semi-annual reports on lobbying activity for the last several years (including 2024) have been filed. This compliance rate is in stark contrast to the system in place prior to 2013 when compliance was irregular and there were no systems in place to measure it.

In calendar year 2024, 162 lobbyists registered. The total receipts for calendar year 2024 were \$21,125.38. This compares with \$19,708.30 in 2023, and \$23,896.50 in 2022. There are variances in the number of lobbyists required to register; they may be correlated to community interest in land use matters before the County Council, particularly Master Plans.

In 2023, the Commission approved a reporting requirement change to the lobbying system. Beginning in calendar year 2024, registered lobbyists are required to identify the specific matters they lobbied in bi-annual activity reports. Those matters are now publicly disclosed on the Commission's website at

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

4. Complaints, Investigations and Hearings: Pursuant to the Public Ethics Law, the Commission receives complaints and, as appropriate, conducts investigations and hearings, makes findings, and imposes sanctions and penalties. During 2024, the Commission received few allegations of ethics violations constituting “informal” complaints. (A complaint that is made that does not meet the ethics law’s requirements for submission of a formal complaint is treated as an “informal” complaint.)

Matters that do not raise issues within the jurisdiction of the Commission are closed or referred to a more appropriate office for disposition. Those subject to the Commission’s jurisdiction are 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 beginning of 2024, the Ethics Commission had no open investigatory matters. At the end of 2024, there were no open formal investigations or formal complaints pending before the Ethics Commission.

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 on its own initiative, in response to, or as a result of formal or informal inquiries. Commission staff receives many 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. 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 no advisory opinions in 2024.

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

<https://www.montgomerycountymd.gov/Ethics/Decisions/waivers/2024.html>

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

Advisory Opinions

The Ethics Commission issued no advisory opinions during 2024.

Waivers.

The Ethics Commission issued 15 waivers in 2024.

Thirteen of the 15 waivers related to outside employment activities.

A public employee is prohibited, pursuant to § 19A-12(b)(1)(B), from being 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 after management or the Ethics Commission has reviewed it. In general, outside employment waiver applications are granted when there is no relationship between the conduct of the employee's County duties and the outside employer, and the duties performed in the outside position do not relate to the contract between the County and the outside employer. In short, they are approved when there is no actual conflict of interest.

The waivers issued of 19A-12(b)(1)(B) involved the following employees:

| | | |
|-----------------------------------|------------------------|----------|
| <u>W24-03-001</u> | Evelyn Okutu | DHHS-CAB |
| <u>W24-05-002</u> | Melanie Lugo | DHHS |
| <u>W24-06-003</u> | Carmen Maita | DHHS |
| <u>W24-06-004</u> | Gowry Dinesh | DHHS |
| <u>W24-08-005</u> | Pauline Wilson | DHHS |
| <u>W24-09-007</u> | Jarrett Tidwell | DHHS |
| <u>W24-09-008</u> | Tricia Teichler | DHHS |
| <u>W24-09-009</u> | Njolle Ewane | DOCR |
| <u>W24-10-010</u> | Janel Thomas | DHHS |
| <u>W24-11-011</u> | Eda Gallo | DHHS |
| <u>W24-11-012</u> | Ingris Gutierrez-Gallo | DHHS |
| <u>W24-11-013</u> | Benjamin Stevenson | DOCR |
| <u>W24-12-015</u> | Andrew Hartman | MCFRS |

These waivers are not discussed in detail here and can be reviewed by clicking on the individual links or with all waiver documents at:

<https://www.montgomerycountymd.gov/Ethics/Decisions/waivers/2024.html>

The remaining two waivers issued involved requests for waivers of the application of other provisions of the ethics law and abridged versions of these waivers can be found below.

Waiver 24-08-006. Lisa Lorraine is a volunteer voting member of the Montgomery County Intellectual and Developmental Disabilities Commission (IDDC) under the Montgomery County Department of Health and Human Services (DHHS). In her professional capacity, she works as the Breaking Barriers Senior Manager for Jubilee Association of Maryland (Jubilee), a service provider for persons with intellectual and developmental disabilities. The IDDC enabling legislation requires seven of the nineteen voting members to represent service providers or advocacy organizations. Ms. Lorraine holds one of those seven seats on the IDDC.

When applying for the position on the IDDC, Ms. Lorraine disclosed to the County Executive's office that Jubilee was applying for a County grant that would go towards paying Ms. Lorraine's salary. The awarding of the grant was a possibility during Ms. Lorraine's nomination and confirmation process and Jubilee was ultimately successful in its bid for the grant. Ms. Lorraine then asked the Ethics Commission to waive the prohibitions contained in the Public Ethics Law at § 19A-11(a)(2)(A), which state that a public employee must not participate in any matter if the public employee knows or reasonably should know that any party to the matter is any business in which the public employee is an employee, unless the Ethics Commission grants a waiver.

Pursuant to § 19A-8(a)(1) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-11(a)(2)(A) if the Ethics Commission concludes that the importance to the County of a public employee performing official duties outweighs the actual or potential harm of any conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission found that the benefits of having Ms. Lorraine participate on the IDDC outweighed any potential conflicts of interest arising from the awarding of the grant to her employer. Pursuant to the standard of § 19A-8(a)(2), the Commission granted the waiver of the prohibition of § 19A-11(a).

In granting the waiver, the Commission noted that while 19A-11(a)'s prohibition was waived, the other provisions of the ethics law were not, including those prohibiting an employee from working on official matters relating to the outside employer.

Waiver 24-11-014. The Montgomery County Government's (MCG) Technology and Enterprise Business Solutions (TEBS) Chief Information Officer (CIO) and Director, Gail Roper, requested a waiver of the ethics prohibitions contained within Section 19A-14 of the Montgomery County Public Ethics Law, which pertains to misuse of prestige of office for the gain of another. Ms. Roper asked the Ethics Commission to allow TEBS to engage in case studies with Microsoft and Zammo (a Microsoft partner).

Montgomery County Code Section 19A-14 states “(a) Unless expressly authorized by regulation or as may be permitted under Section 19A-16, 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. (b) Unless expressly authorized by the Chief Administrative Officer (CAO), a person must not use an official County or agency title or insignia in connection with any private enterprise.”

In May 2021, TEBS sought and was granted a waiver from the Ethics Commission related to work with Microsoft and Zammo on the County’s conversational artificial intelligence chatbot at the height of COVID when the County’s 3-1-1 system was overwhelmed by calls from concerned members of the public seeking real time information and assistance. The 2021 waiver, W21-05-006, granted TEBS the ability to work with private entities in a partnership that helped with implementation, study and improvement to the original chatbot, a public-private partnership that would run afoul of the prohibitions contained within 19A-14 of the Public Ethics Law.

Based on data and studies performed in the original partnership with Microsoft and Zammo, TEBS launched the second-generation chatbot, Monty 2.0, in March 2024. This public-private partnership and its resultant success with Monty 2.0, led to the National Association of Counties (NACo) awarding TEBS an Achievement Award for the Monty 2.0 Generative AI Chatbot. Along with the awards and accolades, this success has garnered increased interest by other jurisdictions interested in adopting similar technology. Because of this increased interest, both Microsoft and Zammo requested Montgomery County’s engagement in case studies to demonstrate MCG’s successful partnership with both private companies. Additionally, Microsoft and Zammo asked that TEBS participate in a webinar with Microsoft and local governments and municipalities, and a case study specifically with Zammo to highlight and publicly promote the use of artificial intelligence in furthering the mission of other local jurisdictions and municipalities.

According to the waiver request, these proposed case studies were to be a jointly collaborative effort between MCG, specifically TEBS and the Public Information Office (PIO), Microsoft and Zammo. The output would include County insignia, and all three entities would have equal ability to share the output on their respective social media accounts. However, any content developed by any of the partners would have to be reviewed and approved by MCG prior to publication. Also, pursuant to the Enterprise Agreement between MCG and Microsoft, MCG could withdraw its participation at any time. In its request, TEBS contended that the benefits would not be one-sided but would also “benefit Montgomery County by promoting and encouraging innovation, inclusivity, digital equity, elasticity and efficiency” in the furtherance of MCG’s goal of providing better service to its residents.

Upon review of the request and with the concurrence of the CAO, the Ethics Commission concluded that the restriction on endorsements in 19A-14 should be waived in connection with the public-private partnership between TEBS, Microsoft and Zammo to facilitate the creation of further case studies and public promotion of the joint AI innovations created in this partnership.

The Ethics Commission noted the TEBS department director's and the CAO's support for the waiver, and that the waiver would further enhance the County's reputation for utilizing technological advancement in the furtherance of constituent services. For these reasons, the Commission determined that the waiver was in the best interests of the County. The Commission also concluded that the importance of utilizing County personnel hours on this partnership outweighed the potential harm of an appearance of endorsement of the activities of Microsoft or Zammo. Additionally, the Ethics Commission determined there was little risk for any County employees to gain an unfair economic advantage over other employees or the general public through the issuance of this waiver.

The waiver was issued in accordance with 19A-8(a) to the class of persons who were working on or assigned to work on the collaboration with Microsoft and Zammo to develop the case studies and participate in the webinars envisioned by this partnership continuation. The waiver was limited to the case studies and webinars as outlined in TEBS' waiver request of September 2024, and it did not extend to other work of either Microsoft or Zammo with the County.

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

Ethics Commission staff provide ethics training in a variety of ways. New County employees view a brief ethics video and are required to sign an acknowledgement form regarding ethics obligations. They also are required to attend a one-hour training session conducted by Ethics Commission staff. The one-hour trainings are held every four weeks. All persons who are required to file a public financial disclosure are required to take training once every three years. In 2024, ethics training was held on 41 different dates. Other individualized training sessions for Fire and Rescue and Police recruits were held as well as individualized training for certain agencies, such as the Housing Opportunities Commission and the Community Engagement Cluster.

The new employee training and the training for public financial disclosure filers is conducted using the Microsoft Teams platform. This allows for online presentation by Commission staff, along with appropriate PowerPoints. Further, it has a chat feature for Commission staff to monitor both technical problems of participating attendees as well as substantive ethics questions that arise, enabling the primary presenter to conduct the training with minimal distraction.

The Office of Human Resources Training and Organizational Development Division and the Application Management group at the Technology and Enterprise Business Solutions agency have provided support in the implementation of these training and compliance initiatives.

During 2023, Commission staff developed a new employee training video to act as a backup to the live online new employee training that new employees are required to take. New employees are automatically enrolled to take new employee ethics training. If a new employee twice fails to

take the class the new employee is automatically enrolled in, the employee is notified of the requirement to access the new employee ethics training video.

Board, Committee and Commission members are also required to take training, which is administered through a one hour recorded training session developed in 2022. New BCC members are notified of the requirement to take the training (along with other required training for BCC members.)

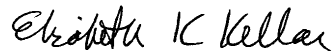
7. Legislative and Regulatory: The Commission recommends and prepares new ethics legislation and regulations.

The Commission submitted no requests for legislative change in 2024.

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

9. Administration: The Staff of the Commission is responsible for ensuring 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. Staff attends required County training in these and other office management areas.

Respectfully Submitted,



2/28/2025

Elizabeth Kellar, Chair