



OFFICE OF INSPECTOR GENERAL

January 31, 2013

Mr. Gino Renne  
President, UFCW Local 1994  
Vice President, UFCW International Union  
600 South Frederick Avenue, Suite 200  
Gaithersburg, MD 20877

Dear Mr. Renne:

This letter responds to your January 4, 2013 letter and our subsequent January 9, 2013 telephone conference in which you requested a formal investigation into violations of ethics law that you believe may have been committed by Councilmember Ervin. In my opinion, no investigation is warranted.

The specific concerns you expressed are that she 1) may have committed ethics violations in her dealings with a real estate developer who resides in her district, by pursuing a contract with that constituent's firm to overhaul the planning and zoning process in the County; 2) that the contract would have benefitted that constituent in his real estate dealings; and 3) that she did not make public her communications with the constituent.

As I believe you understand, at this point in time there is no contract in place between the County Council and any entity that would advise the Council on an overhaul of the planning and zoning process in the County. No Council action has been taken to approve such a contract, and no procurement action is in progress. A document developed by The Clearing Inc. exists but was not submitted in response to any formal solicitation or procurement action.

The document, titled "Proposal...", contains a proposed timeline, performance period and pricing information, but is structured more as a concept paper than as a contract. It does not identify any specific process changes or actions that would benefit any developer, and would not appear to benefit one developer more than another.

If Councilmember Ervin promoted the concept because she believed it to be a good idea, or because her constituent wanted her help in presenting the concept to Councilmembers, such usual and customary constituent services are not prohibited by the ethics law.

Sincerely,

Edward L. Blansitt, III  
Inspector General

cc: Councilmembers