



Annual Report 2000

Montgomery County Ethics Commission

Members:

Walter A. Scheiber, Chair

Elizabeth K. Kellar, Vice Chair

Lee M. Petty

Richard N. Reback

Steven A. Shaw

2000
ANNUAL REPORT
MONTGOMERY COUNTY
ETHICS COMMISSION

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ANNUAL REPORT 2000

Dear Fellow Citizen:

The following is a report presented to you by the Montgomery County Ethics Commission in compliance with §19A-6(f) of the Montgomery County Code. This section requires the Ethics Commission to publish an annual report summarizing the actions it has taken during the preceding calendar year.

In 2000, the Commission convened eleven meetings to review and consider formal and informal requests for advisory opinions, waivers, approvals for outside employment and complaints. In April, the leadership of the Commission was transferred to Commissioner Walter A. Scheiber who was elected as chairman and commissioner Elizabeth K. Kellar who was elected as vice chair. Commissioners Kenneth Jackson and Alastair McArthur left the Commission in August. Commissioners Richard N. Reback and Steven A. Shaw, who had been appointed by the County Executive and confirmed by the County Council, were installed at the September meeting.

During the year, the Commission issued eight advisory opinions; granted two waivers; resolved two complaints by consent order; initiated one investigation; responded to 3 public information requests reviewed and decided 1029 requests for outside employment approval; reviewed and reported on 122 lobbyist reports; and processed 1193 financial disclosure statements.

On two occasions, the County Council requested guidance from the Commission. These requests concerned future policies regarding procurement procedures, and the selection of members to the Board of Investment Trustees, the panel which manages the county employees' retirement fund.

The results of these requests were that: (1) the County Council approved Executive Regulation 25-99 on February 8 amending procurement procedures by incorporating two of the Commission's recommendations which ensured parity for vendors as well as appropriate public notice of waivers of procedures for purchases over \$25,000; and (2) the Commission rendered an opinion (published under the opinion section of this report) recommending that the Council not nominate for appointment to the Board of Investment Trustees any individual who furnishes or is employed by a firm that furnishes to pension funds and other institutional investors, the kind of investment services purchased by the Board.

This year has been especially challenging for the Commission which has focused its attention on initiating and completing several important projects that it believes will provide useful service and guidance to employees and the public.

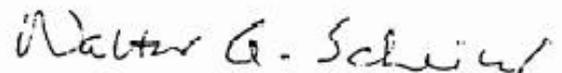
Since 1997, the Commission has worked on an initiative that would prohibit certain political activities by members of quasi-judicial boards and commissions. After a public referendum, a petition to the General Assembly to enact the necessary legislation, and the development of a draft ordinance which has been project to a conclusion by the end of 2001.

For several years, the Commission has recognized the need to become more readily accessible to both employees and the public it serves. In its effort to achieve this availability, this year the Commission launched its own website. This site currently provides information regarding the Commission, its responsibilities and the various programs it operates. All Commission forms are available on this site as well. In the coming year, the Commission anticipates posting its entire library of opinions, waivers, and annual filings of outside employment requests, financial disclosures, and lobbying reports to this site.

Due to budgetary constraints, the Commission has not been able to achieve its long-held goal of provided a formal education program to county employees and officials. However, through the website, the Commission has provided a limited training program, **The Bottom Line**, which provides an overview of some frequently addressed ethics issues. Thee purpose of this program is to prompt employees to contact the Commission if they have ethics questions.

The Commission looks forward to the challenges of the next year and welcomes and encourages all citizens to take advantage of open meetings and public information laws. We invite your participation.

Sincerely,

A handwritten signature in black ink that reads "Walter G. Schein". The signature is written in a cursive style and is located in the lower right portion of the page.

INTRODUCTION

Chapter 19A-5, and 19A-6

The Montgomery County Ethics Commission is composed of five members who are appointed by the County Executive and confirmed by the County Council. Each member must reside and be registered to vote in the County. No more than three members may be registered in the same political party.

The Commission is mandated by the County Executive and County Council to:

- (1) act on complaints of violations filed with the Commission;
- (2) respond to waiver requests;
- (3) act on outside employment approval requests;
- (4) render advisory opinions;
- (5) prepare and distribute financial disclosure forms and lobbying disclosure forms; and
- (6) maintain, as official custodian, forms and records filed under the County Public Ethics Law, Chapter 19A of the County Code.

During their terms of office, members must not: (1) hold or be a candidate for any state, County or local elected or appointed office; (2) be an employee of the state; political subdivision of the state; or a public body created by the state or a (4) participate in any state, County, or local political campaign; (5) participate in support of or opposition to any questions placed on the ballot by state, County, or local government, except a question that directly affects the Commission; or (6) be a lobbyist.

Commissioners serve four-year terms. The terms of no more than two members may expire in any one-year. A member serves until a successor is appointed unless the member resigns before the appointment of a successor. A vacancy must be filled on for the remainder of the unexpired term. The Chair is elected annually.

Commission members are Walter A. Scheiber (D), elected chairman in April; Elizabeth K. Kellar (D), elected vice chair in April; Lee M. Petty (R); Robert N. Rebeck (D) and Steven A. Shaw (R), who were installed in September.

In performing its duties, the Commission may: conduct investigations; authorize the issuance of summons and subpoenas, and administer oaths and affirmations; impose sanctions; adopt regulations; extend deadlines for distributing and filing forms; conduct public education and information programs; public opinions; establish procedures; interpret the Ethics law and advise persons on its application; and take all other steps necessary to carry out the purposes of the Ethics Law.

A person affected by a final decision of the Commission on a complaint, request for waiver, or request for other employment approval may ask the Commission for a rehearing or reconsideration. This request must be filed in writing within 30 days after the issuance of the Commission's final decision and stays the time in which an appeal to the Circuit Court may be filed until the Commission takes final action on the request.

A final decision of the Commission on a complaint, request for waiver, or request for approval of "other employment" may be appealed to the Circuit Court under the applicable Maryland Rules of Procedure governing administrative appeals. An appeal does not stay the effect of the Commission's decision unless the Court orders a stay.

The Commission meets monthly, as necessary, to conduct its business. In 2000, the Commission held eleven meetings. Meeting schedules and agendas are posted in front of the Commission's office.

The Commission's meetings, deliberations and decisions are subject to both the Maryland Open Meeting Act and the Montgomery County Public Ethics Law. Meetings are conducted in open session when required by the Open Meetings Act and in closed session when required by the Ethics Law.

In an effort to conduct its business as publicly as possible, the Commission adopted an Open Meetings Policy. (See Appendix E) At the discretion of the Commission, the public may pose questions and offer comments at open sessions. Matters normally discussed in open sessions include revisions or amendments to Commission policies, regulations and the Ethics Law, and other matters not confidential by law.

During closed sessions, the Commission typically reviews and decides requests for opinions, waivers, and other employment approval. The Commission also reviews and acts on complaints regarding possible ethics violations in closed session.

INQUIRIES

In addition to formal communications to the Commission itself, Commission staff receives many informal questions concerning points of law, requests for information and help in completing other employment, financial disclosure and lobbying forms. Informal requests are not documented or included in this report.

ADVISORY OPINIONS

Chapter 19A-7

Advisory opinions are issued by the Ethics Commission pursuant to Section 19A-7 of the Ethics Law. Any person subject to the Ethics Law, the Code of Ethics for members and employees of the County Board of Appeals¹, or the illegal gifts and kickback and public employment provisions of the County Procurement Law² may ask the Commission for an advisory opinion on the meaning or application of those provisions. A supervisor or department head also may request an advisory opinion about the application of any of those laws to the employment-related conduct of any public employee they supervise.

The Commission is required by law to keep the names of the requestor and the subject of an advisory opinion confidential prior to and after the issuance of an opinion, unless the subject of the opinion requests or permits disclosure. In some cases, protecting the identity of the subject is not possible, for example, when the situation described in the opinion is unique, or the media has reported the issues involved. Whenever possible, the Ethics Commission drafts its opinions so that deletions to protect identities are unnecessary. Otherwise, opinions may be published with identifying information redacted. If the Commission finds that the privacy interest of a public employee or other person clearly outweighs the public's need not be informed about Commission actions, the Commission may publish a list of opinions that have not been published with an explanation stating the reason why each was not published.

In 2000, the Commission issued eight advisory opinions. (Appendix A)

¹ §2-109 of the Montgomery County Code.

² §§11B-51 and 11-B-52 (a) of the County Code.

WAIVERS

Chapter 19A-8

After receiving a written request, the Commission may grant a public employee or a class of public employees a waiver of the prohibitions of the Ethics Law and Sections 11B-51 and 11B-52(a) of the Procurement Law if, in the opinion of the Commission, certain statutory standards are met. The Commission may impose conditions appropriate to fulfill the purposes of Chapter 19A when it grants a waiver.

The Commission must publicly disclose every waiver. If a request for a waiver is denied, the Commission may publish its response as an advisory opinion. The identity of any public employee who applies for a waiver is confidential unless and until the waiver is granted. If the waiver is denied, the Commission may reveal the identity of the public employee who requested the waiver only if the employee authorizes public disclosure or the Commission has cause to believe that the employee has engaged in the Conduct for which the waiver was sought.

In 2000, the Commission granted two waives which are set forth in Appendix B.

INVESTIGATIONS

Chapter 19A-9

Under Section 19A-9 of the Ethics Law, the Commission may investigate, on its own initiative, any matter the Commission believes may constitute a violation of the Ethics Law or of any of those related provisions of the Board of Appeals or Procurement laws that the Commission enforces, if the Commission finds in writing that an investigation is necessary to resolve the matter.¹ The Commission may authorize its staff, the County Attorney, special counsel or another person retained by the Commission to conduct the investigation. The Commission must not actively participate in any investigations.

An investigator acts under the authority of the Commission and may require any person to:

- (1) respond under oath to written questions within 30 days;
- (2) produce verified copies of records within 30 days; and
- (3) on 15 days notice, attend a deposition to answer the investigator's questions under oath.

The investigator must disclose to the person from whom information is sought the general nature and purpose of the inquiry. If the person refuses to cooperate with investigation, the investigator may seek a court order compelling compliance.

All investigations are conducted confidentially. The investigator must give the Commission a confidential written report of the factual findings, sources of information and the identify of each person providing information. The Commission may file, on its own motion, a complaint based on a report received from an investigator, if the complaint is filed within the time limits established by law.

¹ §§ 2-109, 11B-51, and 11B-52(a) of the County Code.

The following data concerning the Commission's investigation activities are:

Number of investigations pending from 1999	0
Number of investigations initiated in 2000	1
Number of investigations completed in 2000	2
Number of investigations pending from 2000	1

COMPLAINTS

Chapter 19A-10

Any individual may file a confidential written complaint with the Commission. A complaint must allege facts under oath that would support a reasonable conclusion that a violation occurred. The complaint must be filed within the later of two years after: (1) the alleged violation or (2) the date when the complainant learned of facts that would indicate a violation occurred. Based on the facts provided by the complainant, the Commission may request Commission staff, the County Attorney, special counsel or any other person to conduct an investigation.

If, in the Commission's opinion, the complaint does not allege facts sufficient to state a violation, the Commission may dismiss the complaint. When a complaint is dismissed, the Ethics Law requires that the Commission inform the subject of the complaint that the complaint was filed and dismissed, but prohibits the Commission from disclosing the identity of the complainant.

If, based on a complaint and an investigative report, the Commission finds reasonable cause to believe that a violation has occurred, the Commission must hold an adjudicatory hearing or dispose of the matter by consent order.

In 2000, the Commission received no new complaints. Of the two that were pending from 1999, both were by Consent Order.

ADJUDICATORY HEARINGS

Chapter 19A-10

If the Commission holds an adjudicatory hearing, the Commission must:

- (1) give the subject of the complaint a copy of the complaint, including the identity of the complaint; and
- (2) give the subject of the complaint copies of those portions of approved minutes of the Commission relating to the complaint, and any report to the Commission issued by the investigator.

The Commission may:

- (1) issue summonses and subpoenas to compel attendance at a hearing;
- (2) require any person to produce records at a hearing; and
- (3) administer oaths or affirmations to witness.

The subject of the complaint and the County are the parties to the hearing. Each party may be represented by counsel and may present evidence and cross-examine witnesses. The prosecutor may be an attorney in the County Attorney's office, or a special counsel. The Commission may admit and give appropriate weight to evidence, including hearsay that possesses probative value commonly accepted by reasonable and prudent persons.

Hearings are closed to the public, unless the subject of the complaint requests that it be open.

The Commission must make written findings of fact and conclusions of law based on the record made at the hearing. If the Commission finds that no violation occurred, the Commission must dismiss the complaint.

If the Commission dismisses a complaint without holding a hearing, the Commission may not release to the public the identity of the subject of the complaint, the complaint, or any witness.

If, however, the Commission finds that a violation has occurred, the complainant and the subject of the complaint must be promptly notified of the Commission's findings and conclusions and the disposition of the complaint. The Commission must publicly disclose its findings and conclusions, including the identity of the subject of the complaint, the complainant and the witnesses.

If the Commission finds a violation, the Commission may:

- (1) seek injunctive relief;
- (2) proceed against the violator for a class A violation under the County Code;
- (3) seek an appropriate civil recovery;
- (4) seek the imposition of disciplinary action, including termination of employment, suspension of compensation or other disciplinary action;
- (5) order the subject of the complaint to stop any violation; and
- (6) issue a public or private reprimand.

The Commission may also refer to an appropriate prosecuting attorney any information indicating that a criminal offense may have occurred.

No hearings were held in 2000.

OUTSIDE EMPLOYMENT

Chapter 19Q-12

The Ethics Law prohibits a public employee from engaging in any other employment unless the employment is approved by the Commission. The Commission may impose conditions on its approval of other employment and may adopt appropriate procedures to receive and decide these requests. The procedures and policies for obtaining outside employment approval are contained in Executive Regulation 32-97 (Appendix C). A request for approval of outside employment is confidential until the commission takes action on the request.

In addition to the requirement for Commission approval of other employment generally, an employee must not be employed by, or own more than one percent of any business that is regulated by the County agency with which the employee is affiliated; or negotiates or contracts with the County agency with which the employee is. In addition, an employee must not hold any employment relations that would impair the impartiality and independence of judgment of the employee, unless the Commission grants a waiver.

The commission received 1029 requests for outside employment approval in 2000. Attached as Appendix C is a listing of all approved requests.

LOBBYING

Chapter 19A-21

Any individual or organization must register as a lobbyist under the Ethics Law if during the year that individual or organization:

Spends more than \$500 or receives more than \$500 to communicate with a public employee to influence legislative by a County agency; or

Spends more than \$500 on meals, beverages, transportation, lodging, services, special events or gifts to influence executive or administrative action by a County agency.

In 2000, 50 lobbyist registered with the Ethics Commission and filed 122 lobbyist activity reports. Appendix D contains a list of those who registered and those who filed lobbyist reports.

OUTSIDE EMPLOYMENT

Chapter 19A-12

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FINANCIAL DISCLOSURE STATEMENTS

Chapter 19A-17, and 19A-18

Certain county employees and volunteers are required to file financial disclosure statements. The Ethics Law and a supplemental Executive Regulation specify who must file and whether their disclosure is public or confidential. The forms are identical; however, the public forms may be viewed by the general public and confidential forms may be reviewed only by authorized government personnel.

As of the date of this Report, the following persons must file a public financial disclosure statement:

- County
- Executive Council members
- Chief Administrative Officer and Deputy Chief Administrative Officer
- Special Assistants to the County Executive
- Director and deputy director of each department, principal office, and office in the County government
- Members of the County Board of Appeals
- Members of the Ethics Commission
- Members of the Merit System Protection Board
- Persons appointed to serve in an acting capacity in positions listed above
- Persons designated by the County Executive under Method 2
- Persons designated by the County Council

The following persons must file a confidential financial disclosure form:

- Asst. Chief Administrative Officers
- Attorneys in the Office of the County Attorney
- Hearing Examiners
- Members of the Fire and Rescue Commission
- Paid members of boards, commissions, and committees
- Members of the Board of License Commissioners
- Members of the Revenue Authority
- Housing Opportunities Commission
- Non-merit public employees paid above minimum of pay grade 20
- Any executive branch public employee whom the County Executive Designates under method 2¹
- Any legislative branch public employee designated by the County Council.

¹ An Executive Regulation is currently being prepared to update the positions to which these requirements apply.

Each public employee required to file an annual financial disclosure statement must also file a statement (1) within 15 days after the employee begins employment in a position required to file; and (2) before the employee terminates his employment with the County and is in a position required to file. A final paycheck will not be issued until the employee has filed the required financial disclosure statement.

In 2000, 1193 persons filed FY99 Financial Disclosure Statements with the Ethics Commission. 83 persons filed Public Financial Statements and 1110 persons filed Confidential Financial Disclosures.

Appendix A
Advisory Opinions



MONTGOMERY COUNTY ETHICS COMMISSION

ADVISORY OPINION

As a former Montgomery County, Maryland employee, you have written to the Commission regarding your desire to enter into a contract to assist a potential offeror in preparing a proposal in response to a Request for Proposals (RFP) issued by the County on behalf of your former County agency. The Commission is treating the letter as a request for an advisory opinion.

Applicable Law

§19A-13 of the Montgomery County Code restricts the employment of a former county employee under either of two circumstances. First, there is a general one year ban with respect to any employment for any purpose by a county contractor under certain circumstances (the “1 Year Total Ban”). For one year after the effective date of his or her termination from County employment, a former public employee may not enter into any employment understanding or arrangement (express, implied, or tacit) with any person or business that contracts with a County agency if the public employee significantly participated in regulating the person or business or had official responsibility concerning a contract with the person or business (except a non-discretionary contract with a regulated public utility). §19A-13(b).

Second, there is a ten year ban on any employment with regard to specified matters (the “10 Year Partial Ban”). A former county employee is prohibited from accepting employment or assisting any party, other than a County agency, in a case, contract, or other specific matter for 10 years after the last date the employee significantly participated in the matter as a public employee. §19A-13 (a).

The Commission is authorized, however, to waive either of these prohibitions upon a written request and under certain circumstances. In particular, the Commission may grant a waiver of the prohibitions of subsection §19A-13 if it finds: (1) the waiver is needed to ensure that competent services to the County are timely and available; (2) failing to grant the waiver may reduce the ability of the County to hire or retain highly qualified public employees; or (3) the proposed employment is not likely to create an actual conflict of interest. Furthermore, if the Commission determines that a waiver should be granted, the Commission may impose conditions appropriate to fulfill the purposes of the Ethics Law, and the Commission must disclose to the public any waiver that it grants.

Pertinent Facts

According to your memorandum, a copy of which is attached and incorporated herein, the pertinent facts are as follows:

- (1) From 1985 to 1994, you were employed as the Health Program Director for Montgomery County Health Department-outpatient Addiction Services, worked collaboratively to set up the Methadone to Abstinence Program (MTA). The program was operated by your agency, not by a contractor.
- (2) In 1994, after you and the program moved to the new Montgomery County Department of Addiction Victim and Mental Health Services (AVMHS), you were promoted to Chief of Court Services. Your memorandum states, "Directing this activity ceased to be a *major* responsibilities November 1994." (Emphasis added.) The Commission, therefore, understands that directing this activity continued to be among your responsibilities, *albeit* not a *major* responsibility.
- (3) In 1995, after AVMHS and MTA had been incorporated into the new Montgomery County Department of Health and Human Services (DHHS), you were promoted to the position of Manager of Addiction Services Coordination (ASC) of DHHS. Your memorandum is silent as to your continuing responsibility, if any, for MTA.
- (4) In August and September 1998, you assisted in developing plans for privatizing "the methadone services (no longer the MTA Program)." According to your memorandum, "Since that time [you] have taken no action or had any discussion regarding this contract. The final RFP went under a cover letter from John Boston and Mildred Holmes-Williams."
- (5) You remained the Manager of ASC until you left County Service on January 6, 1999.
- (6) On November 30, 1999, you spoke with Mr. Hardy Bennett, the current Manager of Outpatient Addiction Services "regarding similarities between the RFP [you] helped develop and RFP that is currently out." According to your memorandum: Mr. Bennett stated that there were substantial changes in the scope and compensation sections. I was never credited with preparing even the first draft of the RFP document. Mr. Bennett informed me that several changes were made to the RFP long after I left County Service.
- (7) Your memorandum also states:

My assessment is that my participation in this effort...will not provide any potential contractor an advantage in the selection process. I am committed to working as a consultant to develop the proposal for the privatization of these services and do not intend to become an employee of Montgomery Recovery Services. The model of treatment is considered [sic] different from those which I previously proposed, managed, or provided.

According to the December 7, 1999, memoranda of Mr. Bennett, you were the author of the early drafts of this RFP, and the time period of your work on this RFP was from September, 1998, through January, 1999.

More recently, Mr. Bennett advised the Commission:

When I compare Methadone Maintenance RFP Document Draft #4 and the current Methadone Maintenance RFP Document my findings are as follows:

1. The Background/Intent is substantially the same.
2. The Work Statement/Specifications are substantially the same.
3. Contractor Qualifications are substantially the same.
4. Contractor Responsibility is substantially the same.
5. Contractor Qualifications are substantially the same.
6. Performance Measures are not in RFP document, but are listed in the latest RFP version. The remainder of the two documents appear to be boiler plate for the most part.

January 6, 2000 memorandum from Hardy Bennett to Barbara McNally.

Finally, in her January 5, 2000, memorandum to the Commission, Ms. Williams said:

Indicated in his letter to the commission...that he was never credited with preparing the first draft of the RFP document. Contrary, did prepare the first draft of the RFP document. Contrary, did prepare the first "Methadone Maintenance Treatment Services" draft, as indicated on the cover sheet of enclosure 1 was enlisted as the contact person regarding technical aspects of the document.) Also, was instrumental in setting up and implement the county's Methadone to Abstinence program. Though changes in format and wording may have changed between the attached draft and the November 19, 1999 RFP that left [the Office of P]rourement, we believe that significant portions of work product remain in the RFP.

Conclusion & Advice

Clearly, it would be contrary to fundamental principles articulate in both the Ethics Law and the Procurement Law to permit one who significantly participated in the drafting of a Request for Proposals (RFP) to leave the County's employ and assist a business that in preparing a proposal in response to that RFP. An RFP is a critical element in the competitive procurement of goods and services by the County. A county employee who significantly participates in drafting and RFP significantly participates in the procurement, and, therefore, after leaving County employment, is prohibited by §19A-13 (a) of the Ethics Law from accepting employment with or assisting any party, other than a County agency, in that specific procurement for 10 years after the last date he or she significantly participated in the matter as a public employee.

Based on the correspondence in the file, the Commission concludes that you substantially participated in the preparation of the Methadone Maintenance RFP, and, therefore, advises that you may not be employed by or otherwise assists any entity in the preparation of an offer in response to that RFP.

Kenneth C. Jackson, Sr.
Chairman

February 1, 2000

MONTGOMERY COUNTY ETHICS COMMISSION

ADVISORY OPINION

A 15-year employee of a volunteer fire company, whose station is undergoing a major renovation and who is a member of the company's project management advisory committee, has asked the Commission whether there would be, under the provisions of the Montgomery County Public Ethics Law, "and actual or perceived conflicts of interest" if a small business in which he has an unspecified financial interest subcontracted with the prime contractor to provide fire-sprinkler-related work for the project. The employee stated, among other things, that he is not involved in the day-to-day operations of the company, but occasionally monitors the accounting work of its office manager in an effort to protect his financial interest.

APPLICABLE LAW

The Ethics Law applies to "any person employed by a County agency," which includes "each independent fire department or rescue squad that receives funds from the County or uses property owned by the County." §19A-4 (a)(4) and (m)(2).

This request implicates §§19A-11(a), 19A-14(a), and 19A-15(a) of the Ethics Law. In pertinent part, these provisions are as follows:

1. §19A-11(a). Unless permitted by a waiver, a public employee must not participate in:
 - (1) any matter that affects, in a manner distinct from its effect on the public generally, any...
 - (B) business in which the public employee has an economic interest...; or...
- (2) any matter if the public employee knows or reasonably should know that any party to the matter is...
 - (A) any business in which the public employee has an economic interest or is an officer director, trustee, partner, or employee.¹

¹ With certain exceptions that are not applicable to this request, "economic interest," means any source of income or any other legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, directly or indirectly. §19A-4(j). However, "(I)n this section, interest or economic interest only includes: (1) any source of income, direct or indirect, if the employee: (A) received more than \$1,000 from that source of income in any of the last 3 years; (B) is currently receiving more than \$1,000 per year from the source of income: or (C) is entitled to receive at least \$1,000 in any year in the future from that source of income; (2) a business in which the public employee owns more than 3 percent; (3) securities that represent ownership or can be converted into ownership of more than 3 percent of a business; and (4) any other economic interest worth more than 1,000. §19A-11(c).

2. 19A-12(b). Unless the Commission grants a waiver under subsection 19A-8(b), a public employee must not:

(1) be employed by, or own more than one percent of, any business that:

(B) negotiates or contracts with the County agency with which the public employee is affiliated; or

(2) hold any employment relationship that would impair the impartiality and independence of judgment of the public employee.

3. §19A-14(a). A public employee must not intentionally use the prestige of office for private gain or the gain of another.

4. §19A-15(a). Except when authorized by law, a public employee or former public employee must not disclose confidential information relating to or maintained by a County agency that is not available to the public. A public employee or former public employee must not use confidential information for personal gain or the gain of another.

Analysis & Advice

The Ethics Law clearly applies to the employee. §19A-4(a)(4) and (m)(2).

The Ethics Commission will not waive any provision of the Ethics Law for the purpose of the proposed subcontract.

If the employee's financial interest in his business equals or exceeds the thresholds set forth in §19A-11© and the business enters into a subcontract for part of the work on this project, the project would become a matter that affects the business in a manner distinct from its effect on the public generally. As a result, the employee would no longer be able to participate, as a volunteer fire department employee, in the matter in any manner whatsoever, including, but not limited to, participation as a member of the project management advisory committee.

Although §19A-12(b) would prohibit the employee from being employed by, or owning more than one percent of, any business that negotiates or contracts with the County agency with which the public employee is affiliated, that provision does not apply to businesses that subcontract with a County contractor. Furthermore, financial interest in a subcontractor does not constitute "an employment relationship" for the purposes of this section, and therefore, is not, for the purposes of this provision, an employment relationship that would impair the impartiality and independence of judgment of the public employee.

The employee must not intentionally use the prestige of office to acquire the subcontract for his business or to assist the business or the prime contractor in the matter.

- If the subcontract is entered into, the employee must not, except when authorized by law, disclose confidential information relating to or maintained by the Fire and Rescue Service or his volunteer fire company that is not available to the public or use confidential information for personal gain or the gain of his business, the prime contractor, or any other entity.
- Although they are enforceable by the Ethics Commission only with respect to outside employment and not with regard to other outside financial interests, the employee should be aware of and may want to seek an advisory opinion from the Chief Administrative Officer regarding the “prohibited activities” provisions of the Montgomery County Fire and Rescue Corporation Personnel Regulations.¹

Kenneth C. Jackson, Sr., Chair

¹ Section 1-11, entitled “Prohibited Activities,” provides: “No person whose compensation is paid in whole or in part from the County shall: (1) Act as an attorney, agent, broker, or employee for, or receive compensation or anything of value from, any person, firm or corporation transacting business of any kind with, or engaging in litigation against, the County or the fire and rescue service or any instrumentally thereof.” Section 1-3 provides for the CAO to interpret those regulations and authorizes any employee or corporation to request a written opinion from the CAO.

MONTGOMEERY COUNTY EHTICS COMMISSION

ADVISORY OPINION

A member of a Montgomery County board, who also owns a private consulting firm, has requested Ethics Commission advice regarding certain proposals he is considering presenting on behalf of his firm to Executive and Legislative officials in Montgomery County.

APPLICABLE FACTS

The member states that he owns a consulting firm that is engaged primarily in international trade. Approximately 20% of the firm's work, however, is devoted to serving a national, not-for-profit organization that provides various services to senior citizens. Among other things, the organization is, under a federal grant program, one of several ethnic representatives in a federal seniors-employment program that places people 55 years of age and older as temporary employees with a federal agency. The member's consulting firm serves as the Washington representative of the organization for the purposes of this program, and did so when the member was appointed to the regulatory body.

Based on his experience, the member believes that Montgomery County may benefit from such a program. He, therefore, is interested in approaching appropriate Montgomery County Executive and legislative officials concerning the program and the desirability of either participating in the federal program through the organization his firm represents or creating its own program funded entirely by County funds. In the latter instance, the member would plan to seek a key role in managing the County program "on a fee basis." He, therefore, has sought the advice of the Commission on whether "this may constitute a conflict [of interest] because of his interest on the County regulatory body.

The implementation of the federal program or the private program would not necessarily involve the member's County regulatory body.

APPLICABLE LAW

This request potentially implicates several provisions of the Montgomery County Public Ethics Law, which is codified as Chapter 19A of the Montgomery County Code: §§19A-11, concerning the participation of public employees in certain matters in which they or related persons or entities have a financial; 19A-12, which imposes certain restrictions on the "outside" or "other" employment of public employees; 19A-14, concerning the use of a public employee's prestige of office; and 19A-21, which specifies who must register as a lobbyist and comply with the lobbyist disclosure provisions of the law. In pertinent part:

§19A-11 provides:

(a) Unless permitted by a waiver, a public employee must not participate in:

(1) any matter that affects, in a manner distinct from its effect on the public generally, any:

(A) business in which the public employee has an economic interest; or

(2) any matter if the public employee knows or reasonably should know that any party to the matter is:

(B) any business in which the public employee has an economic interest or is an officer, director, trustee, partner, or employee.

§19A-12 provides:

(a) (1) A public employee must not engage in any other employment unless the employment is approved by the Commission. The Commission may impose conditions on its approval of other employment.¹

¹ This provision does not apply to “a member of a board, commission, or similar body in regard to employment held when the member was appointed if the employment was publicly disclosed before appointment to the appointing authority, and to the County Council when confirmation is required.” §19A-12 (c)(3).

§19A-14 provides:

- (a) 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 the use of prestige prohibited by this subsection.
- (b) Unless expressly authorized by the Chief Administrative Officer, a person must not use an official County or agency title or insignia in connection with any private enterprise.
- (c) A public employee must not use any County agency facility, property, or work time for personal use or for the use of another person, unless the use is:
 - (1) generally available to the public; or
 - (2) authorized by a County law, regulation, or administrative procedure.

§19A-21(a) provides:

Any individual or organization must register as a lobbyist under this Article if, during a year, that individual or organization:

- (1) communicates with a public employee to *influence legislative* action by a County agency, and for that purpose either:
 - (A) spends more than \$500, or
 - (B) receives compensation, including a pro-rated part of a salary or fee for services, totaling more than \$500; or
- (2) communicates with a public employee to influence executive or administrative action by a County agency, and for that purpose spends a total of more than \$500 for:
 - (A) meals and beverages;
 - (B) transportation;
 - (C) lodging;
 - (D) provision of any service;
 - (E) one or more special events; and
 - (F) one or more gifts.

CONCLUSIONS & ADVICE

Based on the facts stated above, the Commission advised the public employee:

1. In so far as he would act on behalf of federal grantee to implement a federal program, the Montgomery County Public Ethics Law would not apply to his discussions with appropriate County officials and would not constitute a conflict of interest unless the adoption or implementation of the federal program would require action by the public body on which he sits or any entity or person subject to that public body. If such action were necessary, he would have to recuse himself.

2. In so as he would act on behalf of himself or his consulting firm with respect to the adoption and implementation of a new County program that would manage for a fee:

§19A-11 would permit prohibit him, unless permitted by a waiver, from participating as a public employee (i.e., as a member of this public body) in any matter involving that program;

§19A-12 would not prohibit the employee from servicing this new account without the approval of the Ethics Commission if his ownership and employment by his consulting firm was disclosed at the time of his appointment to the board because, under these facts, the new account would not constitute new employment for the purposes of the "other employment" restrictions;

He would be subject to the prohibitions of §19A-14 concerning the use of the prestige of this County office for private gain or the gain of another, the use of an official County or agency title or insignia in connection with any private enterprise, and the use of any County agency facility, property, or work time for personal use or for the use of another person; and

He would have to comply with the legislative and executive lobbying requirements of §19A-21(a) if his activities brought him within any of the thresholds set forth in that provision.

Kenneth C. Jackson, Sr. Chair

May 8, 2000

MONTGOMERY COUNTY ETHICS COMMISSION

ADVISORY OPINION

This opinion is issued in response to a request from the County Council for guidance on the following questions related to the professional background of applicants for appointment to the Board of Investment Trustees:

Would an individual whose profession is to market, to pension funds and other institutional investors, the kind of investment services purchased by the Board face an inherent conflict of interest in serving as a Board member?

If not, what restrictions on the individual's participation in Board decisions, such as the selection of investment managers and investment consultants, would be necessary to avoid conflicts of interest?

ADVICE

The Commission is of the opinion that one who furnishes or is employed by a firm that furnishes, to pension funds and other institutional investors, the kind of investment services purchased by the Board (an "investment manager") would not face an *inherent* conflict of interest in serving as a member of the Board of Investment Trustees. The duties of those persons do not, in and of themselves, present an inevitable conflict of interest. Thus, for example, although the Employee Retirement Income Security Act (ERISA), in recognition of the complex interests of investment advisors and investment managers who act as fiduciaries, prohibits fiduciaries from receiving any personal consideration from any party dealing with the plan in connection with a transaction involving assets of the plan or when other actual conflicts arise, ERISA does not disqualify investment managers per se from serving as trustees of private pension plans.

Nevertheless, given the many crossover relationships in today's market among investment managers, financial consultants, and broker/dealers, an investment-manager trustee often may be faced with potentially divided loyalties between his or her obligations as a trustee and some potential benefit or detriment to him or her as a private investment-manager, and the presence of an investment manager on the Board may give rise to divided loyalties and conflicts on the part of fiduciaries with whom the Board contracts or attempts to contract for professional services. Indeed, given the highly competitive nature of this market, the presence on the Board of a trustee who is an investment manager or an employee of an investment manager may have a negative effect on the willingness of competitors to offer proprietary products to the County, since they may be required to make known proprietary information in connection with such offers. Consequently, unless there are no other sufficiently qualified candidates, the Commission recommends that, as a matter of policy, no currently employed investment manager or employee of an investment manager be appointed to the Board.

APPLICABLE LAW

1. The Board of Investment Trustees Law.

Montgomery County has established, by law, a trust for the benefit of the members of the retirement system. The trust consists of the money and property of the retirement system, and all earnings, profits, increments, appreciation, and other additions that accrue thereon,¹ and is administered by a nine-member Board of Investment Trustees that has legal title to all cash and other property of the retirement system.² Four of the trustees are *ex officio* members: the Director of Management and Budget, the Director of Finance, the Director of Human Resources, and the Staff Director of the County Council.³ The other five trustees, all of whom are appointed by the Executive and confirmed by the Council, must include:

- (1) an active County employee in a collective bargaining unit who is a vested member of the retirement system, or an individual recommended by certain employee organizations;
 - (2) an active County employee who is a vested member of the retirement system and the Merit System, and not a member of a collective bargaining unit;
 - (3) a retired County employee who is a member of the retirement system;
 - (4) a representative of the Council selected from a list of 3 to 5 individuals recommended by the Council; and
- (4) an individual knowledgeable in pensions, investments, or financial matters.⁴

The Board: (1) must invest and reinvest, or cause to be invested or reinvested, the principal and income of the retirement system and keep the same invested without distinction between principal and income; (2) has the exclusive authority to manage the assets of the retirement system; (3) may make or permit an investment manager to make individual investment selections with respect to certain investments and certain personal property, and (4) must select at least three investment managers to make individual investment selections with respect to certain kinds of investments and certain kinds of real property.⁵

¹ § 33-58. (All statutory citations are to the Montgomery County Code.)

² §§ 33-59(b)(2).

³ § 33-59(b)(1) and (2).

⁴ § 33-59(b)(3).

⁵ § 33-60(a).

With certain exceptions, the Board may permit an investment manager to invest the assets of the retirement system fund in any investment the manager considers prudent within policies set by the Board, including but not limited to bonds, debentures, notes, savings accounts, certificates of deposit, variable note arrangements, obligations of the United States Government, commercial paper, money market certificates, bankers' acceptances or other evidence of indebtedness; mortgages, certificates of mortgage pools and guaranteed mortgage pass-through certificates or other similar investments in mortgages; stocks (regardless of class), or other evidence of ownership, in any corporation, mutual fund, investment company, association, or business trust; combined, common or commingled trust funds; retirement or annuity contracts; guaranteed investment contracts; group annuity contracts; and real and personal property of all kinds, including leaseholds on improved or unimproved real estate, oil, mineral or gas properties, or royalty interests or rights.¹

Subject to certain limitations, the Board may:

- (1) purchase or subscribe for any investment, at a premium or discount, and retain the investment;
- (2) sell, exchange, convey, transfer, lease for any period, pledge, mortgage, grant options, contract with respect to, or otherwise encumber or dispose, at public or private sale, for cash or credit or both, any part of the retirement system;
- (3) sue, defend, compromise, arbitrate, compound and settle any debt, obligation, claim, suit, or legal proceeding involving the retirement system, and reduce the rate of interest on, extent or otherwise modify, foreclose upon default or otherwise enforce any debt, obligation, or claim;
- (4) retain uninvested a part of the retirement system fund;
- (5) exercise any option on any investment for conversion into another investment, exercise any rights to subscribe for additional investments, and make all necessary payments;
- (6) join in, consent to, dissent from, oppose, or deposit in connection "with the reorganization, recapitalization, consolidation, sale, merger, foreclosure, or readjustment of the finances of any corporation or property in which the assets of the retirement system are invested, or the sale, mortgage, pledge or lease of that property or the property of any such corporation upon such terms and conditions that the Board considers prudent; exercise any options, make any agreements or subscriptions, pay any expenses, assessments, or subscriptions, and take any other action in connection with these transactions that the Board considers prudent; and accept and hold any investment that may be issued in or as a result of any such proceeding;

¹ § 33-60(c).

- (7) vote, in person or by any proxy, at any election of any corporation in whose stock the assets of the retirement system are invested, and exercise, personally or by any power of attorney, any right appurtenant to any investment held in the retirement system; and give general or specific proxies or powers of attorney with or without power of substitution;
- (8) sell, either at public or private sale, option to sell, mortgage, lease for a term of years less than or continuing beyond the possible date of the termination of the trust, partition or exchange any real property for such prices and upon such terms as the Board considers prudent, and execute and deliver deeds of conveyance and all assignments, transfers, and other legal investment for passing the ownership to the purchaser, free and discharged of all liens;
- (9) renew or extend any mortgage, upon such terms that the Board considers prudent, and increase or reduce the rate of interest on any mortgage or modify the terms of any mortgage or of any guarantee as the Board considers prudent to protect the retirement system or preserve the value of the investment; waive any default or enforce any default in a manner that the Board considers prudent; exercise and enforce any right of foreclosure, bid on property in foreclosure, take a deed in lieu of foreclosure with or without paying a consideration, and release the obligation on the bond secured by the mortgage; and exercise and enforce in any action, suit or proceeding at law or in equity any rights or remedies in respect to any mortgage or guarantee.
- (10) form a corporation or corporations under the laws of any jurisdiction or acquire an interest in or otherwise make use of any corporation already formed to invest in and hold title to any property;
- (11) to take any action it considers prudent for the purpose of investing in and holding title to real or personal property or part interests therein;
- (12) incur and pay expenses for agents, financial advisors, actuaries, accountants and counsel, if those expenses are incurred solely to perform the Board's duties under this article;
- (13) borrow, raise or lend moneys, for the purposes of the retirement system, in such amounts and upon such terms and conditions as the Board in its discretion considers prudent; for any money borrowed, issue a promissory note and secure tile repayment of this note by pledging or mortgaging all or any part of the retirement system;
- (14) hold, buy, transfer, surrender, and exercise all other incidents of ownership of any annuity contract;
- (15) buy from any legal reserve life insurance company a single premium, non-transferable annuity contract providing for the payment of the benefits.

- (16) do all acts which it considers necessary and exercise any and all powers with respect to the management of the retirement system, and in general, exercise all powers in the management of the assets which an individual could exercise in the management of property owned in the individual's own right except for making an individual investment selection.¹

¹ § 33-60(d).

With certain exceptions, the Board must appoint investment managers to manage, acquire, or dispose of assets of the retirement system, subject to Board policies. In any investment manager contract, the Board must identify the assets that are the subject to the contract and give an investment manager the right to invest the assets of the retirement system specified in the contract without prior notice to or approval by the Board. The Board may limit the investment of a specified portion of the retirement system to a certain type of property, e.g., common stocks, bonds, or real estate, and may delegate to the investment manager any of the Board's powers or discretion and give the investment manager custody and control of certain assets of the retirement system.²

The Director of Finance is the custodian of the retirement system assets. With the Board's approval, the director may make written contracts with banks, trust companies, insurance companies or investment companies authorized to do business in any state for the safe custody of investments, banking services, the payment of benefits and expenses and all other functions necessary for the management and safeguarding of the assets of the retirement system. Contracts may authorize a bank, trust company, insurance company, or investment company to invest retirement system assets in money market funds; a short-term investment fund of a bank, trust company, or insurance company; or their substantial equivalent.³

The Board's statute sets a standard of care for fiduciaries that applies to the trustees and investment managers, among others:

A fiduciary must discharge the fiduciary's duties regarding the retirement systems: only in the best interest of the participants and their beneficiaries;

- (a) only in the interest of the participants and their beneficiaries;
- (b) only to provide benefits to the participants and their beneficiaries, and defray reasonable expenses of administering the retirement systems.
- (c) with the care, skill, prudence, and diligence under the circumstances that a prudent person acting in a similar capacity and familiar with the same matters would use to conduct a similar enterprise with similar purposes;

² § 33-60.

³ § 33-61

- (d) by diversifying the investments of the retirement systems to minimize the risk of large losses, unless it is clearly not prudent to diversify under the circumstances;
- (e) according to a good faith interpretation of the law governing the retirement systems; and
- (f) according to a good faith interpretation of the documents and instruments governing the retirement systems, if they comply with this [Law].¹

The Board's law also expressly addresses the subjects of ethics and conflicts of interest. Members are subject to the provisions of the Montgomery County Public Ethics law. Furthermore, with certain exceptions, a trustee must not:

- (1) be a party to any transaction engaged in by the Board or an investment manager involving the assets of the retirement system;
- (2) use the gains or profits of the system for any purpose except to make investments or payments that are authorized by the Board;
- (3) deal with the assets of the retirement system for their own interest or account;
- (4) act in any transaction involving the retirement system on behalf of a party whose interests are adverse to the interests of the retirement system or the interests of the members or beneficiaries of the retirement system; or
- (5) become an endorser or surety, or in any manner an obligor, for moneys loaned to or borrowed from the Board.²

¹ § 33-61 C. As under the Employee Retirement Income Security Act (ERISA), so, too, under this Act, whether a professional service provider like an investment manager is a fiduciary probably turns upon whether the individual has discretionary authority or responsibility in the administration of a plan or regarding the disposition of plan assets. See 29 U.S.C. § 1002(21)(A); *Mertens v. Hewitt Associates*, 508 U.S. 248, 260 (1993).

² § 33-61D.

2. The Montgomery County Ethics Law.

Not only does the Board's law expressly subject the Trustees to the provisions of the Ethics law, the Ethics Law expressly treats any person appointed by the County Executive or County Council to a board as a "public employee" for the purposes of that statute.¹ It is clear, therefore, that the prohibitions of the Ethics Law apply to the members of the Board of Trustees. Section 33-61D of the Ethics Law contains a conflict of interest provision that provides, in pertinent part:

- (a) Unless permitted by a waiver, a public employee must not participate in:
 - (1) any matter that affects, in a manner distinct from its effect on the public generally, any:
 - (A) property in which the public employee holds an economic interest;
 - (B) business in which the public employee has an economic interest; or
 - (C) property or business in which a relative has an economic interest, if the public employee knows about the relative's interest:
 - (2) any matter if the public employee knows or reasonably should know that any party to the matter is:
 - (A) any business in which the public employee has an economic interest or is an officer, director, trustee, partner, or employee;
 - (B) any business in which a relative has an economic interest, if the public employee knows about the interest;
 - (C) any business with which the public employee is negotiating or has any arrangement about prospective employment;
 - (D) any business that is negotiating with a relative or has an arrangement with a relative about prospective employment, if the public employee knows about the negotiations or the arrangement;
 - (E) any business or individual that is a party to an existing contract with the public employee or a relative, if the contract could reasonably result in a conflict between private interests and official duties;
 - (F) any business that is engaged in a transaction with a County agency if:
 - (i) another business owns a direct interest in the business;
 - (ii) the public employee or a relative has a direct interest in the other business; and
 - (iii) the public employee reasonably should know of both direct interests;

¹ § 19A-4 (m).

(G) any creditor or debtor of the public employee or a relative if the creditor or debtor can directly and substantially affect an economic interest of the public employee or relative.²

However, if a disqualification leaves less than a quorum capable of acting, or if the disqualified public employee is required by law to act or is the only person authorized to act, the disqualified public employee may participate or act if he or she discloses the nature and circumstances of the conflict.³

The Ethics Law also expressly prohibits a public employee from intentionally using the prestige of his or her office for private gain or the gain of another,⁴ from using an official County or agency title or insignia in connection with any private enterprise (unless authorized by the Chief Administrative Officer),⁵ and from disclosing confidential information relating to or maintained by a County agency that is not available to the public, except when authorized by law, or using confidential information for personal gain or the gain of another.⁶

These express prohibitions are to be read and applied in light of the express legislative findings and statement of policy on which the Ethics Law is founded:

- (a) Our system of representative government depends in part on the people maintaining the highest trust in their officials and employees. The people have a right to public officials and employees who are impartial and use independent judgement.⁷
- (b) The confidence and trust of the people erodes when the conduct of County business is subject to improper influence or even the appearance of improper influence.⁸
- (c) To guard against improper influence, the Council enacts this public ethics law. This law sets comprehensive standards for the conduct of County business and requires public employees to disclose information about their financial affairs.⁹
- (d) The Council intends that this Chapter, except its provisions for criminal

² In this provision, interest or economic interest only includes: (1) any source of income, direct or indirect, if the employee received more than \$1,000 from that source of income in any of the last 3 years; is currently receiving more than \$1,000 per year from that source of income; or is entitled to receive at least \$1,000 in any year in the future from that source of income; (2) a business in which the public employee owns more than 3 percent; (3) securities that represent ownership or can be converted into ownership of more than 3 percent of a business; and (4) any other economic interest worth more than \$1,000.

³ § 19A-11(b)(1)

⁴ § 19A-14 (a)

⁵ § 19A-14 (b)

⁶ § 19A-15(a)

⁷ § 19A-2 (a)

⁸ § 19A-2 (b)

⁹ § 19A-2 (c)

sanctions, be liberally construed to accomplish this purpose.¹⁰

APPLICABLE FACTS

The Commission is advised as follows regarding the applicable facts.

The Board of Investment Trustees currently engages twelve investment managers, at a cost of approximately \$5.5 million per fiscal year to manage its approximately \$2 billion in investments. The Board also retains financial advisors and consultants who manage the hiring of investment managers and report to the Board on the performance of the investment managers.

In the investment industry, there are many crossover relationships among investment managers,¹¹ financial consultants,¹² and broker/dealers.¹³ As a result, it is difficult to assure that a trustee who is in the business of selling services to pension funds (“an investment - manager trustee”) is exercising impartial and independent judgement in Board matters. For example, the Commission understands that it would not be unusual for a Montgomery County trustee who is an investment-manager to: find himself or herself working for another pension fund whose financial advisor or consultant is seeking to do business with Montgomery County and could affect significantly the trustee’s investment-manager relationship with the other pension fund. So too, a Montgomery trustee who is an investment -manager could easily find that a financial advisor to the Montgomery County Board advises one or more other boards on procurements the trustee’s investment-manager firm is interested in obtaining.

An investment-manager trustee may have a private interest in voting to support or hire a broker/dealer who gives or could give the investment-manager’s firm free brokerage services for other clients, or may have an interest in having a Montgomery County investment-manager use a broker who is on another board that uses the investment-manager trustee’s firm.

Finally, top investment-manager firms may resist competing for work for Montgomery County out of fear of providing proprietary information to an investment - manager trustee whose firm is competing or may compete for business at another pension fund.

¹⁰ § 19A-2 (d).

¹¹ The Retirement Board of Trustees is not allowed to invest directly (it cannot make a decision to buy a specific company stock or a particular bond). The Board hires professional managers (similar to an individual buying a mutual fund) to make the individual investment decisions. The Board currently has 12 managers - investment managers/investment managers/portfolio managers - making investments for it.

¹² A financial advisor/consultant is an outside professional who advises the Board on investment matters and who manages the hiring process for investment/investment managers. In addition, a financial advisor/consultant helps the Board monitor the performance of investment managers.

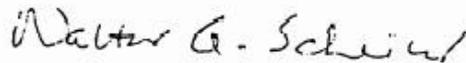
¹³ A broker/dealer is a registered professional who buys and sells securities for investment/investment managers.

CONCLUSION

The people of Montgomery County “have a right to public officials and employees who are impartial and use independent judgement.”¹ Indeed, “our system of representative government depends in part on maintaining the highest trust in our officials and employees,”² and “[t]he confidence and trust of the people erodes when the conduct of County business is subject to improper influence or even the appearance of improper influence.”³ For these reasons, the Ethics Law was enacted expressly “[t]o guard against improper influence” and was intended to be “liberally construed” to accomplish that purpose.⁴ In addition, under the County pension law a trustee’s fiduciary duty of undivided loyalty to the Plan prohibits him or her from engaging in any transaction in which he or she has other business interests or represents parties who have such interests.

Consequently, given the numerous relationships or potential relationships between investment-managers and others in the investment industry, the appointment of a trustee who is a day-to-day investment-manager or an employee of an investment-manager may give rise to many problematic situations in which: (1) the trustee may be faced with potentially divided loyalties between his or her fiduciary obligations and some benefit or detriment to his or her firm; (2) the presence of such a member on the Board may give rise to divided loyalties and conflicts on the part of the fiduciaries with whom the Board contracts or attempts to contract for professional services; and (3) major investment-managers may be dissuaded from offering their services to the Board because its members include a representative of a competitor .

Therefore, in order to guard against improper influence by avoiding the significant potential for actual or perceived conflicts or divided loyalties in the highly sensitive administration of the County’s pension fund, the Commission recommends that the Council not nominate for appointment to the Board of Investment Trustees an individual **who furnishes or is employed by a firm that furnishes**, to pension funds and other institutional investors, the kind of investment services purchased by the Board.



Walter Scheiber, Chair

May 16, 2000.

¹ § 19A-2 (a)

² Id

³ §19A-2 (b)

⁴ § 19A-2 (c) and (d)



MONTGOMERY COUNTY ETHICS COMMISSION

ADVISORY OPINION

A member (the Requester) of the Montgomery County Commission on Common Ownership Communities (the "COC") has requested, under § 19 A- 7 of the Montgomery County Ethics Law, an advisory opinion on several questions arising out of: (a) his service as a board member and officer of his homeowners association; and (b) the activities of another COC member who also has a financial interest in the company that manages the requester's association's property .

Pertinent Facts

The Requester provided the following pertinent facts:

1. He is a member of the COC and chairs one its committees.
2. He also is a Board Member and Secretary of his homeowners association.
3. As an Association Board member, he votes on all of the Association' s contracts
4. The Association recently hired a new management company ("The Management Co.").
5. Another member of the COC, who also serves on the Committee the requester chairs, has a financial interest in Management and personally services its contract with the Association (the "Management Representative").¹
6. "[The COC] votes on accepting jurisdiction over cases and then holds administrative hearings regarding disputes between homeowners and their associations."
7. At times, the Management Co. Representative or another of its agents represent parties before the COC or are witnesses in COC proceedings.

Questions Presented

Against this background, the Requester asked:

1. May he, as a member of the COC, vote on accepting or denying jurisdiction over a case or serve on a hearing panel in which the Management Representative or the Management Company: (a) represents one of the parties; (b) may be a witness; or (c) is employed by or has a contract with one of the parties.

¹ This person's private business card identifies him as a "Vice President-Principal" of the company.

2. Does the fact that he, as a member of the board of his homeowner's association, votes on the Association's contract with the Management Company "otherwise raises questions concerning voting on COC issues. That is, does it raise a concern that [COC's] votes can be coerced."

Applicable Law

The Common Ownership Commission Law.

The COC is a creature of §10B-3 of the Montgomery County Code (M.C.C.). It consists of fifteen voting members and six *ex officio* non-voting members.¹ The voting members are appointed by the County Executive, subject to confirmation by the County Council and the following requirements:

Six members should be selected from residents of self-managed and professionally managed condominiums, self-managed and professionally managed cooperative housing corporations, and self-managed and professionally managed homeowners' associations, and may include members or former members of governing boards.

Three members should be selected from persons involved in housing development and real estate sales.

Six members should be selected from persons who are members of professions associated with common ownership communities (such as attorneys who represent associations, developers, housing management or tenants) or investor-owners of units in common ownership communities, including at least one person who is a professional community association manager.²

The *ex officio* members are designees of the County Council, Planning Board, Department of Environmental Protection, Department of Permitting Services, Department of Public Works and Transportation, and Department of Housing and Community Affairs. The COC elects one voting member as its Chair and another as its Vice-Chair. They serve at the pleasure of the COC. Voting members receive no compensation for their services.³

The COC's responsibilities include the duty to hear and decide disputes "among an owner, the governing body, and an occupant of a dwelling unit in a common ownership community."⁴ For these

¹ M.C.C. § 10B-3 (b)

² M.C.C. § 10B-3 (a)

³ M.C.C. § 10B-3 (g)

⁴ M.C.C. §§ 10B-8 (7) and 10B-9 (a)

purposes, “dispute” means any disagreement between 2 or more parties that involves: (1) the authority of a governing body, under any law or association document, to: (i) require any person to take any action, or not to take any action, involving a unit; (ii) require any person to pay a fee, fine, or assessment; (iii) spend association funds; or (iv) alter or add to a common area or element; or (2) the failure of a governing body, when required by law or an association document, to: (i) properly conduct an election; (ii) give adequate notice of a meeting or other action; (iii) properly conduct a meeting; (iv) properly adopt a budget or rules; (v) maintain or audit books and records; or (vi) allow inspection of books and records.¹

In the exercise of this quasi-judicial authority, the COC votes on whether a case is within the COC’s jurisdiction.² If there is jurisdiction and the dispute is not essentially identical to another dispute between the same parties, the matter is heard and decided by either a hearing examiner or a hearing panel.

The parties, by agreement, may require that the hearing be held and the dispute decided by a hearing examiner designated by the COC Chair, and that decision is a final administrative decision and subject to judicial review.³

If the parties do not require a hearing and decision by a hearing examiner, the COC Chair must convene a three-member hearing panel, two of whom are voting members of the COC⁴. The third member of the hearing panel is a volunteer arbitrator whom the two COC panel members select from a list of volunteer arbitrators maintained by the COC.

A final decision-maker “may order the payment of damages and any other relief that the law and the facts warrant,” and award costs, including reasonable attorney fees and the filing fee.

If the COC Chair decides that the matter should be heard by a hearing examiner rather than by the COC hearing panel, the COC Chair, with the approval of the Commission, may designate a hearing examiner to hold the hearing and forward a recommended decision and order to the COC hearing panel. If the COC Chair does not designate a hearing examiner, the panel hears and decides the matter. In either of these events, the decision of the hearing panel is the final administrative decision, and is subject to judicial review.

¹ M.C.C. § IOB-8 (3) (“Dispute” does not include any disagreement that only involves title to any unit or any common area or element; the percentage interest or vote allocable to a unit; the interpretation or enforcement of any warranty; the collection of an assessment validly levied against a party; or the judgment or discretion of a governing body in taking or deciding not to take any legally authorized action. M.C.C. § IOB-8 (4))

² M.C.C. § IOB-12 (a) (2)

³ Mont. Co. Code, §10B-12 (e)

⁴ One of these two COC voting members must be a resident of a common ownership community

The Montgomery County Ethics Law.

The Montgomery County Public Ethics Law-Chapter 19 A of the Montgomery County Code—is founded on the following express legislative finding and statement of policy:

- (a) Our system of representative government depends in part on the people maintaining the highest trust in their officials and employees. The people have a right to public officials and employees who are impartial and use independent judgment.
- (b) The confidence and trust of the people erodes when the conduct of County business is subject to improper influence or even the appearance of improper influence.
- (b) To guard against improper influence, the Council enacts this public ethics law. This law sets comprehensive standards for the conduct of County business and requires public employees to disclose information about their financial affairs.
- (d) The Council intends that this Chapter, except in the context of imposing criminal sanctions, be liberally construed to accomplish the policy goals of this Chapter.

In furtherance of these findings and policy goals, the conflict of interest provisions of the Ethics Law expressly prohibit certain kinds of activity by public employees. First, unless permitted by a waiver, a public employee must not participate, as a public employee, in any matter that affects, in a manner distinct from its effect on the public generally, any: (a) property in which the public employee holds an economic interest; (b) business in which the public employee has an economic interest; or (c) property or business in which a relative has an economic interest, if the public employee knows about the relative's interest⁵. However, this prohibition does not apply to a public employee who is appointed to a regulatory or licensing body under a statutory provision that persons subject to the jurisdiction of the body may be represented in appointments to the body.⁶

Second, a public employee may not participate, without a waiver, in any matter if the public employee knows or reasonably should know that any party to the matter is: (a) any business in which the public employee has an economic interest or is an officer, director, trustee, partner, or employee; (b) any business in which a relative has an economic interest, if the public employee knows about the interest; (c) any business with which the public employee is negotiating or has any arrangement about prospective employment; (d) any business that is negotiating with a relative or has an arrangement with a relative about prospective employment, if the public employee knows about the negotiations or the arrangement; (e) any business or individual that is a party to an existing contract with the public employee or a relative, if the contract could reasonably result in a conflict between

⁵ M.C.C. §19A-11 (a) (1)

⁶ M.C.C. § 19A-11 (b) (3)

private interests and official duties; (f) any business that is engaged in a transaction with a County agency if another business owns a direct interest in the business; the public employee or a relative has a direct interest in the other business; and the public employee reasonably should know of both direct interests; (g) any business that is subject to regulation by the agency with which the public employee is affiliated if another business owns a direct interest in the business, the public employee or a relative has a direct interest in the other business, and the public employee reasonably should know of both direct interests; or (h) any creditor or debtor of the public employee or a relative if the creditor or debtor can directly and substantially affect an economic interest of the public employee or relative⁷.

For these purposes, “public employee” includes any person appointed by the County Executive to a board, commission, committee, task force, or similar body, whether or not the person is compensated for serving on the body,⁸ and “business means any for-profit or non-profit enterprise, including a corporation, general or limited partnership, sole proprietorship, joint venture, association, firm, institute, trust, or foundation.”⁹

ANALYSIS. CONCLUSIONS & ADVICE

The Ethics law applies to the members of the COC, and, among other things, expressly prohibits a member from participating in a matter if he or she is a member of the board of directors of a business that is a party to the matter.¹⁰ Although a homeowner’s association might not be a business for the purposes of other statutes, both the language and the context of the Ethics Law support the conclusion that a homeowners association is a business for the purposes of the conflict of interest provisions of the Ethics Law, especially as applied to County officials exercising quasi-judicial authority .The Ethics Law defines the term “business” to mean, among other things, a non-profit enterprise, including a joint venture or association.¹¹ Moreover, as noted above, the Ethics Law is founded on the specific goals of ensuring impartiality and avoiding the appearance of improper influence:

Our system of representative government depends in part on the people maintaining the highest trust in their officials and employees. The people have a right to public officials and employees who are impartial and use independent judgement.

⁷ M.C.C. § 19A-11 (a) (2)

⁸ M.C.C. § 19A-4 (m)

⁹ M.C.C. § 19A-4 (b)

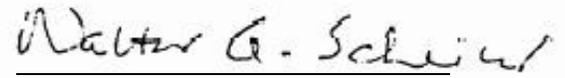
¹⁰ M.C.C. § 19A-10 (a) (2) (A)

¹¹ M.C.C. § 19A-4 (b)

judicial proceedings. As in all cases, only if the business or personal relationship between such members would make it impossible for the member to participate impartially, would the Ethics Law prohibit participation as a quasi-judicial decision-maker. The facts presented in this request do not compel that result.

December 11, 2002

Chairman

A handwritten signature in black ink that reads "Walter A. Schieber". The signature is written in a cursive style and is positioned above a horizontal line.

Walter A. Schieber

A:\COC advisory opinion. wpd



MONTGOMERY COUNTY ETHICS COMMISSION

ADVISORY OPINION

A former employee of the Montgomery County Police Department has asked the Ethics Commission to “approve” his employment by a Company that has a contract with the County. Treating the request as a request for an advisory opinion,¹ the Commission advises that the Montgomery County Ethics Law does not prohibit the former employee from accepting the proposed employment.

This advice is expressly founded on the following statement of pertinent facts provided by the employee, and is contingent upon that being a full and complete statement of all material facts. If there are any additional material facts, the requester may not rely on this advisory opinion, and he should disclose, in writing, the additional material facts and request a supplemental advisory opinion.

Material Facts

Based on the requester’s letter to the Commission and the requester’s telephone conversations with Commission staff and legal counsel, the Commission understands that the requester has provided the following material facts:

The requester recently resigned from the Montgomery County Police Department after 10 years of exemplary service.

While employed as a Detective, the requester used software developed by the Company.

¹ The Commission is not authorized to “approve” after-county employment. However, the Montgomery County Ethics Law authorizes any person subject to the Ethics Law to ask the Commission for an advisory opinion on the meaning or application of the Ethics Law to person. MONT. CO. CODE § 19A-7. Because the Ethics Law restricts the employment of former county employees under certain circumstances, the requester is a person subject to the Ethics Law, and, therefore, is entitled to an advisory opinion on the question of his proposed employment.

The County acquired the right to use the software by bridging a standard purchase contract between the company and the Park Police.

The requester had no involvement in the procurement of the software or the administration of the contract

The requester's only involvement with this matter was "to request funds from the Montgomery County Police Department's Management and Budget Office in order to purchase the needed software licenses, and the use the software once the license was acquired."

In addition, the Company and Montgomery County currently are negotiating for the Company to provide a mobile data interface for their pending mobile data project.

The requester was unaware of those negotiations until after he had been offered and accepted the position with the Company.

The proposed employment is in a position managing the post sale implementation of mobile data systems at police agencies in the Massachusetts region.

The requester will be living and working in the northeastern region of the- Country, and will have "nothing to do with Montgomery County's mobile data implementation" or, for that matter, any other matter between the Company and Montgomery County.

Applicable Law

The Montgomery County Ethics Law restricts the employment of former county employees as follows:

(a) A former public employee must not accept employment or assist any party, other than a County agency, in a case, contract, or other specific matter for 10 years after the last date the employee significantly participated in the matter as a public employee.

(b) For one year after the effective date of termination from County employment, a former public employee must not enter into any employment understanding or arrangement (express, implied, or tacit) with any person or business that contracts with a County agency if the public employee:

(1) significantly participated in regulating the person or business; or
(2) had official responsibility concerning a contract with the person or business (except a non-discretionary contract with a regulated public utility).
Significant participation means direct administrative or operating authority to approve, disapprove, or otherwise decide government action with respect to a specific matter, whether the authority is intermediate or final, exercisable alone or with others, and exercised personally or through subordinates. It ordinarily does not include program or legislative oversight, or budget preparation, review, or adoption.¹

In addition, the Ethics Law prohibits a former Montgomery County employee from disclosing confidential information relating to or maintained by a County agency that is not available to the public, and from using confidential information for personal gain or the gain of another.²

Analysis & Conclusion

As the Commission understands the material facts, the requester never significantly participated in or had any official responsibility for the contract or negotiation with the Company, and the Company was not and is not regulated by the Montgomery County Police Department in any manner. Therefore, the Ethics Law does not prohibit the requester from accepting employment with the Company. However, in accordance with usual practice, the Commission cautions the requester regarding the Ethics Law's prohibition on the use of confidential county information.

Walter A. Schemer, Chairman

December 15, 2000

¹ MONT. Co. CODE, § 19A-13. However, after receiving a written request, the Commission may grant a waiver of the prohibitions of subsection 19A-13 if it finds that (1) the waiver is needed to ensure that competent services to the County are timely and available; (2) failing to grant the waiver may reduce the ability of the County to hire or retain highly qualified public employees; or (3) the proposed employment is not likely to create an actual conflict of interest. MONT. CO. CODE, § 19A-8(b)

² MONT. CO. CODE § 19A-15 (a)

MONTGOMERY COUNTY ETHICS COMMISSION

ADVISORY OPINION

An employee who is retiring has requested permission to accept certain post - County employment and to market his new employer's products to the County government.

FACTS PRESENTED

According to the employee's written request, his prospective post-county employer is a newly created company. This company is held by an existing company which is owned by a relative of the employee and which currently has a contract with the County that is administered by the employee's department. The employee represents that he has not, as a County employee, had anything to do with the contract or the existing company. Indeed, according to his statement, he has been diligent in disclosing his potential conflict and avoiding even the appearance of impropriety. The employee's department head confirms these representations.

APPLICABLE LAW

Sec. 19A-13 places the following restrictions on the employment of former public employees:

(a) A former public employee must not accept employment or assist any party, other than a County agency, in a case, contract, or specific matter for 10 years after the last date the employee significantly participated in the matter as a public employee.

(b) For one year after the effective date of termination from County employment, a former public employee must not enter into any employment understanding or arrangement (express, implied, or tacit) with any person or business that contracts with a County agency if the public employee:

- (1) significantly participated in regulating the person or business; or
- (2) had official responsibility concerning a contract with the person or business (except a non-discretionary contract with a regulated public utility).

© Significant participation means direct administrative or operating authority to approve, disapprove, or otherwise decide government action with respect to a specific matter, whether the authority is intermediate or final, exercisable alone or with others, and exercised personally or through subordinates. It ordinarily does not include program or legislative oversight, or budget preparation, review, or adoption.

§19A-7 © authorizes the Commission, after receiving a written request to waive the prohibitions of Section 19 A-13 if it finds that:

- (1) failing to grant the waiver may reduce the ability of the County to hire or retain highly qualified public employees; or
- (2) the proposed employment is not likely to create an actual conflict of interest.¹

CONCLUSION

The facts presented by the employee and the employee's department head establish that the employee has neither significantly participated in regulating the current contractor nor had official responsibility concerning its contract with the County. Obviously, the new company has never done business with or been regulated by the County.

¹ Subsection (e) permits the Commission to impose appropriate conditions to fulfill the purposes of this Chapter when it grants a waiver.

The employee's employment by the new company is not currently prohibited by §19A-13(a) and would never implicate §19A-13(b). However, future business between either the new company or the contractor and Montgomery County might implicate §19A-13(a). For example, if either company should become interested in seeking to do business with Montgomery County in connection with a specific matter in which the employee significantly participated as a public employee, the employee would not be able to assist the company on that matter for 10 years after the last date the employee significantly participated in the matter as a public employee.

Therefore, although there currently is no need for a waiver of § 19 A-13 (a), the employee is advised of the continuing application of that provision, and, should such circumstances arise, the employee must refrain from assisting the company in such matters or apply for and obtain a waiver of that prohibition. Additionally, the employee is reminded of §19A-15(a)'s continuing prohibition of the disclosure of confidential information:

Except when authorized by law, a public employee or former public employee must not disclose confidential information relating to or maintained by a County agency that is not available to the public. A public employee or former public employee must not use confidential information for personal gain or the gain of another.

Walter A. Scheiber, Chairman

MONTGOMERY COUNTY ETHICS COMMISSION

ADVISORY OPINION

A member of the Montgomery County Board of Appeals has requested an advisory opinion concerning the propriety of representing, as a private attorney, a defendant corporation in a lawsuit in which the Washington Suburban Sanitary Commission (“WSSC”) is a co-defendant. The requester’s concerns arise out of the provisions of Article V of the Montgomery County Code, (“the Board of Appeals statute”), which prohibits the members of the Board of Appeals from engaging in certain conduct.

While expressing the view that the proposed representation is not proscribed, the requester properly sought the opinion of the Ethics Commission in order to ensure the absence of any impropriety. The requester asked this Commission for a waiver of any ethical prohibition it found to be applicable.

PERTINENT FACTS

The requester’s letter provided the following pertinent facts:

1. For the past several years, including the time of his appointment to the Board of Appeals, the requester has been a partner in a private law firm with a practice focused primarily in the area of construction contract law.
2. The requester had been contacted to represent a construction company in an action filed by a developer against the construction company and the WSSC.
3. The action involves claims relating to the allegedly improper installation of water and sewer pipes by the construction company under a contract with the WSSC on a project in Prince George’s County.
3. According to the requester, the interests of the Co-Defendants and the WSSC are the same, and there is no right of cross-claim between the construction company and the WSSC because their underlying contract requires that claims between them be decided in arbitration.

The requester’s letter was supplemented by a copy of the complaint that initiated the lawsuit, and a copy of the Claims and Disputes Clause of the potential client’s contract with the WSSC. The complaint contains six counts: (1) a breach-of-contract claim against the WSSC; (2) a negligence claim against the WSSC, the contractor, and an inspector employed by the WSSC; (3) a negligent misrepresentation claim against the WSSC and its inspector; (4) a fraud and fraudulent misrepresentation claim against the contractor; (5) a conspiracy to commit fraud claim against the contractor, the WSSC and its inspector; and (6) a punitive damages claim against the contractor and the WSSC’s inspector. The plaintiff seeks \$750,000 in compensatory and consequential damages on each of the first five counts, and \$2.5 million in punitive damages under the sixth count

The Claims and Disputes Clause (Article 32) of the WSSC contract contains an arbitration provision that provides:

32.5.1 Any claim or dispute concerning termination of the services of the Contractor under General Conditions Article 19, timeliness of a Demand for Arbitration to The American Arbitration Association under this Article, timeliness of the Contractor's payment of the administrative fees of the American Arbitration Association, or the matters listed in Article 32.4.1, are not subject to binding arbitration. These matters shall be decided in the appropriate court in and for the State of Maryland. Subject to the limitations and conditions imposed in the Article, any other claim, dispute or other matter in question between the Contractor and the Commission arising under the terms and provisions of this Contract, including without limitation a claim for breach thereof, are subject to binding arbitration under the Construction Industry Arbitration Rules of the American Arbitration Association, except as those rules are modified by the terms of the Contract Documents. The terms and provisions of the Contract Documents are subject to interpretation under the laws of the State of Maryland.

32.5.2 A Demand of Arbitration shall be filed in with the American Arbitration Association, and a copy shall be filed with the Engineer and the Contracting Officer. Demand for Arbitration shall in no event be made on any claim, dispute or other matter in question, which would be barred by the applicable statute of limitations or by the provisions of the Article. Arbitration proceedings shall be held in a location selected by the Commission. Failure of the demanding party to pay the administrative fees of the American Arbitration Association within thirty days of the receipt of notice from the Association will constitute abandonment of the Demand for Arbitration and acceptance of the decision of the Contracting Officer as final and binding on the parties.

32.5.3 Demands for Arbitration shall be limited to issues specifically decided by the Engineer and by the Contracting Officer. Consolidation of individual Final Decisions of the Engineer will be permitted. Each Final Decision of the Engineer shall be arbitrated before the American Arbitration Association.

32.5.4 The Contractor shall not be permitted to present any evidence in the arbitration proceedings that was not included in the written presentation to the Engineer and Contracting Officer, required by Articles 32.1 and 32.3. It is further specifically agreed by the parties that the Award of the Arbitrator(s) shall contain a summary of the factual basis of the award and the arbitrator(s) rationale.

APPLICABLE LAW

1. Article V of the Montgomery County Code (“the Board of Appeals statute”) contains a Code of Ethics (§2-IO9) that, in pertinent part, sets forth the following prohibitions:

(b) No member shall:

* * *

- (2) Act a...attorney...[for] any person in his business dealings with the Washington Suburban Sanitary Commission...

* * *

- (4) Voluntarily appear as attorney counselor otherwise represent private interests or give opinion evidence against the interests of the county or its agencies or agencies of the state operating for the county in any action or proceedings in which the county or agency or any official of the county or agency acting in his official duty is a party, except where the interests of the county or agency are incompatible or adverse one to the other, and the member has been assigned to so appear or give evidence in accordance with his duty.

2. The Montgomery County Ethics Law specifically authorizes any person subject to §2-109 to ask this Commission for an advisory opinion on the meaning or application of that section to that person. See M.C.C., § 19A-7 (a).
3. The Ethics Commission’s waiver authority is set forth in the Montgomery County Public Ethics Law as §19A-8 of the Montgomery County Code:

After receiving a written request, the Commission may grant to a public employee or a class of public employees a waiver of the prohibitions of this Chapter and Sections IIB-51 and IIB-52 (a)...

CONCLUSION

1. The Prohibition Applies. After carefully considering the request and the supporting documentation, the Commission concluded that the proposed representation would be within the prohibition of §2-109 (b) because it would constitute acting as an attorney for a person in his or her business dealings with the WSSC.

The Commission did not view the interests of the contractor and the WSSC to be the same. The lawsuit arises out of work performed by a company under a contract with the WSSC, and the allegations set forth in the Complaint portend a dispute between the contractor and the WSSC

that is so potentially significant as to be virtually inevitable. If not capable of being raised by cross-claim in the litigation,¹ his potential dispute undoubtedly would, at the very least, affect the trial strategy of and perhaps negotiations among the contractor and the WSSC. They will have to work together as co-defendants, while all the while protecting themselves from each other's potential claims under their contract. The litigation, therefore, arises out of the contractor's business dealings with the WSSC and will directly impact those business dealings. The prophylactic purposes underlying the Board of Appeals' Code of Ethics prohibitions compel the conclusion that the representation of a WSSC contractor in such litigation constitutes, for the purposes of those prohibitions, the representation of a person in connection with the person's business dealings with the WSSC.

2. *The Commission Cannot Waive The Prohibition.* The Ethics Commission concluded that it was unable to grant the request for a waiver because it does not have the authority to waive the prohibitions of §2-109. The Commission's waiver authority arises solely under § 19 A-S, and expressly applies only to the prohibitions contained in Chapter 19A (the Public Ethics Law) and §§ IIB-51 and IIB-52(a) (the Procurement Law). The prohibitions set forth in the Board of Appeals' Code of Ethics are not waivable.

May 22, 2000

Walter A. Scheiber, Chairman

NOTICE OF POST-DECISIONAL RIGHTS

A final decision of the Commission on a request for a waiver may be appealed to the Circuit Court under the applicable Maryland Rules of Procedure governing administrative appeals. An appeal does not stay the effect of the Commission's decision unless the court hearing the appeal orders a stay. Montgomery County Code, §19A-6©.

A person affected by a final decision of the Commission on a request for waiver may ask the commission for reconsideration. A request for rehearing or reconsideration must be filed within 30 days after the issuance of the commission's final decision, and must state in writing all reasons in support of the request. A request for reconsideration does not stay the effect of the Commission's decision unless the Commission orders otherwise. However, a request for reconsideration stays, until the Commission takes final action on the request, the time in which an appeal may be filed. Montgomery County Code, §19A-6 (d).

¹ Although the scope of the Arbitration Clause of the WSSC contract is beyond the ken of the Ethics of Commission, the Commission notes that the relatively narrow scope of the procedural prerequisites set forth in that clause support the view that arbitration is required only with respect to demands by the contractor, and, consequently, that the Clause would not prevent the WSSC from filing cross-claims in the pending litigation.

Appendix B

Waivers



MONTGOMERY COUNTY ETHICS COMMISSION

OPINION & WAIVER

The Director of the Department of Health and Human Services October 9, 2000, has requested an opinion and waiver, if necessary, to permit his son to participate in the County's Youth Conservation Corps Program, which is administered by the Department of Health and Human Services.

Applicable Facts

According to the Director:

The Conservation Corps program is a training and work experience opportunity for any Montgomery County youth between the ages of 17-23 years old who is in need of training, education, and job skills. Special emphasis is placed on providing opportunities for at-risk youth.

Corps members are classified as Conservation Corps Trainees. They are temporary, non-merit employees and are paid minimum wages (Grade S-I) with no benefits. On a quarterly basis, each trainee is evaluated on a number of work and job related criteria and awarded raises that range from five cents to a quarter per hour depending on their evaluation scores. The evaluations are conducted and scored by the Conservation Corps supervisors. [The Director] exercise[s] no influence over those evaluations and there are two other levels of supervision between the Corps supervisors and [the Director]....

Appointments of Conservation Corps trainees to the program are done on a non-competitive basis and are contingent solely on the trainee's interest and commitment to the active participation in the training and education services available in the program. No one is denied the opportunity to join the Conservation Corps if they indicate an interest and willingness to participate.

Since 1991, all appointments to the Conservation Corps program have been delegated to and made by [a member of the Director's] staff. [The Director] has exercised no authority and [made no decision] concerning those appointments at any time. That arrangement and practice will continue in the future.

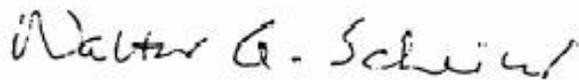
[The Director's son] has expressed an interest and willingness to participate in the Conservation Corps program [, and meets all of the program's eligibility requirements].

Applicable Law

The Ethics Law prohibits: (1) a public employee from intentionally using the prestige of his or her office for private gain or the gain of another,¹ and (2) a public employee from appointing, hiring, or advocating the advancement of a relative to a position that is under the jurisdiction or control of the public employee;² and (3) the employment of a relative of a public employee from being employed in a position if the public employee would exercise jurisdiction or control over the position and advocates the relative's employment.³ The Commission, however, is authorized to waive any prohibition of the Ethics Law.

Conclusion & Waiver

Although the Conservation Corps Program is under the ultimate jurisdiction of the Director and Conservation Corps Trainees are temporary, non-merit employees, the Commission, based on the Director's representations and the fact that the "employment" is more in the nature of participation in a service program that is open to all who meet its eligibility criteria, concludes that the Director would not exercise jurisdiction or control over his son's participation in the program and the participation of the Director's son in this particular program would not constitute the use of the prestige of the Director's office for the benefit of his son. Moreover, even if the son's participation technically would violate any of the three prohibitions described above, the Commission finds that it is in the County's best interest to waive those prohibitions in this instance, and hereby grants such waivers.



Walter A. Scheiber, Chairman

November 14, 2000

¹ MCC § 19A-14 (a)

² MCC § 19A-14 (d) (1)

³ MCC § 19A-14 (d) (2)

MONTGOMERY COUNTY ETHICS COMMISSION

WAIVER

In a memorandum dated October 9, 2000, that was placed before the Commission as it began its regular monthly meeting of October 10, 2000, the Acting Computer Applications Manager of the Department of Information Services & Telecommunications ("DIST") has asked for "a waiver to Aspens Systems Professional Services Contract, No.9341 000045-CG, Article 8, Paragraph 7, Prohibition Against Hiring County Employees." According to the request, ¶ 7 prohibits "[t]he Contractor...from employing County personnel for the duration of this agreement and for one year after the conclusion of this Contract without prior approval of the County."

This contractual provision obviously is founded on § IIB-52 (a) of the Montgomery County Procurement Law, which provides:

Unless authorized by law or the Ethics Commission under Chapter 19A, a person while engaged in a procurement matter with the County must not employ or offer to employ a public employee if the duties of the public employee include significant participation in the procurement matter. Public employee, employ, and significant participation, as used in this section, are defined in Chapter 19 A.

However, the request seeks a waiver that would permit Aspen Systems to hire Mr. Robert Hume, who retired from County service in June 2000. The Ethics Commission, therefore, is treating the memorandum as a request for a waiver of the provisions of the Montgomery County Public Ethics Law that prohibit the employment of former public employees.¹

APPLICABLE FACTS

1. According to the request:

DIST is in need of temporary IT technical support to assist the Montgomery County Board of Elections during the upcoming election. Aspen Systems proposed the resume of Mr. Robert Hume for review. Mr. Hume is uniquely qualified to provide the services for which DIST is in desperate need. Mr. Hume retired from county service in June 2000 after having spent 26 years supporting the Board of Elections for DIST. Aspen Systems has agreed to provide Mr. Hume's services for this temporary assignment as a Mainframe Applications Developer Level II for a period not to extend beyond Election Day, November 7, 2000. The total cost of this task order is \$7,204.60.

¹ Ordinarily, such requests must be submitted by the former employee. However, given the urgency of this matter, the Commission is accepting the request from the Department.

Your approval of this waiver will greatly assist DIST operations because of Mr. Hume's unique knowledge and background experience with the County's Board of Elections. The funding required for the services described in the attached task order is being split between the Board of Elections and DIST.

2. According to the "Request for Quotation" that is attached to the request:

The Department of Information Systems and Telecommunications is seeking one Mainframe Applications Developer, Level II, for an estimated period of 130 hours to assist with the support of the Voter Registration System during the upcoming Presidential Election.

3. Assuming a forty-hour work week, there are only 200 normal work-week hours between Tuesday, October 10, 2000, when the matter was presented to the Ethics Commission, and Tuesday, November 7, 2000, the date of the General Election. Time, therefore, is of the essence.

APPLICABLE LAW

The Ethics Law prohibits the employment of a former county employee under the following circumstances:

- (a) A former public employee must not accept employment or assist any party, other than a County agency, in a case, contract, or other specific matter for 10 years after the last date the employee significantly participated in the matter as a public employee.
- (b) For one year after the effective date of termination from County employment, a former public employee must not enter into any employment understanding or arrangement (express, implied, or tacit) with any person or business that contracts with a County agency if the public employee:
 - (1) significantly participated in regulating the person or business; or
 - (2) had official responsibility concerning a contract with the person or business (except a non-discretionary contract with a regulated public utility).
- (c) Significant participation means direct administrative or operating authority to approve, disapprove, or otherwise decide government action with respect to a specific matter, whether the authority is intermediate or final, exercisable alone or with others, and exercised personally or through subordinates. It ordinarily does not include program or legislative oversight, or budget preparation, review, or adoption.¹

However, the Ethics Law also authorizes the Ethics Commission to waive these prohibitions under certain circumstances:

After receiving a written request, the Commission may waive the prohibitions of Section 19A-13 if it finds that:

¹ M.C.C. § 19A-13.

- (1) failing to grant the waiver may reduce the ability of the County to hire or retain highly qualified public employees; or
- (2) the proposed employment is not likely to create an actual conflict of interest.¹

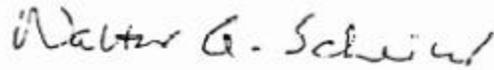
ANALYSIS & DECISION

The one-page request generally states that Mr. Hume “spent 26 years supporting the Board of Elections for DIST,” and that he is “uniquely qualified to provide the services for which DIST is in desperate need.” Were Mr. Hume asserting or asking for an advisory opinion on the question of whether he is within the scope of either of the 10-year prohibition or the 1-year prohibition, the Commission would require more information. However, because time is of the essence and the request is for a waiver for a limited period of time, the Commission accepts these statements, for the purposes of this request, as an admission that Mr. Hume significantly participated, as a public employee, in the matter that is the subject of his proposed post-county employment until the time of his retirement; that he had official responsibility concerning the contract; and, therefore, that he is subject to both prohibitions, i.e., he may not assist or be employed by Aspen Systems in connection with this particular matter before June 2010 and he may not be employed by Aspen Systems for any purpose before June 2001, unless he receives a waiver.

Applying the standards for waiving the prohibitions on the employment of former county employees, the Commission concludes that the proposed temporary employment of Mr. Hume is not likely to create a conflict of interest, and, further, is in the public interest.

The Commission is troubled by the lateness of this request. The Commission also asks why DIST is acquiring these services from Aspen Systems, rather than directly contracting with Mr. Hume. It may well be that Aspen Systems’ contract or the County’s personnel policies foreclose that option. The timing of this request, however, has deprived the Commission of the opportunity to raise that question and hear from appropriate county officials prior to making a timely decision on this request.

Accordingly, the Commission hereby waives the Ethics Law’s prohibitions on the employment of former county employees for the purpose of permitting Aspen Systems to employ Mr. Hume to provide the services described in the Request for Quotation for the temporary period of time stated in the request for this waiver, subject, however, to a determination by the County, that DIST is not at liberty to contract directly with Mr. Hume for those services.



Walter A. Scheiber, Chairman

October 11, 2000

¹ M.C.C. § 19A-8 (c).

Appendix C
Outside Employment Requests

Name	Department	Staff
Deborah Findley	Department of Police	security guard for Management Group Associates
Terry Flynn	DHHS	nurse for Maxim Health Care
Brian Ford, Sr.	Department of Police	security guard for FenGuard Security, Inc.
Darren Franke	Department of Police	security guard for Grady Management
Marc Frazier	Department of Police	security guard DarCars Toyota
Marc Frazier	Department of Police	security guard for Courtyard by Marriott
Wayne Fryer	Department of Police	tax preparer for Magas Accounting Service
Sean Gagen	Department of Police	security guard for Casey Management
John Gallagher	Department of Police	security guard for Evergreen Management
Christopher Garland	Department of Police	security guard for Grady Management
Christopher Garland	Department of Police	security officer for Ruby Tuesday
Christopher Garland	Department of Police	security guard for Burlington Coat Factory
Christopher Garland	Department of Police	security guard for Chan Detective Agency
Charlie Garland	Department of Police	pharmacy technician for Giant Food
Christopher Garnier	DPWT	model instructor for various contracts
Sean Gibson, Sr.	Department of Recreation	security guard for Silver Diner
Debora Gilson	Department of Police	security guard at Watkins Mill High School Booster Club
Terry Gloster	Department of Police	security guard for STF Productions, Inc.
Terry Gloster	Department of Police	security guard for Mother Seton Parish
Terry Gloster	Department of Police	security guard for Smokey Glen Farm BBQers, Inc.
Terry Gloster	Department of Police	security guard for Kehilat Shalom
Terry Gloster	Department of Police	security guard for Lee Development Group
Alan Golberg	Department of Police	security guard for Good Counsel High School
Carl Greer	Department of Police	security guard for Felicita Restaurant
Percell Gregory	Department of Police	traffic controller for Atlantic Security Professionals
Percell Gregory	Department of Police	security guard for Chan Detective Agency
Jose Guzman	Department of Police	security guard for Ruby Tuesday
Jose Guzman	Department of Police	security guard for Atlantic Security Professionals
Jose Guzman	Department of Police	security guard for Grady Management
George Hackey, Jr.	Department of Police	traffic controller for Bullis School
Russell Hamill, III	Department of Police	security guard for Branch Banking & Trust Co.
Russell Hamill, III	Department of Police	professor for Montgomery College
David Hardy	Department of Police	security guard for International Gem & Jewelry Inc.
Ron Hardy	Department of Police	security guard for Lee Development Group
Cristie Harhai	DHHS	staff nurse for Dr. Robert Gancayco

Name	Department	Staff
Eric Harrell	Department of Police	security guard for Kay Management
David Lewis	Permitting Services	customer service representative for Loew's
Paul Liquorie	Department of Police	security guard for Ruby Tuesday
Charles Loudermilk	Department of Police	security guard for Progress Club
David Madden	Department of Police	security guard for Bethesda Urban Partnership
Daniel Maddox	Department of Police	self-employed instructor
J. Maher	Department of Police	security guard for Brandermill HOA
T. Maher	Department of Police	security guard for Evergreen Security
T. Maher	Department of Police	security guard for TAG Group Inc./Frugal Fannies
Joh Malinowski	Department of Police	security guard for Montgomery Village Golf Club
Peter Manoogian	Department of Police	security officer for Federal Realty
Candice Marchrone	Department of Police	security guard for Tommy Joe's Restaurant
Darryl Marshall	Department of Police	security guard for Courtyard By Marriott
Darryl Marshall	Department of Police	security guard for Montgomery White Oak
Cynthia Martin	Department of Police	security guard for Atlantic Security Professionals
Keith Matthis	Department of Police	security guard for Washington District Football Officials Assoc.
Frank McAttee	Department of Police	security officer for Federal Realty
Frank McAttee IV	Department of Police	security guard for Grady Management
Joyce McCaffrey	County Council	executive officer for U.S. Army Reserve
Sonya McCallum	Department of Police	security guard for Arbros Communications
Norman McDonald	DPWT	security guard for Good Counsel High School
John McGaha	Department of Police	adjunct professor for Howard Community College
Will McMillin	Office of Management & Budget	security guard for Silver Diner
Patrick McNerney	Department of Police	security guard for Shrine of St. Jude
Jamie Medlin	Department of Police	security guard for Arbros Communications
Alanna Mellott	Department of Police	security guard for Good Counsel High School
Jack Monell	DHHS	adjunct professor for Howard Community College
John Moriarty	Department of Police	security guard for Silver Diner
John Moriarty	Department of Police	security guard for Glory Days Grill
Robert Moser	Department of Police	security guard for International Gem & Jewelry
Kenneth Musgrave	Department of Police	security guard for Kenneth C. Musgrave
Christopher Nickerson	Department of Police	security guard for Montgomery Investigative
Mark Norris	Department of Police	security guard for Legends Tavern & Grill owner
Mark Norris	Department of Police	security guard for Legends Tavern & Grill owner
Walter O'Connor	Permitting Services	owner

Name	Department	Staff
Joseph Onderko	Department of Police	security guard for Montgomery Investigative Service
Oneil Ormsby	Department of Police	security guard for Montgomery Investigative Service
Oneil Ormsby	Department of Police	security guard for Washington Hebrew Congregation
William O'Toole	Department of Police	security guard for Branch Banking & Trust C.
Edward Paden	Department of Police	security guard for Ruby Tuesday
Edward Paden	Department of Police	security guard for Columbia Towers
Edward Paden	Department of Police	security guard for Chambers Management
Charles Paluch	Permitting Services	sports official for the City of Rockville
John Panetti	Department of Police	security guard for Silver Diner
John Panetti	Department of Police	security guard Montgomery Investigative Service
Pam Parker	DEP	environmental consultant for Envirosene
Catherine Patterson	Department of Finance	accountant for Riggs Bank
Thomas Pecoraro	Department of Police	security officer for Metro Property Management
Tom Pecoraro	Department of Police	security guard for Federal Realty Investment Trust
Gerald Pendry, Jr.	Department of Police	security guard for Frugal Fannies
Ralph Penn, Jr.	Department of Police	security guard for Frost Counseling Center
Robert Phillips	Department of Police	security guard for Chan Detective Agency
Lawrence Plant	Department of Police	security guard for Charles E. Smith Commercial Realty
Lawrence Plant	Department of Police	security guard for Prentiss Properties
Lawrence Plant	Department of Police	security guard for Whetstone Properties/Scotland Community
Lori Plazinski	OHR	enumerator for U.S. Census Bureau
Michael Prather	Department of Police	security guard for Westleigh Recreation Club
Michael Prather	Department of Police	security guard at Darcars Toyota
Frederick Pruitt	Department of Police	security guard for Federal Realty Investment
Michael Raleigh	Department of Police	security guard for Federal Realty Investment Trust
Geoffrey Rand	Department of Police	security guard for Atlantic Security Professionals
Dominic Raystick	Department of Police	security guard for Silver Diner
Dominic Raystick	Department of Police	security guard for Montgomery Investigative Services
Dominic Raystick	Department of Police	security guard for Augusta Properties
Upton Reed	Permitting Services	service writer for Gaithersburg Exxon
Paul Reese	Department of Police	security guard for Blair Park Apartments
Paul Reese	Department of Police	security guard for Evergreen Security
Michael Reilly	Department of Police	security guard for Grady Management
Laura Reyes	Department of Police	security guard for Evergreen Security
Luther Reynolds	Department of Police	teacher for Montgomery College

Name	Department	Staff
Luther Reynolds	Department of Police	criminology teacher for Montgomery College
David Rice	Department of Police	security guard for Good Counsel High School
Jason Rich	Sheriff's Office	security guard for McDonald's Corporation
Jason Straughan	Department of Police	electrician for All-Over Electric
David Stultz	Department of Police	security guard for Patrol Security
Sheila Sugrue	Department of Police	security officer for Brandermill Homeowner's Assoc.
Daniel Sugrue	Department of Police	security guard for Brandermill Homeowner's Assoc.
Sheila Sugrue	Department of Police	security guard for Esdibar Security
Kevin Sullivan	Department of Police	security guard for Ruby Tuesday
Mark Sullivan	Department of Police	security guard for Legends American Grill & Billiards
Kevin Sullivan	Permitting Services	security guard for Ruby Tuesday
Kevin Summers	Department of Police	pool installer for Sichert's
Tristie Tappin	Department of Police	administrative specialist for Maryland Army National Guard
Marvin Thomas	Department of Police	security guard for JGB Company
Steven Thomas	Permitting Services	electrician for All-Over Electric
Justin Tierney	Department of Police	security guard for Whetstone Properties/Scotland Community
Douglas Tressler	Department of Police	security guard for Federal Realty Investment
Douglas Tressler	Department of Police	security guard for Federal Realty Investment
Douglas Tressler	Department of Police	security guard for Good Counsel High School
LaVaughn Turner, Sr.	DHHS	therapist for Residential Care, Inc.
Victor Valerio	Department of Police	security guard for Silver Diner
Victor Valerio	Department of Police	security guard for Augusta Properties
Robert Verkey	Department of Police	operator for Regency Cab
Myluoung Vo	DHHS	travel consultant for Far East Tourist
Deirdre Walker	Department of Police	adjunct professor at Montgomery College
Brian Walker	Department of Police	security guard for Montgomery Investigative Services
Michael Ward	Department of Police	security guard for Casey Management
Dawn Wenner	Department of Police	security guard for Evergreen Security
Ellen White	Correction & Rehabilitation Dept.	clerk for Anna Marie's Fashion Fabric
Janyce Wilkins	Department of Police	security guard for Montgomery College
Janyce Wilkins	Department of Police	adjunct professor for Montgomery College
Gordon Williams	Department of Police	security guard for Montgomery Village Golf Club
Ernestene Williams	DHHS	operator for Regency Cab
Michael Willis	Department of Police	security guard for Lerner Corporation
David Wilt	Fire & Rescue Services	truck driver for Mattress Warehouse

Name	Department	Staff
Wayne Wiltshire	Department of Police	security guard for FenGuard Security
Wayne Wiltshire	Department of Police	security guard for Atlantic Security
Wayne Wiltshire	Department of Police	security guard for West Spring Condominium
John Wise	Department of Police	security guard for Stonehedge Condominium Assoc.
Allen Ricketts	Department of Police	security guard for McLean School
Allan Ricketts	Department of Police	security guard for Lerner Corporation
Neal Ridgeway	Department of Police	security guard for Montgomery Investigative Service
Fernando Rios	Department of Police	security guard for Chan Detective Agency
Mario Rivas	DHHS	group leader for Family & Children's Services of Central Md.
Mannie Roberts	Department of Recreation	basketball coach for IAABO
Mannie Roberts	Department of Recreation	teleprompter operator for local news at NBC
Barry Robinson	Department of Police	security guard at Casey Management
Nicole Romeiser	Department of Police	security guard for Montgomery Investigative Service
Helene Rosenheim	DHHS	classification specialist for US Office of Personnel Management
Craig Rosia	Department of Police	security guard for Silver Diner
Craig Rosia	Department of Police	security guard for Glory Days Grill
James Ross	Department of Police	security guard for Montgomery Investigative Service
James Ross	Department of Police	security guard for Good Counsel High School
Michael Ruane	Department of Police	security guard for Casey Management
Nancy Ruffner	DHHS	R.N. for Secure Medical Care
Robert Runyon	Permitting Services	electrical inspector for I.E.C. Chesapeake
Michael Russon	Department of Police	security guard for Church of the Redeemer
William Sage	Department of Police	security guard for Legends Grill & Tavern
Thomas Scafide	Department of Police	surveyer for Shugoll Research
Susan Scala-Demby	Permitting Services	vice president for Nilsala Group
Ira Schoem	Department of Police	security group for Charles E. Smith Commercial Realty
Donald Schubert	Department of Police	security guard for Silver Diner
William Seidel	Department of Police	security guard for Ivymont School
Sean Shields	Department of Police	security guard for Lerner Corporation
Maryilynne Shifflett	Department of Police	desk assistant for Frederick County Public Libraries
Barbara Schoobridge	Department of Police	security guard for Federal Realty Investment
Jane Simcox	Correction & Rehabilitation Dept.	cashier for Giant Food
Troy Smallwood	Department of Police	security guard for Atlantic Security Professionals
Jennifer Smith	Department of Recreation	hostess for Hard Times Café

Name	Department	Staff
Angela Soto	DHHS	community educator for Multicultural Education & Therapeutic Services
Michael Stanislav	Department of Police	security guard for Casey Management
Pual Starks	Department of Police	security officer for Federal Realty Investment Trust
George Stephens	Department of Police	security guard for Bullis School
Scott Stokes	Fire & Rescue Services	food preparer for Scott R. Stoke Catering
Kevin Strange	Department of Police	scuba instructor for Atlantaic Edge Sports
Robin Hawkins	Department of Police	surveillance guard for FenGuard Security
Mark Hayden	Department of Police	security guard for Federal Realty Investment
Jonathan Heiderick	Department of Police	security guard for Evergreen Security
Diane Henderson	Department of Police	security guard for Rockville Skating Rink
Raymond Henry	Fire & Rescue Services	patient care technician for Suburban Hospital
Don Henson	Sheriff's Office	security and patrol person for Woodfin Suites
Shariff Hidayat	Department of Police	certified flight instructor for Montgomery Aviation
Douglas Hinkle	Fire & Rescue Services	instructor for Maryland Fire Rescue Institute at the University of Maryland
Jeanne Hobbs	Department of Police	registered nurse for suburban Hospital
Matthe Hoover	Department of Police	security guard for Chan Detective Agency
Christopher Ivey	Department of Police	security guard for Montgomery Investigative Services
Robyn Jackson	DHHS	nursing assistant for Mariner Health Care Center
Edwin Jacob	Department of Police	security guard for Courtyard By Marriott
Edwin Jacob	Department of Police	security guard for Westleigh Recreation Club
Willaim Jandrew	Department of Police	security guard for Rockville Skating Rink
Fernando Jaramillo	Department of Police	security guard for Ruby Tuesday
Fernando Jaramillo	Department of Police	security guard for Ruby Tuesday
John Jesuitas	Department of Police	security guard for Bullis School
Christopher Johnson	Department of Police	security guard for Rockville Skating Rink
Valerie Johnson	County Council	activities coordinator for Friends Nursing Home
Michael Kane	Department of Police	security guard for Ruby Tuesday
Michael Kane	Department of Police	security guard for Ruby Tuesday
John Kane	Department of Police	security guard for Ruby Tuesday
Rajeev Kapoor	Department of Police	security guard for Atlantic Security Professionals
Rajeev Kapoor	Department of Police	security for Charles E. Smith Commercial Realty
Jason Keith	Department of Police	security guard for Federal Realty Investment
John Kennedy	Department of Police	security guard for Good Council High School

Name	Department	Staff
Richard Kessler	Department of Police	security guard for Good Counsel High School
Carolyn Kilgariff	Office of The County Attorney	waitress for the Flaming Pit Restaurant
Richard Kessler	Department of Police	security guard for Charles E. Smith
Ringo Lagos	Department of Police	flight instructor for Congressional Air Charters, Inc.
Ivan Lankford	Department of Police	security guard for Westleigh Recreation Club
Cathleen Kapsley	Department of Police	security guard for Southern Management
Mark Lazarus	Department of Police	security guard for Atlantic Security Professionals
Mark Lazarus	Department of Police	security guard for Evergreen Security
Scott Lewis	Department of Police	security guard for Atlantic Security
Brian Eric Roynestad	Montgomery County Sheriff's Office	work as a security guard for Bowl America Gaithersburg
Captain John J. Gallo	Fire & Rescue Services	project manager for I.A.F.C.
Captain John King	Montgomery County Dept. of Police	self-employed soccer coach
Captain John King	Montgomery County Dept. of Police	security officer for Trammell Crow Co.
Captain Thomas C.Didone	Montgomery County Dept. of Police	manager at Pro Shop for Montgomery Country Club
Charles R. Perry II	Montgomery County Dept. of Police	work as a self-employed handy-man
Charlie J. Bullock	Montgomery County Dept. of Police	security officer for Trizec-Hahn
Christopher S. Johnson	Montgomery County Dept. of Police	security office for Syms
Corporal Augustine Anastasi	Montgomery County Dept. of Police	watchman for Duffle, Inc.
Corporal Dana Brown	Montgomery County Dept. of Police	security office for Rock Bottom Restaurant
Corporal Daniel L. Blumgart	Montgomery County Dept. of Police	vehicle monitor for Landon School
Corporal Daniel L. Blumgart	Montgomery County Dept. of Police	security guard for Montgomery Investigative Services
Corporal Ed Shropshire	Montgomery County Dept. of Police	security guard for Rockville High School
Corporal Edwin Daniel	Montgomery County Dept. of Police	security guard for Blair Redux Production, Inc.
Corporal Edwin Daniel	Montgomery County Dept. of Police	security guard for Atlantic Security Professionals
Corporal Edwin Daniel	Montgomery County Dept. of Police	security guard for Reithoffen Shows
Corporal Eric Bunting	Montgomery County Dept. of Police	security person at Winston Churchill High School
Corporal Frank F. Brown	Montgomery County Dept. of Police	security guard for Federal Realty Investment
Corporal Frank L. Wesley	Montgomery County Dept. of Police	security guard for Churchill High School
Corporal Frank L. Wesley	Montgomery County Dept. of Police	security guard for Seneca Valley High School
Corporal Ivan Lankford	Montgomery County Dept. of Police	security guard for Toys R Us
Corporal Ivan R. Lankdord	Montgomery County Dept. of Police	security guard for Evergreen Security
Corporal James C. Price	Montgomery County Dept. of Police	security guard for Federal Realty
Corporal Jim Cunningham	Montgomery County Dept. of Police	security guard for Blake High School
Corporal Jim Cunningham	Montgomery County Dept. of Police	security guard for Richard Montgomery High School

Name	Department	Staff
Corporal Kenneth C. Musgrave	Montgomery County Dept. of Police	security guard for Federal Realty Investment Trust
Corporal Kenneth C. Musgrave	Montgomery County Dept. of Police	security guard for Behnke Nurseries Co.
Corporal Lawrence M. Rotter	Montgomery County Dept. of Police	security officer at Montgomery Investigative
Corporal Michael Chuckerel	Montgomery County Dept. of Police	vehicle monitor for Landon School
Corporal Michael Chuckerel	Montgomery County Dept. of Police	security guard for Walter Johnson High School
Corporal Michael Chuckerel	Montgomery County Dept. of Police	security for Walter Johnson High School
Corporal Nancy Swandic	Montgomery County Dept. of Police	security officer for Southern Mangement
Corporal Nancy Swandic	Montgomery County Dept. of Police	watchman for Southern Mangement Corp.
Corporal Paul H. Sterling, Jr.	Montgomery County Dept. of Police	vehicle monitor for the Landon School
Corporal Paul H. Sterling, Jr.	Montgomery County Dept. of Police	security guard for Wheaton High School
Corporal Paul H. Sterling, Jr.	Montgomery County Dept. of Police	security guard for Professional Security Consultants
Corporal Paul H. Sterling, Jr.	Montgomery County Dept. of Police	security guard for Professional Security Consultants
Corporal Porsha Jones	Montgomery County Dept. of Police	security guard for InforMax, Inc.
Corporal Richard J. Cunningham	Montgomery County Dept. of Police	security guard for Federal Realty Investment Services
Corporal Robert D. Lumsden, Jr.	Montgomery County Dept. of Police	security person for Quince Orchard High School
Corporal Robert D. Lumsden, Jr.	Montgomery County Dept. of Police	security guard for Montgomery Investigative Services
Corporal Robert F. McCullagh	Montgomery County Dept. of Police	security officer for Westat
Corporal Robert F. McCullagh	Montgomery County Dept. of Police	security officer for Congregation B'nai Tzedek
Corporal Robert F. McCullagh	Montgomery County Dept. of Police	security officer for NCTA
Corporal Robert F. McCullagh	Montgomery County Dept. of Police	watchman for RCHLP
Corporal Robert F. McCullagh	Montgomery County Dept. of Police	watchman for St. Andrews Episcopal
Corporal Robert F. McCullagh	Montgomery County Dept. of Police	watchman for Evergreen Security
Corporal Robert L. Kearney	Montgomery County Dept. of Police	security guard for Gaithersburg High School
Corporal Robert L. Kearney	Montgomery County Dept. of Police	security officer for Bullis School
Corporal Robert L. Kearney	Montgomery County Dept. of Police	security officer for River Road Unitarian Church
Corporal Robert L. Kearney	Montgomery County Dept. of Police	security officer for Veneman Music
Corporal Robert L. Kearney	Montgomery County Dept. of Police	security officer for Veneman Music
Corporal Robert L. Kearney	Montgomery County Dept. of Police	security officer for Fireside Condominium
Corporal Sean P. Renauer	Montgomery County Dept. of Police	security officer at Walter Johnson High School
Corporal Sean P. Renauer	Montgomery County Dept. of Police	Watchman for Jewish Community Center for Greater Washington
Corporal Sean P. Renauer	Montgomery County Dept. of Police	security guard for Georgetown Preparatory School
Corporal Sean P. Renauer	Montgomery County Dept. of Police	self-employed owner
Corporal Teena A. Lee	Montgomery County Dept. of Police	security guard for Montgomery County Public Schools
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security guard for Precious Cargo Trading Co.
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security guard for Reddemeade Farm

Name	Department	Staff
Corporal Terry J. Gloster	Montgomery County Dept. of Police	parking lot assistant for Green Acres School
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security officer at Independent News Associates
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security guard for Holiday Inn Bethesda
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security guard for Montrose Christian School
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security guard for Sherwood Brands, Inc.
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security officer St. John The Baptist
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security officer Bulls School
Corporal Terry J. Gloster	Montgomery County Dept. of Police	vehicle monitor for the Heights School
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security officer for Connelly School of the Holy Child
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security officer for Blair Redux Productions
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security officer River Road Unitarian Church
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security officer for Bulls School
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security monitor for the Heights School
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security guard for American In-Line Skating
Corporal Terry J. Gloster	Montgomery County Dept. of Police	security guard for Potomac Garden Center
David R. Hudgel, Jr.	Dept. of Fire & Rescue Services	flower deliverer for Bell Flowers
Deputy Sally Gantz	Montgomery County Sheriff's Officer	security guard for McDonalds
Dominic A. Raysick	Montgomery County Dept. of Police	security officer for Glory Days Grill
Dominic A. Raysick	Montgomery County Dept. of Police	security officer for Montgomery County Schools
Dominic A. Raysick	Montgomery County Dept. of Police	traffic control person for Temple Beth Ami
Dominic A. Raysick	Montgomery County Dept. of Police	security officer for Montgomery County Schools
Firefighter Barry Cooper	Dept. of Fire & Rescue Services	an armored card driver for Dunbar Armored
Firefighter Charles Scott Doyle	Dept. of Fire & Rescue Services	paramedic for Rural Metro Ambulance
Firefighter Clark R. Oliver	Dept. of Fire & Rescue Services	Petty Officer for U.S. Naval Reserve
Firefighter Ivan Browning	Dept. of Fire & Rescue Services	vehicle tower for Browning Towing & Recovery
Firefighter Jamies Mazzara	Dept. of Fire & Rescue Services	sales associate at Sears
Firefighter Kyle E. Crutchley	Dept. of Fire & Rescue Services	damage controlman 1 st class for U.S. Coast Guard Rescue
Firefighter Kyle E. Crutchley	Dept. of Fire & Rescue Services	firefighter/emt for the Frederick County Division of Public Safety
Firefighter Margaret Metheny	Dept. of Fire & Rescue Services	hostess at Snoco Ind. - Joannas
Firefighter Michele J. Ruth	Dept. of Fire & Rescue Services	RN at Shady Grove Adventist Hospital
Firefighter Pamela Kirkman	Dept. of Fire & Rescue Services	firefighter for MCPS
Firefighter Paul D. Viands	Dept. of Fire & Rescue Services	firefighter/emt for Lifestar Response Corp.
Firefighter Robert Hoch	Dept. of Fire & Rescue Services	paramedic for White Rose Ambulatory Service
Firefighter Robert M. Camplair	Dept. of Fire & Rescue Services	stock person for Wal-Mart
Firefighter Saleena M. Lund	Dept. of Fire & Rescue Services	prevention services coordinator for Howard County Health Dept.

Name	Department	Staff
Firefighter Samuel E. Villani, III	Dept. of Fire & Rescue Services	substitute teacher for Williamsport Ambulance Service
Firefighter Shawn Patrick McCoy	Dept. of Fire & Rescue Services	emergency dispatcher for Washington Co. Fire 7 Rescue
Firefighter Shirley M. Thacker	Dept. of Fire & Rescue Services	contract instructor for American Red Cross
Firefighter Steven L. Hobson	Dept. of Fire & Rescue Services	rescue tech for Williamsport Ambulance Service
Firefighter Thomas W. Musgove,	Dept. of Fire & Rescue Services	fire alarm inspector for Maryland Fire Equipment
Jr.		
Firefighter Thomas W. Musgove,	Dept. of Fire & Rescue Services	fire alarm inspector for Maryland Fire Equipment
Jr.		
Firefighter/Recruit Mark Arnold	Dept. of Fire & Rescue Services	attendant assistant at Valley Medical Transport
Gerald R. Pendry, Jr.	Montgomery County Dept. of Police	security officer for Grady Management
Gerald R. Pendry, Jr.	Montgomery County Dept. of Police	security officer for Federal Realty Investment Trust
Guy Turrene	Dept. of Public Works and	fly tying instructor for Montgomery County Dept. of Recreation
	Transportation	
Ida F. Moyars	Montgomery County Dept. of Police	work as a waitress for Peter Pan/Cracked Claw
Jamies A. Fenner, Jr.	Montgomery County Dept. of Police	security officer for Fenguard Security
Jamies B. Drewry	Montgomery County Dept. of Police	security guard for Minkoff Development
Jessica Lyn Malinowski	Montgomery County Dept. of Police	work as a waitress for Nickelby's Restaurant
Kenneth Elston	Montgomery County Dept. of Police	security officer for Evergreen Security, Inc.
Lietenant Harold K. Allen	Montgomery County Dept. of Police	security guard for Professional Security Consultants
Lieutenant Brian Eric Roynestad	Montgomery County Sheriff's Office	security guard for Bowl America Gaithersburg
Lieutenant Daniel C. Orgren	Dept. of Fire & Rescue Services	retail person for Home Depot
Lieutenant George c. Heinrich	Montgomery County Dept. of Police	bus driver at Montgomery County Board of Education
Lieutenant Gregory E. Henderson	Montgomery County Sheriff's Office	security guard for McDonald's Corp.
Lieutenant Thomas c. Didone	Montgomery County Dept. of Police	chaperone at Barmitzvah parties
Lin Turpin	Montgomery County Dept. of Police	owner of Scents You Asked
Lt. John Bean	Montgomery County Sheriff's Office	security officer for Burning Tree Golf Club
Lt. Mark Bonanno	Montgomery County Sheriff's Office	security officer for Burning Tree Golf Club
Lt. Mark Bonanno	Montgomery County Sheriff's Office	security officer for McDonalds
Lt. Randall Owens	Dept. of Fire & Rescue Services	paramedic for Mt. Alry Volunteer Fire Co.
Lynn A. Russell	Montgomery County Dept. of Police	cashier for Beall's Florist
Mark T. Woods	Montgomery County Dept. of Police	work as a self-employed corporate officer for Pro-Alert Security, Inc.
Michael Bledsoe	Montgomery County Dept. of Police	security officer for Grady Management
Mr. LaVaughn M. Turner, Sr.	DHHS	therapist for Residential Care Inc.
Mr. Walter M. Hancock, III	Dept. of Fire & Rescue Services	security officer for Executive Security
Mr. Alan L. Butsch	Dept. of Fire & Rescue Services	EMS Management Specialist for Washington County Fire/Rescue

Name	Department	Staff
Mr. Alphonso Gray	Dept. of Recreation	building service worker for Montgomery Blair High School
Mr. Art Wallenstein	Correction & Rehabilitation Dept.	attende at 3 Board Meetings at the U.S. Justice Dept.
Mr. Aubrey F. Bentham	Dept. of Public Works and Transportation	teacher for University of Phoenix
Mr. Bobby R. Johnson	DIST	newspaper route carrier for Rodney Ray Distributor
Mr. Brian Gardiner	Dept. of Fire & Rescue Services	lawn mower for Silver Creek Landscape
Mr. Brian K. Carren	Dept. of Fire & Rescue Services	manager at Damascus Auto & Tire Service
Mr. Calvin Thomas	Addiction, Victim & Mental Health	therapist for Residential Care Inc.
Mr. Chad Cave	Dept. of Fire & Rescue Services	senior alarm firefighter for West Virginia Air National Guard
Mr. Charles F. Martinez	DHHS	counselor for A Better Way Counseling Service
Mr. Charles Marshall	Dept. of Fire & Rescue Services	salesman for PEP Boys
Mr. Clayton E. Butler	Dept. of Public Works and Transportation	secretary for Arent, Fox, Kintner, Plotkin & Khan
Mr. Curtis R. O'Donell, Jr.	Dept. of Fire & Rescue Services	motor equipment operator for Howard County Government
Mr. Curtis R. O'Donell, Jr.	Dept. of Fire & Rescue Services	motor equipment operator for Howard County Government
Mr. Dana C. Dobson	County Attorney's Office	essay grader for Bar Bri Bar Review
Mr. Danny L. Johnson	Dept. of Public Works and Transportation	Fleet Consultant for DMG-Maximus
Mr. David H. DeVore	Dept. of Fire & Rescue Services	paramedic for Inova Alexandria Hospital
Mr. David H. DeVore	Dept. of Fire & Rescue Services	paramedic for Inova Alexandria Hospital
Mr. David Hondowicz	County Council	youth sports official for Gaithersburg City Recreation Dept.
Mr. David J. Clearwater	Dept. of Correction & Rehabilitation	security guard at Suburban Hospital
Mr. Dennis A. Wenner	Dept. of Fire & Rescue Services	Instructor at MFRI
Mr. Emmanuel Pratt	Dept. of Public Works and Transportation	security officer for Burn's International Security
Mr. Ernest A. Crofoot	Montgomery County Attorney's Office	Adjunct Professor of Law at University of Baltimore School of Law
Mr. Fred Goudarznia	Dept. of Health & Human Services	Clinical Supervisor to Family Trauma Services
Mr. Jack P. Wassell	Dept. of Liquor Control	clock repair person for Kensington Clock Shop
Mr. Jason D. Blake	Dept. of Fire & Rescue Services	firefighter for Mount Airy Volunteer Fire Dept.
Mr. Jeffrey Gardner	Community Use of Public Facilities	Adjunct Faculty Member for Columbia Union College
Mr. John H. Emmons	Fire & Rescue Services	paramedic for Waynesboro Hospital
Mr. Joseph C. Rock	Dept. of Public Works and Transportation	line technician for Loon's Ford College Park
Mr. Joseph Jones	Dept. of Recreation	maintenance provided at Rockville Arts Place
Mr. Joseph Thomas	Montgomery County Dept. of Police	security officer for Marriott

Name	Department	Staff
Mr. Kimball R. Williams	Fire & Rescue Services	paramedic for Rural/Metro Ambulance
Mr. Louis F. Schaub	Fire & Rescue Services	substitute teacher for Montgomery County Public Schools
Mr. Marc Hirrel	Dept. of Recreation	manager at Prince George's Community College
Mr. Michael Hamilton	Fire & Rescue Services	armored car driver for Dunbar Armored
Mr. Paul William Scholl	Fire & Rescue Services	owner of Paul W. Scholl Plumbing, Inc.
Mr. Phillip J. Tierney	Office of Zoning & Administrative Hearing	part-time consultant for Town of Leanard Town
Mr. Raymond Ayres, II	Montgomery County Attorney's Office	law clerk at J. Allen Cohen, Attorney at Law
Mr. Richard A. Steer	Dept. of Housing	owner for BD Associates, Inc.
Mr. Robert K. Hornbacher	Fire & Rescue Services	purchaser/seller agent for Coldwell Residential Real Estate
Mr. Robert Sherwood	Montgomery County Sheriff's Office	firefighter/emt for Providence Volunteer Fire Co.
Mr. Scott Madill	Dept. of Recreation	security officer for Bowl America
Mr. Thomas H. Doran	Fire & Rescue Services	landscaper - self employed
Mr. William Vernigor	Dept. of Public Libraries	First Aid Instructor for BEAT, Inc.
Mr. Wright A. Jolly, Jr.	Dept. of Housing & Community Affairs	librarian supervisor at the Libarary of Congress
Mr. Wright A. Jolly, Jr.	Dept. of Housing & Urban Affairs	psychiatric technician for the Psychiatric Institute of Washington
Mr. Wright A. Jolly, Jr.	Dept. of Housing & Urban Affairs	psychiatric technician at Psychiatric Institute
Mr. Wright A. Jolly, Jr.	Dept. of Housing & Urban Affairs	wrestling official for Washington Metropolitan Wrestling
Ms. Allison K. Horn	Correction & Rehabilitation Dept.	wrestling official for Northern Virginia Wrestling
Ms. Andrea A. Takacs	Montgomery County Dept. of Police	sales associate for Eastern Mountain Sprts
Ms. Angela Dizelos	Office of Budget & Management	sales representative for Market Day
Ms. Anita Rowse	DHHS	bookkeeper for roger Rowse & Assoc.
Ms. Beth Kwiatek	Dept. of Health and Human Service	owner for Just Name It
Ms. Brenda Alexander	DHHS	security guard for Grady Management
Ms. Brenda Alexander	Dept. of Health & Human Services	security guard for DarCar Motors
Ms. Carroll Piacesi	Montgomery County Dept. of Police	cast member for the Disney Store
Ms. Deborah Messett	Montgomery County Dept. of Police	president of Road Construction Company
Ms. Dianne E. Carpenter	DHHS	registrar for Adventist HealthCare
Ms. Dorothy Moore	Dept. of Public Libraries	consultant for Alvod, Baker & Associates
Ms Eileen Basaman	Dept. of Liquor Control	assistant grader for the State Board of Law Examiners
Ms. Emilie B.K. Crown	Dept. of the County Attorney	nurse for Shady Grove Adventist Hospital
Ms. Francene M.D. Hill	Dept. of Housing & Community Affairs	self-employed sole proprietor of an Internet business
Ms. Helen I. Rosenheim	DHHS	classification specialist for U.S. Dept. of Commerce
Ms. Jane Simcox	Mid County Regional Service Center	retail sales person at Jo Ann's Fabrics
Ms. Jeannette Handler	Dept. of Corrections	census collector for U.S. Dept. of Commerce

Name	Department	Staff
Ms. Jeannette Handler	Dept. of Libraries	census collector for U.S. Census Bureau
Ms. Jennifer C. Ferguson	Dept. of Libraries	telephone interviewer for Westat
Ms. Kathleen G. Henning	Office of the County Attorney	instructor for Maryland Emergency Management
Ms. Lisa Alderoty	Dept. of Fire & Rescue Services	camp nurse for Capital Camps
Ms. Lisa Alderoty	DHHS	camp nurse for Capital Camps
Ms. Loretta Kisner	DHHS	cashier at Giant Food
Ms. Lynn A. Russell	Dept. of Public Works and Transportation	police communications officer for Maryland State Police
Ms. Margaret A. Enzler	Dept. of Public Libraries	librarian at the Administrative Office of U.S. Courts
Ms. Maureen Wickham	DHHS	staff R.N. for G.P. Gaucayco, MD
Ms. Melanie Sasse	Dept. of Recreation	swimming coach for FAST
Ms. Melissa M. Hickerson	Fire & Rescue Services	paramedic for Rural/Metro Ambulance
Ms. Nancy Azzi	DHHS	part-time manager for Quick Pita
Ms. Paola M. Lopez	Montgomery Dept. of Police	tax consultant for Capital Travel
Ms. Penny L. Parsons	Dept. of Public Libraries	substitute teacher for Frederick County Public School
Ms. S. Elaine Hoover	Dept. of Corrections & Rehabilitation	independent representative for Excel
Ms. Sandra Copp	Dept. of Health & Human Services	sales clerk for Hecht Company
Ms. Saudra B. Asante	Dept. of Corrections	clinical director for Chesapeake Home Health
Ms. Sharon C. Smith	DHHS	patient advocate for Alase
Ms. Sophie Guitton	DHHS	house cleaner for Egar Barbecuers
Ms. Sophie Guitton	DHHS	mailing processor for Country Casual
Ms. Susan Miller	DHHS	self-employed for Sue's Topsoil, Inc.
Ms. Suzanne Renauer	Montgomery County Dept. of Police	consultant for Partylife Gifts
Ms. Suzanne Renauer	Montgomery County Dept. of Police	self-employed owner
Ms. Tina F. Pettiquoi	DHHS	LPN at Carolina Center
Ms. Victoria J. Foyle	Fire & Rescue Services	critical care technician for Prince George's Hospital Center
Ms. Zelinda Fouant	DIST	web developer for Single Parent Magazine
Officer Wayne J. Wiltshire	Montgomery County Dept. of Police	security officer for Walter Johnson High School
Officer Aaron Bailey	Montgomery County Dept. of Police	security guard at Rock Bottom Restaurant
Officer Alan Cawood	Montgomery County Dept. of Police	security guard for Grady Management
Officer Allan W. Kerr	Montgomery County Dept. of Police	security guard for Beth Shalom Congregation
Officer Allan W. Kerr	Montgomery County Dept. of Police	security officer for Federal Realty Investment Trust
Officer Allen Johnson	Montgomery County Dept. of Police	security guard for Trizec Hahn
Officer Amy Masson	Montgomery County Dept. of Police	security officer for Kennedy High School
Officer Angela D. Mccollum	Montgomery County Dept. of Police	pool operator for Gaithersburg City Pools

Name	Department	Staff
Officer Anthony Giovacchini	Montgomery County Dept. of Police	security officer for Federal Realty Trust Corp
Officer Anthony Hogeback	Montgomery County Dept. of Police	security guard for Casey Management, Inc.
Officer Anthony Hogeback	Montgomery County Dept. of Police	security guard for Leohman's
Officer Arnold L. Aubrey	Montgomery County Dept. of Police	security officer for Northwest High School
Officer Arnold L. Aubrey	Montgomery County Dept. of Police	security officer for St. John The Baptist
Officer Arnold L. Aubrey	Montgomery County Dept. of Police	security officer for Bullis School
Officer Arnold L. Aubrey	Montgomery County Dept. of Police	security officer for Gaithersburg High School
Officer Arnold L. Aubrey	Montgomery County Dept. of Police	security officer for Gaithersburg High School
Officer Arnold L. Aubrey	Montgomery County Dept. of Police	security officer for Potomac Garden
Officer Arnold L. Aubrey	Montgomery County Dept. of Police	security officer for White Oak Bowling Lanes
Officer Arnold L. Aubrey	Montgomery County Dept. of Police	security guard for Fireside Condominium
Officer Arnold L. Aubrey	Montgomery County Dept. of Police	security guard for Atlantic Security Professional
Officer Arnold L. Aubrey	Montgomery County Dept. of Police	security guard for Potomac Garden Center
Officer Arnold L. Aubrey	Montgomery County Dept. of Police	security guard for White Oak Bowling Lanes
Officer B. Scott Feldman	Montgomery County Dept. of Police	security guard for Casey Management, Inc.
Officer Brandon Megadoht	Montgomery County Dept. of Police	security officer for Montgomery Investigative Services
Officer Brenda Alexander	Montgomery County Dept. of Police	security guard for Windsor Court Apartments
Officer Brian C. Dillman	Montgomery County Dept. of Police	security officer for JBG Properties
Officer Brian Holloway	Montgomery County Dept. of Police	security officer for Federal Realty Investment Trust
Officer Brian K. Walker	Montgomery County Dept. of Police	security guard for Evergreen Security, Inc.
Officer Brian K. Walker	Montgomery County Dept. of Police	security guard for Evergreen Security, Inc.
Officer Brian L. Tupa	Montgomery County Dept. of Police	football player for Washington Chiefs
Officer Brian Typa	Montgomery County Dept. of Police	security guard for Trizec Hahn
Officer Bruce Evans	Montgomery County Dept. of Police	security office for CarMax
Officer Charles A. Loudermilk	Montgomery County Dept. of Police	security guard for Federal Realty
Officer Charles A. Loudermilk	Montgomery County Dept. of Police	security guard for Springbrook High School
Officer Charles A. Loudermilk	Montgomery County Dept. of Police	security guard for Atlantic Security
Officer Charles Jordon	Montgomery County Dept. of Police	security guard for Lerner Corp.
Officer Chester C. Phillips	Montgomery County Dept. of Police	basketball official for IAABO
Officer Christine Lynch	Montgomery County Dept. of Police	sales consultant for Longberger Co.
Officer Christopher A. Garland	Montgomery County Dept. of Police	security officer for B-CC High School
Officer Crhistopher A. Garland	Montgomery County Dept. of Police	vehicle monitor for Temple Beth Ami
Officer Christopher Fumagalli	Montgomery County Dept. of Police	traffic director for BestBuys
Officer Christopher S. Johnson	Montgomery County Dept. of Police	security officer for Walt Whitman High School
Officer Christopher S. Johnson	Montgomery County Dept. of Police	security officer for Walt Whitman High School

Name	Department	Staff
Officer Craig Cupaiuolo	Montgomery County Dept. of Police	substitute teacher for Mont. Co. Schools
Officer Craig Cupaiuolo	Montgomery County Dept. of Police	security officer for Magruders
Officer Craig L. Wittenberger	Montgomery County Dept. of Police	security guard for Minkoff Development
Officer Craig M. Rosia	Montgomery County Dept. of Police	security guard for the Benhne Nursery
Officer Craig M. Rosia	Montgomery County Dept. of Police	security guard for the Benhne Nursery
Officer Craig M. Rosia	Montgomery County Dept. of Police	security guard for Montgomery County Dept. of Public Schools
Officer Craig M. Rosia	Montgomery County Dept. of Police	traffic control person for Temple Beth ami
Officer Craig M. Rosia	Montgomery County Dept. of Police	security officer for Silver Diner
Officer Craig Palen	Montgomery County Dept. of Police	security guard for the Jaffe Group
Office Cynthia Martin	Montgomery County Dept. of Police	traffic director for BestBuys
Officer Dad M. Way	Montgomery County Dept. of Police	security officer for the Jaffe Group
Officer Daniel Sugrue	Montgomery County Dept. of Police	security guard for Evergreen Security, Inc.
Officer Darin Marshall	Montgomery County Dept. of Police	security officer for Indian Spring Country Club
Officer David Bright	Montgomery County Dept. of Police	security officer for Montgomery White Oak
Officer David Bright	Montgomery County Dept. of Police	security guard for Atlantic Security
Officer David Bright	Montgomery County Dept. of Police	security guard for Trizec Hahn
Officer David Bright	Montgomery County Dept. of Police	security guard for Rockville Roller Skating Center
Officer David E. Hill	Montgomery County Dept. of Police	security guard for Loehmanns
Officer David J. Cary	Montgomery County Dept. of Police	security guard for Lerner Corp.
Officer David T. Rice	Montgomery County Dept. of Police	security officer for Walter Johnson High School
Officer David W. McBain	Montgomery County Dept. of Police	security officer for Syms
Officer David W. McBain	Montgomery County Dept. of Police	vehicle monitor for Temple Beth Ami
Officer Dawn Michele Miller	Montgomery County Dept. of Police	security guard for Casey Management, Inc.
Officer Deborah a. Gilson	Montgomery County Dept. of Police	security officer for Atlantic Security Professionals
Officer Deborah a. Gilson	Montgomery County Dept. of Police	security officer Frugal Fannies
Officer Diane A. Quinn	Montgomery County Dept. of Police	security officer for Silver Diner
Officer Diane A. Quinn	Montgomery County Dept. of Police	researcher for House Marketing Research
Officer Donald A. Paul	Montgomery County Dept. of Police	security officer for Walter Johnson High School
Officer Donald A. Paul	Montgomery County Dept. of Police	security guard for Benhke Nurseries Co.
Officer Donald A. Paul	Montgomery County Dept. of Police	security guard for Argyle Country Club
Officer Donald C. Schubert	Montgomery County Dept. of Police	security guard for Atlantic Security Professionals
Officer Donald C. Schubert	Montgomery County Dept. of Police	security guard for Federal Realty Investment Trust
Officer Donald Carr	Montgomery County Dept. of Police	security officer for Silver Diner
Officer Donnell Cowan	Montgomery County Dept. of Police	security officer for Trizec Hahn
Officer Donnell Cowan	Montgomery County Dept. of Police	watchman for Montgomery Investigative Services

Name	Department	Staff
Officer Donnell Cowan	Montgomery County Dept. of Police	security officer for Montgomery County Teacher's Credit Union
Officer Donnell Cowan	Montgomery County Dept. of Police	watchman for CHI Centers, Inc.
Officer Donnell Cowan	Montgomery County Dept. of Police	vehicle monitor for Landon School
Officer Donnell Cowan	Montgomery County Dept. of Police	watchman for Southern Management Corp.
Officer Donnell Cowan	Montgomery County Dept. of Police	patrol officer for JBG Properties, Inc.
Officer Donnell Cowan	Montgomery County Dept. of Police	watchman for Federal Realty Investment
Officer Dorinda Carey	Montgomery County Dept. of Police	security officer for InforMax, Inc.
Officer Dorinda Carey	Montgomery County Dept. of Police	security officer for Federal Realty Investment Trust
Officer Dorinda Carey	Montgomery County Dept. of Police	security officer for Manugistics, Inc.
Officer Douglas Cobb	Montgomery County Dept. of Police	security officer for Burlington Coat Factory
Officer Douglas Cobb	Montgomery County Dept. of Police	security guard for City Place Limited Partnership
Officer Douglas E. Rupp	Montgomery County Dept. of Police	security officer for Federal Realty Investment Trust
Officer Douglas E. Rupp	Montgomery County Dept. of Police	security officer for Blair High School
Officer Douglas M. Carr	Montgomery County Dept. of Police	security guard for Argyle Country Club
Officer Edward Paden, Jr.	Montgomery County Dept. of Police	security officer for White Oak Bowling Lanes
Officer Edward Pallas	Montgomery County Dept. of Police	security officer for Grady Management, Inc.
Officer Edward Tarney	Montgomery County Dept. of Police	book consultant for Richard Rosenthal
Officer Edward Trybus	Montgomery County Dept. of Police	security officer for Montgomery Security
Officer Edward Zacharek	Montgomery County Dept. of Police	security officer for Quince Orchard High School
Officer Edwin Jacob	Montgomery County Dept. of Police	security officer for Hess Shoes
Officer Edwin Jacob	Montgomery County Dept. of Police	security officer for DarCars Motors
Officer Edwin R. Barber	Montgomery County Dept. of Police	security officer for Grady Management, Inc.
Officer Eric L. Wood	Montgomery County Dept. of Police	security officer for Grady Management, Inc.
Officer Eric M. Stancliff	Montgomery County Dept. of Police	security officer for Syms
Officer Errol Birch	Montgomery County Dept. of Police	security officer for Montgomery Blair High School
Officer Errol Birch	Montgomery County Dept. of Police	security guard for Grady Management
Officer Eugene A. Gray, Jr.	Montgomery County Dept. of Police	security officer for FenGuard
Officer Fernando J. Martinez	Montgomery County Dept. of Police	security officer for Wheaton Plaza - Westfield Corp.
Officer Fernando J. Martinez	Montgomery County Dept. of Police	security guard for Evergreen Security
Officer Fernando X. Rios	Montgomery County Dept. of Police	police officer for Equity Management, Inc.
Officer Floyd L. White	Montgomery County Dept. of Police	security officer for Federal Realty Investment Trust
Officer Floyd L. White	Montgomery County Dept. of Police	security officer for Federal Realty Investment Trust
Officer Floyd L. White	Montgomery County Dept. of Police	security officer for Federal Realty Investment Trust
Officer Floyd L. White	Montgomery County Dept. of Police	traffic assistant at the Woods Academy
Officer Floyd L. White	Montgomery County Dept. of Police	traffic assistant at the Woods Academy

Name	Department	Staff
Officer Floyd L. White	Montgomery County Dept. of Police	patrol officer for JBG Properties, Inc.
Officer Frank G. Fones, Jr.	Montgomery County Dept. of Police	security officer Indian Spring Country
Officer Frank G. Fones, Jr.	Montgomery County Dept. of Police	security officer Indian Spring Country
Officer Frank Stone	Montgomery County Dept. of Police	security officer at Manugistics, Inc.
Officer Gary G. Lewis	Montgomery County Dept. of Police	security guard for Marriott International
Officer George E. Hackey, Jr.	Montgomery County Dept. of Police	security guard for at Northwest High School
Officer George Stephens	Montgomery County Dept. of Police	security guard for Grady Management
Officer Gerald McFarland	Montgomery County Dept. of Police	community officer at Community Associations
Officer Gerald McFarland	Montgomery County Dept. of Police	security guard for Georgetown Preparatory School
Officer Gregory Woodman	Montgomery County Dept. of Police	security guard for Proactive Services
Officer Heather D. Manoogian	Montgomery County Dept. of Police	security officer for Winston Churchill High School
Officer Jackie Lee Falls	Montgomery County Dept. of Police	security guard for Quince Orchard High School
Officer Jacques R. Cowan	Montgomery County Dept. of Police	ceo, license for East Coast Security & Bail Bonds
Officer Jacques R. Cowan	Montgomery County Dept. of Police	owner/licensee for Carlo, Inc.
Officer James D. Barnette	Montgomery County Dept. of Police	security officer for Federal Realty Management
Officer James D. Ross	Montgomery County Dept. of Police	security officer for Federal Realty Investigative Services
Officer James D. Ross	Montgomery County Dept. of Police	security for Syms
Officer James H. Barnes	Montgomery County Dept. of Police	security officer for Loehmann's
Officer James S. Helton	Montgomery County Dept. of Police	security officer for Indian Spring Country
Officer James W. Lanham	Montgomery County Dept. of Police	security officer for Grady Management
Officer Jamie a. Medlin	Montgomery County Dept. of Police	courtesy patrolman for the JBG Companies
Officer Jason Shoobridge	Montgomery County Dept. of Police	security guard for Rock Bottom Restaurants
Officer Jeffrey B. Roth	Montgomery County Dept. of Police	security guard for Blake High School
Officer Jeffrey B. Roth	Montgomery County Dept. of Police	security guard for B-CC High School
Officer Jeffrey Roth	Montgomery County Dept. of Police	security guard for Golden Bull
Officer Jeffrey Roth	Montgomery County Dept. of Police	security guard for Golden Bull
Officer Jody Davenport	Montgomery County Dept. of Police	courtesy officer for Park Montgomery Apartment
Officer John A. Moriatty	Montgomery County Dept. of Police	security officer for Glory Days Grill
Officer John A. Moriatty	Montgomery County Dept. of Police	security officer for Proactive Special Security
Officer John A. Moriatty	Montgomery County Dept. of Police	security officer for Silver Diner
Officer John Bork	Montgomery County Dept. of Police	security officer for Minkoff, Inc.
Officer John Ceresini	Montgomery County Dept. of Police	security officer for Lerner Corp.
Officer John Christ	Montgomery County Dept. of Police	security officer for FenGuard Security
Officer John K. Higdon	Montgomery County Dept. of Police	security officer for The Shrine of St. Jude
Officer John Kuster	Montgomery County Dept. of Police	security guard for Indian Spring Country Club

Name	Department	Staff
Officer John M. Gallgher	Montgomery County Dept. of Police	security guard at Good Counsel High School
Officer John M. Shaw	Montgomery County Dept. of Police	security guard for FenGuard Security
Officer John P. Powell	Montgomery County Dept. of Police	security guard for Walt Whitman High School
Officer John R. Jesuitas	Montgomery County Dept. of Police	security guard for Bullis School
Officer John R. Sauriol	Montgomery County Dept. of Police	security guard for Blair High School
Officer John R. Sauriol	Montgomery County Dept. of Police	security guard for Richard Montgomery High School
Officer John R. Sauriol	Montgomery County Dept. of Police	vehicle monitor for Potomac Garden Center
Officer John Thomas Panetti	Montgomery County Dept. of Police	security guard at Proactive Special Security Services
Officer Jonathan Heiderich	Montgomery County Dept. of Police	security guard for Syms
Officer Jonathan M. Hamburg	Montgomery County Dept. of Police	security guard for White Flint Mall
Officer Jose Guzman	Montgomery County Dept. of Police	security guard for Equity Management Inc.
Officer Jose Guzman	Montgomery County Dept. of Police	traffic director for BestBuys
Officer Jose Guzman	Montgomery County Dept. of Police	security guard for Grady Management
Officer Joseph J. Onderko, Jr.	Montgomery County Dept. of Police	security officer for Federal Realty Investigative Trust
Officer Joseph Onderno	Montgomery County Dept. of Police	security officer for Federal Realty Investigative Trust
Officer Josh Geline	Montgomery County Dept. of Police	security officer for Federal Realty Investigative Trust
Officer Karl W. Plitt	Montgomery County Dept. of Police	security assistant for Professional Security Consultants
Officer Kathryn Ellis	Montgomery County Dept. of Police	security guard at Quince Orchard High School
Officer Kathy Fumagalli	Montgomery County Dept. of Police	vehicle monitor for Temple Beth Ami
Officer Kenneth F. Heywood		security officer for Hess Shoes
Officer Kenneth V. Penrod		security officer for Minkoff Development Corp.
Officer Kent E. Smith	Montgomery County Dept. of Police	instructor for Mid-Atlantic Regional Community Policy Institute
Officer Kevin E. Pugh	Montgomery County Dept. of Police	security officer for Church of the Redeemer
Officer Kevin Garrison	Montgomery County Dept. of Police	security officer for Montgomery Investigative Services
Officer Kevin Garrison	Montgomery County Dept. of Police	zamboni operator for M-NCPPC
Officer Kevin I. Marston	Montgomery County Dept. of Police	security officer for Atlantic Security
Officer Kevin L. Burns	Montgomery County Dept. of Police	security officer for Federal Realty Investment
Officer Kevin Stone	Montgomery County Dept. of Police	security guard for Promark
Officer Kevin Sullivan	Montgomery County Dept. of Police	security person for Ruby Tuesdays
Officer Kimberly A. Jones	Montgomery County Dept. of Police	security guard for Trizec Hahn
Officer Kimberly A. Jones	Montgomery County Dept. of Police	security guard for Atlantic Security Professionals
Officer Kimberly A. Jones	Montgomery County Dept. of Police	security guard for Montgomery County Public Schools
Officer Kimberly A. Jones	Montgomery County Dept. of Police	security guard for Rockville Roller Skating Cntr.
Officer Laura Bohrer	Montgomery County Dept. of Police	security guard for Grady Management
Officer Lawrence Phillips	Montgomery County Dept. of Police	flight instructor for Montgomery Aviation Ltd.

Name	Department	Staff
Officer Lee Guzinski	Montgomery County Dept. of Police	security officer for Waring Station
Officer Lisa A. Fahlstrom	Montgomery County Dept. of Police	carousel operator at Parks & History Assoc.
Officer Lonnie Boykin	Montgomery County Dept. of Police	security officer for Grady Management
Officer Lonnie Boykin	Montgomery County Dept. of Police	security officer for Windsor Court Apartments
Officer Lori Malko	Montgomery County Dept. of Police	security guard for Federal Realty Investment
Officer Luigi Mondini	Montgomery County Dept. of Police	security officer for Proactive Special Security
Officer Luis F. Carvajal	Montgomery County Dept. of Police	vehicle monitor for Temple Beth Ami
Officer Luis F. Carvajal	Montgomery County Dept. of Police	security guard for Behnke Nurseries
Officer Luis F. Hurtado	Montgomery County Dept. of Police	security guard for Magruder High School
Officer Luis F. Hurtado	Montgomery County Dept. of Police	security guard for Gaithersburg High School
Officer Luis F. Hurtado	Montgomery County Dept. of Police	resource officer for Gaithersburg High School
Officer Luther T. Reynolds	Montgomery County Dept. of Police	criminology professor at Montgomery College
Officer Mark A. White	Montgomery County Dept. of Police	security officer for Lerner Corp.
Officer Mark A. White	Montgomery County Dept. of Police	security for Loews Cineplex
Officer Mark C. Miller	Montgomery County Dept. of Police	night watchman for Grady Management
Officer Mark F. Sullivan	Montgomery County Dept. of Police	security officer for Legends American Grill & Billiards Tavern
Officer Mark Kopp	Montgomery County Dept. of Police	security guard at Fenguard Security
Officer Mark L. Julian	Montgomery County Dept. of Police	security officer for Syms
Officer Mark Lewis	Montgomery County Dept. of Police	security officer for Syms
Officer Mark R. Gribble	Montgomery County Dept. of Police	security guard for Rock Bottom Restaurants
Officer Mark R. Hayden	Montgomery County Dept. of Police	security guard for Federal Realty Investment
Officer Mark Sheelor	Montgomery County Dept. of Police	security officer for Syms
Officer Mark Sheelor	Montgomery County Dept. of Police	vehicle monitor for Landon School
Officer Mark Sheelor	Montgomery County Dept. of Police	security guard for Waring Station
Officer Marquetta E. Blackstone	Montgomery County Dept. of Police	security guard for Grady Management
Officer Marquetta E. Blackstone	Montgomery County Dept. of Police	security guard for Windsor Court Apartments
Officer Marvin E. Thomas	Montgomery County Dept. of Police	security guard for Marriott
Officer Matt Davis	Montgomery County Dept. of Police	security guard for Evergreen Security
Officer Matthew B. Domer	Montgomery County Dept. of Police	security guard for Argyle County Club
Officer Matthew Davis	Montgomery County Dept. of Police	security guard for Evergreen Security
Officer Maureen A. Connelly	Montgomery County Dept. of Police	security guard for FenGuard Security
Officer Merry Q. Livingston	Montgomery County Dept. of Police	security guard for Bullis School
Officer Michael A. Parker	Montgomery County Dept. of Police	security guard for Federal Realty Investment
Officer Michael B. Callan	Montgomery County Dept. of Police	security guard for Federal Realty Investment Trust
Officer Michael J. Diggs	Montgomery County Dept. of Police	security guard for Federal Realty Investment Trust

Name	Department	Staff
Officer Michael K. Ruane	Montgomery County Dept. of Police	security guard for Quince Orchard High School
Officer Michael Kane	Montgomery County Dept. of Police	security watchman for City Place Limited Ptshp.
Officer Michael P. Burgess	Montgomery County Dept. of Police	security officer for Springbrook High School
Officer Michael P. Burgess	Montgomery County Dept. of Police	security officer at 919 University Blvd. W.
Officer Michael S. Prather	Montgomery County Dept. of Police	security guard for AMF Shady Grove Lanes
Officer Michael S. Prather	Montgomery County Dept. of Police	security guard for The Management Group Assoc.
Officer Michael S. Prather	Montgomery County Dept. of Police	security guard for Stonehedge Condominium Association
Officer Michael S. Prather	Montgomery County Dept. of Police	parking lot assistant at Green Acres School
Officer Michael S. Prather	Montgomery County Dept. of Police	security guard at Montgomery County Investigative Serv.
Officer Michael S. Prather	Montgomery County Dept. of Police	security guard for Columbia Towers
Officer Michael S. Prather	Montgomery County Dept. of Police	security guard for Chambers Management
Officer Michael Sofelkanik	Montgomery County Dept. of Police	security guard for Federal Realty Investment Trust
Officer Michael Sofelkanik	Montgomery County Dept. of Police	security guard for Lerner Corp.
Officer Michael T. Ryan	Montgomery County Dept. of Police	security guard for Golden Bull
Officer Michael T. Ryan	Montgomery County Dept. of Police	security guard for Federal Realty Investment
Officer Monique Tompkins	Montgomery County Dept. of Police	security guard for Grady Management
Officer Monique Tompkins	Montgomery County Dept. of Police	security officer for Westfield Shopping Center
Officer Nathaniel Smith	Montgomery County Dept. of Police	security officer for Grady Management
Officer Nathaniel Smith	Montgomery County Dept. of Police	security officer for Trizec Hahn
Officer Neal Ridgeway	Montgomery County Dept. of Police	security guard for TAC Group
Officer Neal Ridgeway	Montgomery County Dept. of Police	security guard for FenGuard Security
Officer Neal Ridgeway	Montgomery County Dept. of Police	security guard for Lerner Corporation
Officer Nicole Romeiser	Montgomery County Dept. of Police	security officer for Proactive Special Security Services
Officer Nicole Romeiser	Montgomery County Dept. of Police	Instructor for Montgomery College
Officer Nicole Romeiser	Montgomery County Dept. of Police	Instructor for Montgomery College
Officer Nolan Williams	Montgomery County Dept. of Police	security officer for Vanguard Management
Officer Oneil H. Ormsby	Montgomery County Dept. of Police	security guard for Syms
Officer Oneil H. Ormsby	Montgomery County Dept. of Police	security guard for Atlantic Security
Officer Oneil H. Ormsby	Montgomery County Dept. of Police	security guard for AMF
Officer Oneil H. Ormsby	Montgomery County Dept. of Police	security guard for Evergreen Security
Officer Orpheus Pierce	Montgomery County Dept. of Police	security guard for Atlantic Security
Officer Paul E. Borja	Montgomery County Dept. of Police	MCP Officer at Trizec Hahn
Officer Pual T. Barker	Montgomery County Dept. of Police	security officer for G St. Fabrics
Officer Percell Gregory	Montgomery County Dept. of Police	security officer for Leohman's
Officer Peter Balesk	Montgomery County Dept. of Police	security guard at Montgomery Investigative Services

Name	Department	Staff
Officer Peter J. Ritchey	Montgomery County Dept. of Police	security officer for FenGuard Security
Officer Peter R. Manoogian	Montgomery County Dept. of Police	security officer for Winston Churchill High School
Officer Peter W. Sheng	Montgomery County Dept. of Police	security officer for Syms
Officer Peter W. Sheng	Montgomery County Dept. of Police	security guard for TAC Group Inc.
Officer Ralph Penn, Jr.	Montgomery County Dept. of Police	security guard for Blair High School
Officer Randolph D. Bottenus	Montgomery County Dept. of Police	security officer Stonehedge Homeowner's Assoc.
Officer Raymond F. Ehlers	Montgomery County Dept. of Police	security officer for Grady Management
Officer Regis T. Blahut	Montgomery County Dept. of Police	door monitor for Hess Shoes
Officer Richard P. Bordini	Montgomery County Dept. of Police	security officer for Montgomery Investigative
Officer Richard P. Bordini	Montgomery County Dept. of Police	security guard for Federal Realty Investment
Officer Richard P. Bordini	Montgomery County Dept. of Police	security guard for Federal Realty Investment
Officer Robert A. Nichols	Montgomery County Dept. of Police	security officer for FenGuard Security
Officer Robert A. Nichols	Montgomery County Dept. of Police	security officer for FenGuard Security
Officer Robert A. Nichols	Montgomery County Dept. of Police	security officer for Montgomery Investigative Services
Officer Robert L. Phillips, Jr.	Montgomery County Dept. of Police	traffic director for BestBuys
Officer Robert S. Musser	Montgomery County Dept. of Police	security person for basketball games at Kennedy High School
Officer Robin Hawkins	Montgomery County Dept. of Police	police officer at Magruder Grocery
Officer Robin X. Hayden	Montgomery County Dept. of Police	security guard for Georgetown Preparatory School
Officer Robin X. Hayden	Montgomery County Dept. of Police	security guard for Federal Realty
Officer Rodney Hopkins	Montgomery County Dept. of Police	watchman for Atlantic Security Professionals
Officer Roger St. Louis	Montgomery County Dept. of Police	Basketball Game Official at IAABO
Officer Ronald A. Butts	Montgomery County Dept. of Police	security officer for Quince Orchard High School
Officer Ronald A. Butts	Montgomery County Dept. of Police	security guard for DarCar Motors
Officer Ronnie M. Maxson, Jr.	Montgomery County Dept. of Police	owner for DSI Wellness Associates
Officer Roslyn E. Mills	Montgomery County Dept. of Police	security guard for Grady Management
Officer Roslyn E. Mills	Montgomery County Dept. of Police	security officer for DarCar Motors
Officer Roslyn E. Mills	Montgomery County Dept. of Police	owner for DSI Wellness Associates
Officer Rupert G. Curry, II	Montgomery County Dept. of Police	security officer for Grady Management
Officer Rupert G. Curry, II	Montgomery County Dept. of Police	security officer for DarCar Motors
Officer Sarit Scott	Montgomery County Dept. of Police	security guard for Windsor Court Apartments
Officer Scott B. Sube	Montgomery County Dept. of Police	security officer for Fireside Condominiums
Officer Scott G. Wyne	Montgomery County Dept. of Police	security guard for McLean School
Officer Scott Wheat	Montgomery County Dept. of Police	security officer for Robert Paul Hillerson
Officer Scotty E. Arnold	Montgomery County Dept. of Police	security officer for Lowes Cineplex
Officer Sheila C. Sugrue	Montgomery County Dept. of Police	security guard at Lerner Corp.

Name	Department	Staff
Officer Shon P. Barr	Montgomery County Dept. of Police	security guard for Evergreen Security, Inc.
Officer Sonia Y. Pruitt	Montgomery County Dept. of Police	courtesy officer for Park Montgomery Apartments
Officer Stacey Bingman	Montgomery County Dept. of Police	security guard for Landon School
Officer Steven D. Phelps	Montgomery County Dept. of Police	security guard for Quince Orchard High School
Officer Steven E. DeCarlo	Montgomery County Dept. of Police	owner/operator for Real Word Processing
Officer Steven E. DeCarlo	Montgomery County Dept. of Police	security guard for Proactive Security
Officer Steven W. Browne	Montgomery County Dept. of Police	security officer for Federal Realty Investment
Officer Stuart Scott West	Montgomery County Dept. of Police	security person for Montgomery County Board of Education
Officer Tae Yi	Montgomery County Dept. of Police	security officer for Good Counsel High School
Officer Teena A. Lee	Montgomery County Dept. of Police	security officer for Grady Management
Officer Teresa P. Guilday	Montgomery County Dept. of Police	D.J. for Soundwaves DJ's
Officer Teresa P. Guilday	Montgomery County Dept. of Police	security officer for Lerner Corp
Officer Teresa P. Guilday	Montgomery County Dept. of Police	security guard for Montgomery County Public Schools
Officer Teresa P. Guilday	Montgomery County Dept. of Police	security officer for Magruder High School
Officer Terry Ridgley	Montgomery County Dept. of Police	security guard for Atlantic Security Professionals
Officer Terry Ridgley	Montgomery County Dept. of Police	security guard for Federal Realty Investment Trust
Officer Thomas A. Pecoraro	Montgomery County Dept. of Police	security officer for Springbrook High School
Officer Thomas A. Pecoraro	Montgomery County Dept. of Police	security officer for Northwood High School
Officer Thomas A. Pecoraro	Montgomery County Dept. of Police	security guard for Southern Management
Officer Thomas A. Scafide	Montgomery County Dept. of Police	watchman for Lerner Corporation
Officer Thomas A. Scafide	Montgomery County Dept. of Police	watchman for Montgomery Investigative
Officer Thomas A. Scafide	Montgomery County Dept. of Police	watchman for Magraders
Officer Thomas A. Scafide	Montgomery County Dept. of Police	watchman for Federal realty Investment Trust
Officer Thomas E. Dalbora	Montgomery County Dept. of Police	security guard for Quince Orchard High School
Officer Thomas E. Dalbora	Montgomery County Dept. of Police	security guard for Promark Real Estate
Officer Thomas E. Dalbora	Montgomery County Dept. of Police	security guard for Keller Scott, Inc.
Officer Thomas M. Kelly	Montgomery County Dept. of Police	security officer for Federal Realty Investment
Officer Thomas P. Curtis	Montgomery County Dept. of Police	security officer for Syms
Officer Thomas Thompson	Montgomery County Dept. of Police	security officer for Waring Station
Officer Tim Spelman	Montgomery County Dept. of Police	security officer for Ruby Tuesday
Officer Timothy Kwaloff	Montgomery County Dept. of Police	security guard for Georgetown Preparatory School
Officer Tony L. Ammons	Montgomery County Dept. of Police	security guard for Lerner Corp.
Officer Tony L. Ammons	Montgomery County Dept. of Police	surveillance guard for FenGuard Security
Officer Tony L. Ammons	Montgomery County Dept. of Police	security guard for Grady Management
Officer Torrie L. Cooke	Montgomery County Dept. of Police	security guard for Federal Realty Investment Trust

Name	Department	Staff
Officer Torrie L. Cooke	Montgomery County Dept. of Police	security officer for Washington Real Estate Investment Trust
Officer Troy D. Melott	Montgomery County Dept. of Police	courtesy patrol officer for the JBG Companies
Officer Troy W. Smallwood	Montgomery County Dept. of Police	security officer for Federal Realty Investment
Officer Troy W. Smallwood	Montgomery County Dept. of Police	security guard for Rockville Skating Rink
Officer Valentino Jones	Montgomery County Dept. of Police	security guard for Atlantic Security
Officer Valentino Jones	Montgomery County Dept. of Police	security guard for Blair High School
Officer Valentino Jones	Montgomery County Dept. of Police	bus driver at Holton Arms School
Officer Valentino Jones	Montgomery County Dept. of Police	bus driver for Coughlin Transportation
Officer Victor Valerio	Montgomery County Dept. of Police	security guard for Silver Diner
Officer Wayne E. Ferrell	Montgomery County Dept. of Police	security guard for Gaithersburg High School
Officer Wendy J. Strashenski	Montgomery County Dept. of Police	security guard for Federal Realty
Officer William Cammarata	Montgomery County Dept. of Police	security officer at Proactive Special Security Services
Officer William Cammarata	Montgomery County Dept. of Police	security officer for Grady Management
Officer William D. Preis	Montgomery County Dept. of Police	security officer for Federal Realty Investment
Officer William James Peacock	Montgomery County Dept. of Police	security guard for Montgomery Investigative Services
Officer William Lee	Montgomery County Dept. of Police	security officer for Gaithersburg High School
Officer William Lee	Montgomery County Dept. of Police	security officer for the Holiday Inn Bethesda
Officer William M. Seidel	Montgomery County Dept. of Police	security guard for Sherwood High School
Officer William M. Seidel	Montgomery County Dept. of Police	security guard for Magruder High School
Officer William P. McQuiggan	Montgomery County Dept. of Police	security guard for Rockville High School
Officer Elizabeth E. Maddox	Montgomery County Dept. of Police	swim coach for Damascus Swim Club
Pfc. Mark A. Collins	Montgomery County Dept. of Police	security guard for Bowl America
Pfc. Adam W. Strawderman	Montgomery County Dept. of Police	security guard for McDonalds's Corporation
Pfc. Donald D. Walters	Montgomery County Dept. of Police	transporter of inmates
Pfc. Eric Brown	Montgomery County Dept. of Police	promoter for a fitness center in Arlington County
Pfc. Farris Moore	Montgomery County Dept. of Police	standing guard for Esdibar Security
Pfc. Jeffrey W. Coe	Sherrif's Office	security guard at McDonalds's Restaurant
Pfc. John A. Smith, Sr.	Montgomery County Sheriff's Office	security officer for American Multi Cinema, Inc.
Pfc. Mark A. Collins	Montgomery County Sheriff's Office	security guard for Bowl America
Pfc. Randy Dolliver	Sherrif's Office	security guard for Casey Management
Pfc. Randy Dolliver	Sherrif's Office	security guard for Casey Management
Pfc. Robert Maiklejohn	Montgomery County Sheriff's Office	security officer for FenGuard Security, Inc.
Pfc. Brian Parker	Montgomery County Sheriff's Office	security officer for American Multi Cinema, Inc.
Pfc. James Baxter	Sherrif's Office	security guard for Bowl America
Pfc. Norman Adams	Montgomery County Sheriff's Office	security guard at Holly Hill Condominium

Name	Department	Staff
Pfc. Randolph H. Dolliver	Sherrif's Office	security guard for Casey Management
Sean R. Mullican	Montgomery County Sheriff's Office	security guard for Casey Management
Sergeant Amy Korsen	Montgomery County Dept. of Police	security officer for Indian Spring County
Sergeant Betsy Davis	Montgomery County Dept. of Police	security person for Duffie, Inc.
Sergeant Cornell T. Lewis, Jr.	Montgomery County Sheriff's Office	security officer for McDonald's Corp.
Sergeant Cornell T. Lewis, Jr.	Montgomery County Sheriff's Office	security guard for American Multi Cinema
Sergeant Darryl W. McSwain	Montgomery County Dept. of Police	security officer for FenGuard Security
Sergeant David Weed	Montgomery County Sheriff's Office	security officer for Burning tree Golf Club
Sergeant Donald Henson	Montgomery County Sheriff's Office	security officer for the Ziegler Companies/Bel Pre
Sergeant Eric Burnett	Montgomery County Dept. of Police	security officer for American Multi Cinema, Inc.
Sergeant Eric Burnett	Montgomery County Dept. of Police	security guard for Federal Realty
Sergeant Eric E. Runion	Montgomery County Sheriff's Office	security guard for T.A.C. Group, Inc.
Sergeant Eric E. Runion	Montgomery County Sheriff's Office	security guard for American Multi Cinema, Inc.
Sergeant Eric M. Burnette	Montgomery County Dept. of Police	security guard for Casey Management
Sergeant Eric M. Burnette	Montgomery County Dept. of Police	security guard for Southern Management
Sergeant Gregory Wise	Montgomery County Dept. of Police	security guard for Federal Realty
Sergeant Harold K. Allen	Montgomery County Dept. of Police	event security guard for Chevy Chase Country Club
Sergeant Harold K. Allen	Montgomery County Dept. of Police	security officer for Wheaton High School
Sergeant Harold K. Allen	Montgomery County Dept. of Police	security officer for Marriott
Sergeant James M. Campbell	Montgomery County Dept. of Police	security guard for Professional Security Consultants
Sergeant John G. D'albora	Montgomery County Dept. of Police	security guard for Hess Shoes
Sergeant John G. D'albora	Montgomery County Dept. of Police	police officer for town of Chevy Chase
Sergeant John M. Cunningham	Montgomery County Dept. of Police	police officer for town of Chevy Chase
Sergeant Joseph R. Anastasi	Montgomery County Dept. of Police	security guard for The Group, Inc.
Sergeant Mary Meiklejohn	Montgomery County Sheriff's Office	vice-president for Data Works
Sergeant Michael E. Buchan	Montgomery County Dept. of Police	security guard for FenGuard Security
Sergeant Michael E. Buchan	Montgomery County Dept. of Police	security guard at Montgomery Investigative Services
Sergeant Michael E. Buchan	Montgomery County Dept. of Police	security guard for Charles E. Smith
Sergeant Michael J. Watts	Montgomery County Dept. of Police	security guard for Prentiss Properties
Sergeant R.L. Sterling	Montgomery County Dept. of Police	security officer Federal Realty Investment Trust
Sergeant R.L. Sterling	Montgomery County Dept. of Police	security guard at Wheaton High School
Sergeant R.L. Sterling	Montgomery County Dept. of Police	security guard at Minkoff Company
Sergeant R.L. Sterling	Montgomery County Dept. of Police	security guard at Minkoff Company
Sergeant Ray Hanson	Montgomery County Dept. of Police	security guard at Minkoff Company

Name

Sergeant Richard B. Mills
Sergeant Robert Bonanno
Sergeant Robert Bonanno
Sergeant Robert W. Moser
Sergeant Roger L. Thomson
Sergeant Ron William Hardy
Sergeant Scott B. Brown
Sergeant Sean R. Mullican
Sergeant Terrence J. Pierce
Sergeant Thomas L. Harmon
Sergeant William H. Whalen
Sergeant William H. Whalen

Department

Montgomery County Dept. of Police
Montgomery County Sheriff's Office
Montgomery County Sheriff's Office
Montgomery County Dept. of Police
Montgomery County Sheriff's Office
Montgomery County Dept. of Police
Montgomery County Dept. of Police
Montgomery County Dept. of Police
Montgomery County Dept. of Police

Staff

security officer for Federal Realty
security officer for FenGuard Security, Inc.
security officer for the Ziegler Companies
security person for Springbrook High School
self-employed teacher/guest lecturer
security guard for Lowe's Cineplex
watchman for Kay Management co.
security guard for Casey Management
security guard for Casey Management
security officer for Walter Johnson High School
security guard for Magruder High School
security guard for Gaithersburg High School

Appendix D
Lobbyists

The lobbyist registered in 2000 and the employers they represented are:

Lobbyist	Employer
Stanley Abrams Abrams, West, Storm & Diamond	Crown Castle Atlantic
Gary Alexander Alexander & Cleaver, P.A.	Aqua Alliance Southern Energy
Lyle W. Fowles Alexander & Cleaver, P.A.	Aqua Alliance Southern Energy
Robin R. Shaivitz Alexander & Cleaver, P.A.	Aqua Alliance Southern Energy
Chantel Freedman Alexander & Cleaver, P.A.	Aqua Alliance Southern Energy
Ivan V. Lanier Alexander & Cleaver, P.A.	Aqua Alliance Southern Energy
Neal Fitzpatrick Audobon Society	Audobon Society
Bruce C. Bereano	Maryland Assoc. of Tobacco & Candy District
Devin Doolan Furey, Doolan & Abell, LLP	GTE Service Corporation Metricom, Inc. Westfield Corporation
G. Keith Haller Potomac Incorporated	Comcast
Brian Edwards Potomac, Inc.	Hampshire Village Associates
G. Donald Heath	Verizon Maryland, Inc.
Steven A. Robins Hogans & Hartson	New England Development
Lesa N. Hoover	Apartment & Office Building Assoc. D.C.
Robert G. Brewer, Jr. Lerch, Early & Brewer, Chtd.	Human Genome Sciences

Todd D. Brown
Linowes & Blocher

Greenhill Capital Corporation

John J. Delaney
Linowes & Blocher

Boston Properties
Washington Waldorf School
Southland Corporation

Scott C. Wallace
Linowes & Blocher

Boston Properties
Washington Waldorf School
Southland Corporation

Stephen Z. Kaufman
Linowes & Blocher

Terrabrook
Newell Kennett Streets Venture
Discovery Communications, Inc.
Robert Hillerson

John R. Orrick, Jr.
Linowes & Blocher

Terrabrook

Todd D. Brown
Linowes & Blocher

Newell Kenneth Streets Venture
Discovery Communications, Inc.

Robert H. Metz
Linowes & Blocher

The Donohoe Companies, Inc.
The Magruder Companies
Connolly School of the Holy Child

Emily J. Vaias
Linowes & Blocher

The Donohoe Companies, Inc.
The Magruder Companies
Connolly School of the Holy Child
Stavrou Associates, Inc.
Casey Management
Aggregate Industries
F.O. Day Companies, Inc.

Barbara Sears
Linowes & Blocher

Mark M. Viani
Linowes & Blocher

Stavrou Associates, Inc.

Rachel M. Waterstradt
Linowes & Blocher

Stavrou Associates, Inc.

Todd D. Brown
Linowes & Blocher

Casey Management

William P. Cook
Manatt Phelps Phillips

Verizon Communications

Erik V. Huey Manatt Phelps Phillips	Verizon Communications
Michael Brown Manatt Phelps Phillips	Verizon Communications
Karen King Manatt Phelps Phillips	Verizon Communications
John Ray Manatt Phelps Phillips	Verizon Communications
Ellen Valentino-Benitez Manis, Canning & Associates	7-Eleven, Inc.
John F. Miller, Jr.	Constellation Energy Group, Inc.
Damian O'Doherty	Greater Capital Area Association of Realtors
Brian Edwards Potomac, Inc.	Hamshire Village Associates
Phillip Morris, Inc.	Friendship Heights – Mont. C. Smoking
Joel Rozner Rifkin, Livingston, Levitan & Silver	USA Waste, Inc.
Deborah Royster	Starpower Communications
Barry F. Scher	Giant Food, Inc.
Gilbert Lessenco Thompson, Hine & Flory	Ogden Martin Systems of Montgomery, Inc.
Bruce H. Turnbull Wel, Gotshal & Manges LLP	Qwest Communications Corporation
David A. Hickerson Wel, Gotshal & Manges LLP	Qwest Communications Corporation
James W. Quinn Wel, Gotshal & Manages LLP	Qwest Communications Corporation
Thomas Fleury West Group Management LLC	Westfarm Associates, L.P.

Larry Gordon
Wilkes, Artis, Hedrick & Lane

Perry Berman
Wilkes, Artis, Hedrick & Lane

David L. Winstead
Wilkes, Artis, Hedrick & Lane

Joseph T. Yost
Donna Zanetti

John DiGreggoria
Flower Avenue Shopping Center

John DiGreggoria

TrizecHahn
City of Rockville

CSPA
Montgomery Village Foundation

Compensation and expenditures reported by registered lobbyist for lobbying activity in 2000 were as follows:

The following information summarizes the compensation and expenditures of registered lobbyist in 2000:

Compensation and expenses	\$ 150.00
Special Events.....	00
Office Expense	3,175.18
Professional and technical research	566.95
Cost of publications	6,785.86
Witness fees and expenses00
Total of Sections 1-9.....	87,468.25
Total compensation paid to lobbyist (Section 10)	221,976.31
Gifts.....	221,976.31
Total compensation paid to lobbyists (Section 10).....	7,750.00
Other expenses	2,833.89
Grand Total.....	330,705.44

Appendix E
Open Meetings Policy

MONTGOMERY COUNTY ETHICS COMMISSION
OPEN MEETINGS POLICY

The Montgomery County Ethics Commission (the “Commission”) recognizes that, in the words of the Maryland Open Meetings Law:

It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:

- (1) public business be performed in an open and public manner; and
- (2) citizens be allowed to observe:
 - i. the performance of public officials; and
 - ii. the deliberations and decisions that the making of public policy involves.

Md. Code, State Government, §10-501 (a). Thus, it is the policy of the Commission to transact as much of its business as possible in sessions that are open to the public, consistent with the restraints imposed by law, e.g., the confidentiality provisions of the Montgomery County Ethics Law and the discretion vested in the Commission by the Maryland Open Meetings Law.

Within those constraints, the Commission will schedule its meeting, construct its agenda, and maintain its minutes so that as much of each meeting as is permissible and appropriate is subject to public scrutiny. Notice of the date, time and place of each meeting shall be posted and disseminated at least one week in advance of each meeting, and minutes of the public portions of the meetings will be available to the public.