

2010 ANNUAL REPORT
OF THE
ANNE ARUNDEL COUNTY ETHICS COMMISSION

In keeping with the economic and environmental constraints of the times, the ethics commission is continuing to use the same concise format for its 2010 Annual Report that it introduced in 2009. Earlier reports that include background narrative and additional explanatory information are available upon request. With the development of the commission's website, most of the information provided in this report is already available online. This report is also available in print upon request to people who do not have access to the internet or prefer not to use it. The information provided in this report refers to calendar year 2010, unless otherwise indicated.

ABOUT THE ETHICS COMMISSION

The commission included the following members:

<u>Name</u>	<u>Party</u>	<u>Date of Appointment/ Reappointment</u>	<u>Date of Term Expiration/ Resignation</u>
Carol S. Lewnes, Chairperson	Republican	2000, 2006, 2009	April 30, 2011
Cynthia H. Caldwell	Democrat	2007	April 30, 2011
Cathleen M. Conlyn	Republican	2006, 2009	April 30, 2013
Richard L. Hillman	Democrat	2004, 2008	April 30, 2012
John Ridgley Moses	Republican	2002, 2006, 2009	April 30, 2012 (resigned November 19, 2010)
Craig A. Reynolds	Democrat	2008	April 30, 2012
Vicki H. Steinberg	Republican	2010	April 30, 2011 (finishing the term of P. Thomas Shanahan)

At the end of the year, there was one vacancy on the commission, due to the resignation of John R. Moses. The successor to Mr. Moses must be nominated by the county council for appointment by the county executive.

The commission's staff consists of Betsy K. Dawson, the director, and Gina Scerbo, the commission secretary, both of whom work on a part-time basis.

The commission met 8 times during 2010.

INQUIRIES

The commission received 78 ethics inquiries as well as many lobbying, financial disclosure, and other types of inquiries. (Inquiries from lobbyists and other filers are not numbered or summarized unless they result in an advisory opinion.)

ADVISORY OPINIONS

The commission issued 22 written opinions. Each opinion is summarized in the [yearly index](#) of the commission's website and in the quarterly newsletter, the [Ethics Update](#). Opinions may also be found through a [subject-matter index](#). The full text of each opinion is also available through these links.

COMPLAINTS

The commission received three complaints of ethics violations, two of which were dismissed after preliminary investigations, and one of which was referred to another agency.

Also, the commission continued to pursue compliance with its 2006 order in the enforcement case against Robert J. Dvorak and Phillip S. Scheibe, C-04-10. This case, which began in 2004 with a complaint filed by then County Executive, Janet Owens, resulted in a finding by the commission that Mr. Dvorak and Mr. Scheibe had violated the post-employment provisions of the Public Ethics Law. This decision was affirmed by the Court of Appeals at [Dvorak v. Anne Arundel County Ethics Commission](#), 400 Md. 446 (2007). When Mr. Scheibe and Mr. Dvorak continued to ignore the order of the commission, the commission unsuccessfully sought an order from the circuit court to compel compliance. The commission appealed the circuit court's decision to the Court of Special Appeals, which heard argument on December 10, 2008. A decision reversing, vacating, and remanding the circuit court's denial of injunctive relief was issued by the Court of Special Appeals on November 24, 2009, and is reported at [Anne Arundel County Ethics Commission v. Dvorak](#), 189 Md. App. 46 (2009). The ethics commission has now intervened as a party in the ongoing circuit court case of *Halle Development Corp. v. Anne Arundel County*, in order to protect the interests of the public in the enforcement of the ethics law. It will not take an active part in the litigation unless and until the matter of the award of attorneys' fees comes before the court. The commission also received \$258.40, amounting to half of the court costs from its most recent appeal.

FINANCIAL DISCLOSURE STATEMENTS

The commission is charged with the responsibility of reviewing each financial disclosure and conflict of interest statement received for completion as well as for potential conflict of interest issues. All 214 statements, including the statements of 28 candidates for office, were

reviewed and a significant number of those required amendment. These statements, including corrections and additions, are available for public inspection during ethics commission office hours. There were seven late disclosure filings for which the county received \$216.00 in late fees.

There were 22 requests to examine and/or copy filings. As required by law, all filers whose statements were examined or copied, were notified of that fact.

LOBBYING

The ethics commission registered 41 lobbyists, representing 142 clients (employers). The number of clients represented in 2010 was almost twice as many as the number represented in 2009.

Lobbying registrations, employer authorizations, and activity reports are public documents. The ethics commission staff received, reviewed, and compiled the statistics on 262 activity reports. There were six late activity reports and the county received \$180.00 in late fees. Additional late fees were due, but not received by the end of the year, and will be reported in the year in which they are received.

The following information summarizes the compensation and expenditures reported by registered lobbyists:

Compensation paid to lobbyists	\$536,815.98
Office expenses in addition to compensation	14,934.21
Professional and technical research and assistance	12,040.00
Publications or letter writing campaigns.....	40,269.00
Witnesses	0.00
Meals and beverages for county employees and their immediate families.....	33.00
Special events (parties, dinners, athletic events, entertainment, and other functions)	90.96
Food, lodging, or other expenses at a conference or meeting.....	0.00
Other gifts	0.00
Miscellaneous expenses	245,399.00

Compensation reported by these lobbyists was approximately \$120,000 more than the compensation reported by lobbyists last year. Office expenses and expenses for professional and technical research and assistance were also significantly more in 2010 than in the previous year, but the greatest increase in expenses was for publications and letter writing campaigns- most of which is attributable to the video lottery issues. Miscellaneous expenses were also significant. Expenses reported for gifts to county employees continue to be limited.

Lobbyists Registered in 2010

Bruce C. Bereano	Indoor Tanning Association
Nathan S. Betnun	Stone & Youngberg LLC
Harry C. Blumenthal	8M LLC, Chesapeake Enterprises LLC, Enterprises LLC 8300 Ritchie LLC Agos Partnership, LLP BL Quarterfield Associates, LLC Roberta Brashears BWI Properties LTD Partnership BWI Technology Park Phase II, LLC Ester E. Dimonte Eighth Ave Properties LLC G.W. Koch Associates, Inc. Hanover Princess, LLC Joyce Lane Associates, Inc. Kenneth & Lori Klasmeier Walter M. Madigosky, Trustee The Maryland Jockey Club Merritt Properties, LLC Mountain Road 5G, LLC Park 100 Ltd. Partnership Jerome J. Parks PR II Arundel Gateway Land, LLC Jeff & Donna Reynolds Ribera Development, LLC & Ribera Land Company, LLC 1st Parole, LLC Shirley Fay O'Hara, Trustee Parole Service Station Sincaltom Assocs SPAH LLC St. John Properties, Inc. Valley Hi, LLC
Danny G. Boyd	Island View LLC Pleasure Cove Marina, LLC Snyder Development Corporation
Robert W. Burdon	Annapolis & Anne Arundel County Chamber of Commerce
Kathleen E. Byrne	The Hampshire Companies
George A. Carras	S/C Odenton Holdings LLC

Citizens Against Slots At The Mall	Citizens Against Slots At The Mall/Heather Ford
David Cordish	PPE Casino Resorts Maryland, LLC
Jonathan Cordish	PPE Casino Resorts Maryland, LLC
Kathryn J. Dahl	FPR Associates, LLP PPE Casino Resorts Maryland, LLC
Charles F. Delavan	Clarks Hundred, LLC; Clarks Hundred II, LLC Corporate Offices Properties Trust Gibson Island Corporation Glen Abbey, LLC Harmans Road, LLC Jerome J. Parks Companies William S. (Tom) Magenau Sukhdev Mahal New Boston Seneca Parkway, LLC PR II Arundel Gateway Land, LLC Regency Centers Alva Retta Trahan WAWA, Inc.
Eric M. DeVito	Ribera Development, LLC, Ribera Land Company, LLC & Ribera-Gateway, LLC
Joseph F. Devlin	Bret Anderson Town Point Marina, LLC U.S. Home Corporation
Robert J. DiPietro/RJD Consultants	Annapolis Town Centre @ Parole BBSS, Inc./Waugh Chapel South Ribera Development, LLC & Ribera Land Co. LLC
Spurgeon R. Eismeier, Jr.	Weiker Road, LLC
Brian J. Gibbons	Greenberg Gibbons Commercial Corporation
Aaron J. Greenfield	Envista Corp.
Alan J. Hyatt	Admiral One, LLC Russell Bear Boone's Mobile Estates, Inc. Clockwise, LLC Columbus Club of Annapolis, Maryland, Inc. Generals Highway Property, LLC

Holy Temple Cathedral Church of God International, Inc.
 Housing Commission of Anne Arundel County
 Marjorie F. Jones
 Jones of Annapolis, Inc.
 Ruden Norman
 Pennrose Properties, LLC
 PPE Casino Resorts Maryland, LLC
 RLK, LLC
 Stephen Samaras
 Alexander Sandusky
 Dimitri and Efrosini Sfakiyanudis
 Virginia Cohen Family LLC
 Wayson Land Holdings LP

Bonnie L. Johansen	Constellation Energy Group, Inc.
Lisa Harris Jones	Penn National Gaming, Inc.
Florence Beck Kurdle	Snyder Development Corporation
Walter Lynch	The Maryland Jockey Club
Sean R. Malone	Penn National Gaming, Inc.
Lawrence S. Maykrantz/St. John Properties, Inc.	St. John Properties, Inc.
Ellen G. Miller	S/C Odenton Holdings, LLC
Robert D. Miller	Virginia Cohen Family LLC
Robert Noble	Northrop Grumman Corp.
Kevin O'Keefe	Independent Electrical Contractors Chesapeake
John S. Pantelides	Anne Arundel County alliance for Fair Land Use Arundel Christian Church Patricia Baldwin & Christine O'Meara Beltway Automart BLGC Chesapeake Landscaping and Design, Inc. Cunningham Contracting Inc. Anthony DiNenna Dorsey Transmission, Inc. Clarenace & Margaret Jordan Mike Kelbie/Kelbie Home Improvement, Inc.

	Philip Laumann Chris Little/Residential Dump Service Maisel Brothers, Inc. Barbara Messenger/Betty Rommel Regency Land Associates, LLC Ralph Simmons Weiland's Auto Repair, Inc.
Midgett S. Parker, Jr.	Payne Memorial African Methodist Episcopal Church
Thomas J. Pilon	St. John Properties, Inc.
David M. Plott	B/A Williams LLC The Buccini/Pollin Group and Affiliates Mary Faletto Glenwood Realty Company Weiker Road, LLC
Joseph Rutter	Rajesh Chopra Parkside/Eggerl LLC Village Crest, LLC
Linda M. Schuett	Attman Construction Co., Inc. B/A Williams LLC Magothy Associates LLLP PIRHL Development, LLC S/C Odenton Holdings, LLC Shelter Development, LLC Smith's Marina
Zed Smith	PPE Casino Resorts Maryland, LLC
John C. Stamato	Ribera Development, LLC, Ribera Land Company, LLC & Ribera-Gateway, LLC
Rhoda Washington	Wal-Mart Stores, Inc.
Joe Weinberg	PPE Casino Resorts Maryland, LLC
Sager A. Williams, Jr.	William W. Anderson Baltimore Gas & Electric Company Chesapeake Landscaping and Design Crandell Cove, Inc. Eighth Avenue Properties, LLC Greenberg Gibbons Commercial Corp. Harmans Civic Association, Inc.

Maisel Brothers, Inc.
Regency Land Associates, LLC c/o Altman Companies

J. Steven Wise

PPE Casino Resorts Maryland, LLC

EDUCATION

The ethics commission staff presented 6 training sessions to 70 county employees. In addition, the ethics commission provided all new county employees with its *Pocket Guide*, a mini-brochure summarizing the ethics law's conflicts of interest. The commission also published a brochure entitled *What You Need to Know about the Public Ethics Law- Vendors and Contractors*, which has been provided for distribution to the purchasing office.

The commission published four issues of its online newsletter, the [Ethics Update](#). Although the *Update* is an online publication, it is available in printed form upon request. The website was updated with the addition of a link to "Gift Guidelines," which will be updated as needed, and a new link, to "[Informational Letters](#)," provides access to public information that does not fit into the category of advisory opinions.

The ethics commission is an active member of the Council on Governmental Ethics Laws (COGEL), an international organization of ethics agencies and ethics law practitioners. In 2010, for the first time in five years, the director attended the annual conference in Washington D.C.

The commission members continue to participate in the activities of the Southern Maryland Regional Ethics Commissions.

BUDGET

As in all previous years, the ethics commission conserved public resources by carefully controlling costs. The commission stopped its practice of sending notifications and disclosure forms to county employees (Groupwise participants) by mail. Instead, the commission now sends all information by e-mail only, with links to commission forms. The commission also requested non-employee disclosure filers (i.e. members of boards and commissions) to accept e-mail notifications and to access all forms via the commission's website. A number of volunteers have agreed to accept e-mail only notifications. The ethics commission closed out the fiscal year under budget and in addition, provided \$835 to the general fund from late fees and court costs.

LEGISLATION

[Bill 3-10](#), proposed by the ethics commission, was enacted by the county and is now codified as [§7-5-112](#) of the ethics law. It provides ethics in procurement rules, and is similar to the current state ethics law provision.

Police secondary employment in establishments with liquor licenses and in commercial bingo facilities remains an issue. The issue is summarized in an [informational letter](#) addressed to the county council and printed on the commission's website.

The Maryland State General Assembly enacted Senate Bill 315, [chapter 277](#) of the Acts of the General Assembly of 2010. This new provision requires that (1) local ethics laws, as applied to elected officials, shall be "at least equivalent to" the requirements of the state ethics law; and (2) the local ethics commission or "appropriate entity" certify annually to the state ethics commission that local law is in compliance with this requirement. See §§15-803, 15-804, 15-805 of the Public Ethics Law, State Government Article, Annotated Code of Maryland. At the end of the year, the State Ethics Commission was developing proposed regulations to assist local jurisdictions in complying with this new law.

CONCLUSION

The commission holds its regular meetings on the second Monday of each month, in the conference room at the commission office. Notices of its meetings are posted on its website. Questions or comments about this report are welcome and may be sent or faxed to the ethics commission or e-mailed to the director at bdawson@aacounty.org.

The ethics commission acknowledges with gratitude the employees of the office of information technology, particularly Christine M. Hagan whose endless patience, assistance, and advice keep the commission's website current. The commission also acknowledges those county employees in every department and office who believe in the value of the effort and who hold themselves to the highest standards of ethical conduct.

Respectfully submitted by the

Anne Arundel County Ethics Commission:

Carol S. Lewnes, Chairperson
Cynthia H. Caldwell
Cathleen M. Conlyn
Richard L. Hillman
Craig A. Reynolds
Vicki H. Steinberg