

2011 ANNUAL REPORT

OF THE

ANNE ARUNDEL COUNTY ETHICS COMMISSION

This year's annual report is intended to provide a concise factual presentation of the work conducted by the ethics commission in 2011. Additional information about the commission is available on its [website](#). A copy of this report is also available in print upon request to people who do not use the internet. The information provided in this report refers to calendar year 2011, 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, 2011	April 30, 2015
Cynthia H. Caldwell	Democrat	2007, 2011	April 30, 2015
Cathleen M. Conlyn	Republican	2006, 2009, 2010	April 30, 2013
Richard L. Hillman	Democrat	2004, 2008	April 30, 2012
John M. Brennan	Republican	February 22, 2011	April 30, 2012 Resigned April 30, 2011
Scott Bowling	Republican	2011 Replacing John Brennan	April 30, 2012
Craig A. Reynolds	Democrat	2008	April 30, 2012
Vicki H. Steinberg	Republican	2010, 2011	April 30, 2015

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 13 times during 2011.

INQUIRIES

The commission received 112 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 advisory opinions.)

ADVISORY OPINIONS

The commission issued 35 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 or filed seven complaints. Four of the complaints were for late or non-filing of required statements. These complaints were dismissed upon curative action being taken. Three of the complaints were for ethics violations. One of these was closed without action, and two have not yet been resolved. A complaint was also filed against the ethics commission for violations of the Open Meetings Act. The decision, which was issued January 4, 2012, found a couple of procedural errors in the commission's practices but cleared the commission of any significant violations. That decision, which will eventually be published on the [website](#) of the Open Meetings Compliance Board, is also available on the ethics commission's website under "[Informational Letters](#)."

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). In that decision, the Court of Special Appeals held that Mr. Dvorak was not entitled to receive any compensation for its efforts in the *Halle* case. Near the end of 2011, the circuit court ordered Mr. Scheibe's contingency fee to be reduced by 20%. That decision is now on 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 235 statements submitted by employees and volunteers were reviewed and a

significant number of those required amendment. There were four termination statements received and reviewed as well. These statements, including corrections and additions, are available for public inspection during ethics commission office hours. There were several late disclosure filings for which the county received \$526 in late fees.

There were 27 requests to examine and/or copy filings. As required by law, all financial disclosure filers whose statements were examined or copied, were notified of that fact.

LOBBYING

In 2011, the commission received a record number of lobbying registrations- almost twice as many registrations as in any previous year, including the last year in which comprehensive rezoning was undertaken. A total of 63 lobbyists filed 254 registrations.

Lobbying registrations, employer authorizations, and activity reports are public documents. The ethics commission staff received, reviewed, and compiled the statistics on 394 activity reports. There were several late activity reports for which the county received \$3,140 in late fees.

The following information summarizes the compensation and expenditures reported by registered lobbyists in 2011:

Compensation paid to lobbyists	\$646,827.63
Office expenses in addition to compensation	8,863.65
Professional and technical research and assistance	6,733.00
Publications or letter writing campaigns.....	316.19
Witnesses	2,250.00
Meals and beverages for county employees and their immediate families.....	31.00
Special events (parties, dinners, entertainment, and other functions)	2,305.91
Food, lodging, or other expenses at a conference or meeting.....	221.00
Other gifts	0.00
Miscellaneous expenses	1,645.00

Although compensation reported by these lobbyists was approximately \$100,000 more than the compensation reported by lobbyists last year, the increase is probably due to the increase in the number of lobbyists (+12) and the increase in the number of clients (+112). There was a notable increase in lobbying expenditures for special events for county officials.

Lobbyists Registered in 2011

Nathan S. Betnun

Stone & Youngberg LLC

Harry C. Blumenthal

8M LLC, Chesapeake Enterprises LLC, Enterprises LLC
7448 East Furnace Branch Road, LLC
8300 Ritchie LLC
Agos Partnership, LLP

Belle Grove Corporation
 BL Quarterfield Associates, LLC
 BWI Properties LTD Partnership
 BWI Technology Park Phase II, LLC
 Ester E. Dimonte
 Edison Enterprises, LLC
 Eighth Ave Properties LLC
 1st Parole, LLC
 G.W. Koch Associates, Inc.
 Hanover Princess, LLC
 Inverness Ave., LLC
 Joyce Lane Associates, Inc.
 KHI/Brock Bridge, LLC
 Walter M. Madigosky, Trustee
 Marley Ritchie, LLC
 The Maryland Jockey Club
 Merritt Properties, LLC
 Mountain Road 5G, LLC
 Park 100 Ltd. Partnership
 Jerome J. Parks
 Parole Service Station
 Pickwick Manor, Inc.
 PR II Arundel Gateway Land, LLC
 Ribera Development, LLC & Ribera Land Company, LLC
 S & S Development, LLC
 Shirley Fay O'Hara, Trustee
 Shore Line Awning and Trim Sales/Fabrication
 Gary C. Simmont
 Sincaltom Assocs
 Site Masters LLC
 SPAH LLC
 St. John Properties, Inc.
 Valley Hi, LLC

Robert W. Burdon

Annapolis & Anne Arundel Co. Chamber of Commerce

Gene L. Burner

Northrop Grumman Corp.

Eleanor M. Carey

CSA Group, Inc.

George A. Carras

S/C Odenton Holdings, LLC

W. Minor Carter

City of Annapolis

Anthony F. Christhilf

2704 Mountain, LLC
 2708 Mountain, LLC
 7468 Shipley Avenue
 Philip T. Cline
 Keith & Lawanda Faulkner
 Forthofer Family, LLC
 Georges Properties, Inc.
 Dorothy J. Greer, Trustee
 Mark D. Gunther
 HIPP, LLC
 Bryon H. Krane

	V. Peter & Gretchen Leimbach Marshall Diversified Investments, LLC Craig & Gwendolyn Mercier Peter A. Moscker Nancy C. Parlett, Trustee John Piera George S. Pusloski Carole M. Turner Eric R. Young
David Cordish	PPE Casino Resorts Maryland, LLC
Jonathan Cordish	PPE Casino Resorts Maryland, LLC
Charles F. Delavan	The Bernstein Companies Asia Cooper Corporate Office Properties Trust/Clarks Hundred, LLC; Clarks Hundred II, LLC Joseph A. Fraundorfer & Sharon A. Fraundorfer (Now Hill) Gibson Island Corporation Glen Abbey, LLC Harmans Road, LLC Inverness Ave., 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 DeVito	Ribera Development, LLC/Ribera Land Company, LLC
Joseph F. Devlin	Bret Anderson Cohansey Village Partnership G.W. Koch Associates, Inc. Thomas Holder U.S. Home Corporation
Robert J. DiPietro	Annapolis Town Centre/Greenberg Gibbons Commercial, Inc. BBSS, Inc./Waugh Chapel South/Greenberg Gibbons Commercial, Inc. Ribera Development, LLC & Ribera Land Co. LLC
Joseph Divis	AT&T
Spurgeon R. Eismeier, Jr.	Weiker Road, LLC
Matthew S. Evans, III	Timothy Whitney
Jerome I. Feldman	Evangeline Redding
Ann Fligsten	Arnold Preservation Council
Anthony G. Gorski	J.M. Land Development Co.

Jason L. Groves	Verizon Maryland, Inc.
Michael Helfrich	Charles and Bernice Bernstein Fred Jackson & Geaton J. DiZebba, Jr. Lonergan David Phipps
Barbara Hoffman	The Artemis Group LLC
Alan J. Hyatt	Annapolis Developer Associates, LLC Atlantic Crematory LLC Russell Bear Helen S. Beaulieu Boone's Mobile Estates, Inc. Burwood Village MZL, LLC Columbus Club of Annapolis, Maryland, Inc. FPR Associates, LLP Generals Highway Property LLC Hogan Development, LLC Hogan Investments, LLC Holy Temple Cathedral Church of God International, Inc. Housing Commission of Anne Arundel County Marjorie Jones Jones of Annapolis, Inc. M3 Edgewater Properties, LLC Ruden Norman Parvilla Enterprises, L.L.C. Pennrose Properties, LLC PPE Casino Resorts Maryland LLC RLK, LLC SRC 214, LLC Stephen Samaras Alexander Sandusky Dimitri and Efrosini Sfakiyanudis Synergy Investment Group, LLC Virginia Cohen Family LLC Wayson Land Holdings LP
Joseph R. Jackson	Northrop Grumman Electronic Systems
Bonnie L. Johansen	Constellation Energy
Robert Johnston	Anne Arundel County Association of Realtors
Lisa Harris Jones	People's Community Health Centers, Inc.
Florence Beck Kurdle	Snyder Development Corporation
Walter Lynch	The Maryland Jockey Club
Sean R. Malone	People's Community Health Centers, Inc.
Timothy J. Martin	Dorothy J. Greer, Trustee

C. Edward Middlebrooks	Ameristar Homes Boones Mobile Estates, Inc. Rajesh Chopra Jones of Annapolis, Inc. Koch Homes Bob Musselman Parvilla Enterprises, L.L.C. SRC 214, LLC
Ellen G. Miller	S/C Odenton Holdings, LLC
Robert D. Miller	Annapolis Developer Associates, LLC Helen S. Beaulieu Burwood Village MZL, LLC FPR Associates, LLP Generals Highway Property, LLC Holy Temple Cathedral Church of God Intl., Inc. Marjorie F. Jones Jones of Annapolis, Inc. M3 Edgewater Properties, LLC Parvilla Enterprises, L.L.C. Alexander Sandusky SRC 214, LLC Virginia Cohen Family LLC
Wayne Newton	Messick Group, Inc. t/a Messick & Associates
Robert Noble	Northrop Grumman Corp.
John S. Pantelides	Anne Arundel Co. Alliance for Fair Land Use Arundel Christian Church Patricia Baldwin & Christine O'Meara Beltway Automart BLGC Joannie Coleman Casey Chesapeake Landscaping and Design, Inc. Harley Coleman Bernard Cox Ellen Cox George Criswell/2972 Solomons Island Road, LLC Cunningham Contracting Inc. Anthony DiNenna/1 st Parole LLC Dorsey Transmission, Inc. Jody Jallepalli Clarence and Margaret Jordan Mike Kelbie/Kelbie Home Improvement, Inc. Philip Laumann Leach Development Chris Little/Residential Dump Service Maisel Brothers, Inc. Barbara Messenger/Betty Rommel George and Mary Read Regency Land Associates, LLC Ralph Simmons Carl Weiland

Midgett S. Parker, Jr.	Payne Memorial African Methodist Episcopal Church
Thomas J. Pilon	St. John Properties, Inc.
J. William Pitcher	Diamond Cab of AA County Crain West Community Association, Inc. Maryland Cremation Services
David M. Plott	Adair, LLC Charles W. & Bernice G. Bernstein Ernest and Treva Boney The Buccini/Pollin Group and Affiliates James Czakoczi Mary Faletto Glenwood Realty Company Bonnie B. Hoyas Jemal's Bay 50 Limited Partnership Charles J. Knight, II Robert Musselman/Weiker Road, LLC Shane and Katherine O'Brien Rhode River Marina Ivar Tillotson Usterra Brooklyn Park, LLC
David Reel	Maryland Hotel and Lodging Association
Joseph Rutter	Rajesh Chopra Parkside Eggerl LLC, Parkside Management, LCC Village Crest, LLC/Taylor Family Limited Partnership A
Linda M. Schuett	Ashton Two LLC 1625 Limited Conifer Realty, LLC Magothy Associates LLLP PIRHL Development, LLC Smith's Marina
Brian R. Shepter	People's Community Health Centers, Inc.
Zed Smith	PPE Casino Resorts Maryland, LLC
Jason M. St. John	New Cingular Wireless PCS, LLC d/b/a/ AT&T Mobility LLC
John Stamato	Ribera Development, LLC/Ribera Land Company, LLC
Matthew C. Tedesco	Clark Road Development Company, LLC
Byron G. Tosi, III	Home Builders Assn. of Maryland
Shep Tullier	Annapolis RTE 2, LLC Evangeline Redding Taurus Enterprises, Inc.
Joe Weinberg	PPE Casino Resorts Maryland, LLC

Barbara Wilkins	Marriott International, Inc.
Sager A. Williams, Jr.	8M LLC, Chesapeake Enterprises LLC, Enterprises LLC William W. Anderson Baltimore Gas & Electric Company Belle Grove Corporation Robert Blanchfield Chesapeake Landscaping and Design ComRent International Crandell Cove, Inc. Edwin A. and John O. Crandell, Inc. Eighth Avenue Properties, LLC G.W. Koch Associates, Inc. Greenberg Gibbons Commercial Corp. Harmans Civic Association, Inc. Hospice of the Chesapeake, Inc. Maisel Brothers, Inc. Park 'N Fly Regency Land Associates, LLC c/o Altman Companies Taylor Business Center, LLC
Steven Wise	Interactive Travel Services Association
Julia Worcester	Maryland Cremation Services
Andrew Zois	Polm Companies

EDUCATION

The ethics commission staff presented 7 training sessions to 84 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 pocket guide is also provided to employees who attend ethics training. The commission also published its second brochure, entitled *What You Need to Know about the Public Ethics Law- Lobbyists*. The new brochure was distributed, along with the brochure entitled *What You Need to Know about the Public Ethics Law- Vendors and Contractors*.

The commission published three issues of its online newsletter, the [Ethics Update](#). Although the *Update* is an online publication, it is available in printed form upon request.

The ethics commission is a member of the Council on Governmental Ethics Laws (COGEL), an international organization of ethics agencies and ethics law practitioners. However, due to budget constraints, the director has only attended one COGEL conference in the last six years, for which the commission covered ½ of the expenses.

The commission members continue to participate in the activities of the Southern Maryland Regional Ethics Commissions, including attendance at a local conference in the spring of 2011.

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 with \$3,466.18 to spare from its budget, which was returned to the general fund along with an additional \$3,675.00 from late fees and other miscellaneous receipts.

LEGISLATION

The ethics commission worked with the county attorney's office to propose amendments to the ethics law that were mandated by the Maryland State General Assembly in 2010, through Senate Bill 315, [chapter 277](#) of the Acts of the General Assembly of 2010. The bill that was eventually prepared, Bill 05-12, was introduced at the beginning of 2012.

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, and to Gina Scerbo, whose record keeping and compilation of statistics makes this report possible. 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:

Richard L. Hillman, Chair

Carol S. Lewnes

Cynthia H. Caldwell

Vicki H. Steinberg

Cathleen M. Conlyn

Craig A. Reynolds

Scott Bowling