

**2012 ANNUAL REPORT**

**OF THE**

**ANNE ARUNDEL COUNTY ETHICS COMMISSION**

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The 2012 annual report, which is mandated by [§7-2-104](#) of the Public Ethics Law, provides a summary of the work conducted by the ethics commission during the calendar year just ended. This and other 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 2012, unless otherwise indicated.

**THE MEMBERS**

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>
Scott Bowling Replacing John M. Brennan	Republican	May 16, 2011/ March 5, 2012	April 30, 2012 April 30, 2016 Resigned April 30, 2012
Cynthia H. Caldwell	Democrat	2007/ 2011	April 30, 2015
Katherine Cawood Replacing Scott Bowling	Democrat	August 20, 2012	April 30, 2016
Cathleen M. Conlyn, Chair	Republican	2006/ 2009/ 2010	April 30, 2013
Richard L. Hillman	Democrat	2004/ 2008	April 30, 2012
Owen Langford,Jr.	Democrat	May 1, 2012	April 30, 2012 Resigned May 16, 2012
Carol S. Lewnes	Republican	2000/ 2006/ 2009/ 2011	April 30, 2015
Craig A. Reynolds	Democrat	2008, 2012	April 30, 2016
Vicki H. Steinberg	Republican	2010, 2011	April 30, 2015
Thaddeus Toal Replacing Owen Langford, Jr.	Republican	October 4, 2012	April 30, 2016

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

The commission met 12 times during the year.

## **INQUIRIES**

The commission received 95 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 24 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 four complaints of ethics violations. One was resolved by a consent agreement and order and three were dismissed.

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 still pending 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 188 statements submitted by employees and volunteers were reviewed and a significant number of those required amendment. There were nine termination statements received and reviewed as well. These statements, including corrections and additions, are

available for public inspection during ethics commission office hours. There was only one late filing for which a late fee of \$30 was received.

There were 12 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 2012, the commission received 65 lobbying registrations, filed by 33 lobbyists. The ethics commission also permitted five additional registrations to be filed retroactively to cover a lobbying event that was held in December.

Lobbying registrations, employer authorizations, and activity reports are public documents. The ethics commission staff received, reviewed, and compiled the statistics on 99 activity reports. There were two late activity reports for which the county received \$500 in late fees.

The following information summarizes the compensation and expenditures reported by registered lobbyists in 2012:

Compensation paid to lobbyists .....	\$543,791.13
Office expenses in addition to compensation .....	1,751.25
Professional and technical research and assistance .....	0.00
Publications or letter writing campaigns.....	316.00
Witnesses .....	0.00
Meals and beverages for county employees and their immediate families.....	103.00
Special events (parties, dinners, athletic events, entertainment, and other functions) .....	11,151.86
Food, lodging, or other expenses at a conference or meeting.....	0.00
Other gifts .....	0.00
Miscellaneous expenses .....	6.00

Although there were half as many registered lobbyists in 2012 as there were in 2011, increased expenditures were reported for office expenses, witness fees, meals and beverages, and special events. Most of the increase in the latter item is attributable to an anniversary party held by a local lobbying firm, and an event held by a local Chamber of Commerce. There were no expenses reported for technical research and assistance, down from almost \$7,000 reported in 2011.

**Lobbyists Registered in 2012**

Nathan S. Betnun

Stone & Youngberg LLC

Harry C. Blumenthal

Johnson Development Associates by Dan Rountree  
Pickwick Manor, Inc.

Robert Burdon	Annapolis and Anne Arundel County Chamber of Commerce, Inc.
George A. Carras	S/C Odenton Holdings, LLC
Charles F. Delavan	The Bernstein Companies Corporate Office Properties Trust/Clarks Hundred, LLC; Clarks Hundred II, LLC Elm Street Development Gibson Island Corporation Harmans Road, LLC Jerome J. Parks Companies William S. (Tom) Magenau New Boston Seneca Parkway, LLC PR II Arundel Gateway Land, LLC Alva Retta Trahan WAWA, Inc.
Robert J. DiPietro	Greenberg Gibbons Commercial Corp. Ribera Development, LLC & Ribera Land Co., LLC
Ann M. Fligsten	Arnold Preservation Council, Inc.
Lisa Harris Jones	Autoreturn Peoples Community Health Centers, Inc.
Alan J. Hyatt	Boones Mobile Estates, Inc. Clockwise, LLC Crofton Developers II Ltd. Partnership PPE Casino Resorts Maryland, LLC
Joseph R. Jackson	Northrop Grumman Electronic Systems
Bonnie L. Johansen	Constellation Energy
Robert Johnston	Anne Arundel County Association of Realtors
Claire Louder	West Anne Arundel County Chamber of Commerce
Walter Lynch	The Maryland Jockey Club
Timothy F. Madden	Morris & Ritchie Associates, Inc.
Sean Malone	Autoreturn Peoples Community Health Centers, Inc.
Dennis C. McCoy	Associated Builders and Contractors, Chesapeake Shores Chapter
Daniel J. Mellin	George & Linda Graefe
Ellen G. Miller	S/C Odenton Holdings, LLC
Robert D. Miller	Boones Mobile Estates, Inc. Clockwise, LLC Crofton Developers II Ltd. Partnership

Cynthia Morgan	Southern Anne Arundel Chamber of Commerce
Wayne A. Newton	Severn Mobile Home Park, Inc.
John S. Pantelides	The Anne Arundel County Alliance for Fair Land Use
Midgett S. Parker, Jr.	Payne Memorial African Methodist Episcopal Church
Thomas J. Pilon	St. John Properties, Inc.
J. William Pitcher	Diamond Cab of AA Co.
David M. Plott	Adair, LLC Piney Pad A, LLC and Piney Pad B, LLC The Key School
Steven P. Resnick	Annapolis Roads Property Owners Association
Frances Schmidt	Northern Anne Arundel County Chamber of Commerce
Linda M. Schuett	The Key School PIRHL, LLC
Brian Shepter	Peoples Community Health Centers
John C. Stamato	Ribera Development, LLC & Ribera Land, LLC
Matthew C. Tedesco	Clark Road Development Company, LLC
Byron G. Tosi, III	Home Builders Assn. of Maryland
Sager A. Williams, Jr.	Baltimore Gas & Electric Company Belle Grove Corporation Robert Blanchfield Chesapeake Landscaping and Design ComRent International Edwin A. And John O. Crandell, Inc. Harmans Civic Association, Inc. Maisel Brothers, Inc. Park 'N Fly Taylor Business Center, LLC
Judy Wilson	Greater Crofton Chamber of Commerce
Marcella M. Yedid	The Key School
Linda S. Zahn	Greater Severna Park Chamber of Commerce

## **EDUCATION**

The ethics commission staff presented eight training sessions to 97 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 continues to be 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 seven years, for which the commission covered ½ of the expenses.

The director participated in the 2012 conference of southern Maryland local ethics agencies, held in Solomon's Island.

## **BUDGET**

As in all previous years, the ethics commission conserved public resources by carefully controlling costs. The commission continues to send all notifications and disclosure forms to county employees (Groupwise participants) by e-mail in lieu of first-class mail. The commission also requests 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. For the first time since its creation in 1994, the county council did not provide the requested budget for outside attorneys' fees. The ethics commission is required by law to obtain outside counsel for certain matters and to meet this need, the commission requested and received some supplemental funds. However, even with these funds, the ethics commission's fees for outside counsel exceeded this amount and the commission overspent its budget by \$8400. This amount was 100% the result of outside attorneys' fees. This was also the first year since its creation in 1994 for which the ethics commission did not return monies from its budget to the general fund.

## **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. This bill was withdrawn and replaced by [Bill 70-12](#), which became effective on December 6, 2012. It contained most of the changes mandated by the State, but did not receive the State's approval. Consequently, the ethics commission was unable to comply with state law mandating certification of compliance. This is the second year that compliance was not achieved. Bill 70-12 also effectively removed most boards and commissions from coverage under the ethics 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](mailto:bdawson@aacounty.org).

The ethics commission acknowledges as always, 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 and volunteers 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:**

Cathleen M. Conlyn, Chair  
Cynthia H. Caldwell  
Katherine Cawood  
Carol S. Lewnes  
Craig A. Reynolds  
Vicki H. Steinberg  
Thaddeus Toal