

**2013 ANNUAL REPORT**  
**OF THE**  
**ANNE ARUNDEL COUNTY ETHICS COMMISSION**

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The 2013 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. The information provided in this report refers to calendar year 2013, unless otherwise indicated.

**THE MEMBERS**

The commission included the following members during some portion of 2013:

Name	Party	Date of Appointment and Reappointment	Date of Term Expiration or Resignation
Cynthia H. Caldwell, Chair	Democrat	2007, 2011	April 30, 2015
Katherine Cawood	Democrat	August 20, 2012	April 30, 2016
Cathleen M. Conlyn	Republican	2006, 2009, 2010	April 30, 2013
Emerson C. Davis Replacing Valerie K. Miller	Republican	November 18, 2013	April 30, 2017
Carol S. Lewnes	Republican	2000, 2006, 2009, 2011	April 30, 2015
Valerie K. Miller	Republican	May 20, 2013	April 30, 2017 Resigned Sept. 17, 2013
Craig A. Reynolds	Democrat	2008, 2012	April 30, 2016
Vicki H. Steinberg	Republican	2010, 2011	April 30, 2015
Thaddeus Toal	Republican	October 4, 2012	April 30, 2016 Resigned May 28, 2013

As of the end of the year, the ethics commission was left with a vacancy created by the resignation of Thaddeus Toal.

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 103 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 administrative decision from the ethics commission.) The inquiries came from the following sources:

Employees	33
Appointed Officials	27
Elected Officials	14
Citizens	15
Covered Volunteers	4
Lobbyists	4
Anonymous	2
Former Employees	1

The issues raised in these inquiries break down as follows:

Gifts	30
Prestige of Office	24
Secondary Employment	12
Non-participation	12
Other	11
Lobbying	6
Financial Disclosure	6
Post-employment	1

## ADVISORY OPINIONS

The commission issued 26 advisory 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 the [subject-matter index](#). The full text of each opinion is also available through these links.

Some requests for advice are handled by the staff directly, in cases where there is sufficient precedent to provide guidance or where time does not permit the consideration of the inquiry by the full commission. The staff responded to approximately 26 such inquiries. In each case, the ethics commission subsequently reviewed and retroactively approved each response.

## COMPLAINTS

The commission received or filed 3 complaints of ethics violations. Two complaints involved late or non-filing of required disclosure forms. Both of these complaints were resolved through action taken by the respondents. The third complaint was dismissed as being groundless. In the absence of a finding of a violation or consent agreement and order, these complaints are treated confidentially.

The commission's staff also investigated two additional cases of alleged violations and in lieu of filing complaints, the commission entered into two pre-complaint disposition agreements, each of which involved issuance of a reprimand and other sanctions. One of these matters involved secondary employment and abuse of prestige of office/position. The other matter involved the non-participation prohibition and the prestige of office/position.

Also, at the end of the year, the Court of Special Appeals issued its decision in the case of *Scheibe v. Anne Arundel County Ethics Commission*. In an unreported opinion (available on the commission's website by clicking [here](#)), the Court affirmed a decision issued by the Circuit Court in 2011, ordering significant sanctions against former County Attorney, Phillip R. Scheibe and former Planning and Zoning Officer, Robert Dvorak, for multiple violations of the Public Ethics Law. The matter originated with a 2004 complaint filed by then County Executive, Janet Owens, resulting in a finding by the commission that Scheibe and Dvorak, two former county officials, violated the post-employment provisions of the Public Ethics Law. After numerous appeals, the commission's decision was affirmed and the circuit court imposed sanctions on both Respondents. It was the appeal from that decision, filed by Scheibe on December 27, 2011, that was finally decided in the commission's favor on December 11, 2013.

For more information about this case, see [Dvorak v. Anne Arundel County Ethics Commission](#), 400 Md. 446 (2007) and [Anne Arundel County Ethics Commission v. Dvorak](#), 189 Md. App. 46 (2009).

## FINANCIAL DISCLOSURE STATEMENTS

The commission is charged with the responsibility of reviewing each financial disclosure (FDS) and conflict of interest (COI) statement received from county employees for completion, accuracy, and for potential conflict of interest. This year the commission received 234 disclosure statements as follows:

Regular employees and covered volunteers	182
New employees	24
Terminations	23
New candidates for county public office	5

Each statement was reviewed as required by law and employee filers were notified of, and directed to correct, all omissions or deficiencies. All disclosure statements, including corrections and additions, are available for inspection and copying with advance notice.

There were eight late filings for which the commission collected \$528.00 in late fees. These late fees were returned to the general fund.

There were 13 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**

The commission received 71 lobbying registrations, filed by 50 lobbyists.

Lobbying registrations, employer authorizations, and activity reports are public documents. The ethics commission staff received, reviewed, and compiled the statistics on 110 activity reports. Virtually all but one activity report were received in a timely fashion and the ethics commission received only \$250.00 in late fees for the year.

The following information summarizes the compensation and expenditures reported by registered lobbyists in 2013:

Compensation paid to lobbyists .....	\$349,896.28
Office expenses .....	7,886.00
Professional and technical research and assistance .....	25,178.44
Publications or letter writing campaigns.....	400.00
Witnesses .....	350.00
Meals and beverages for county employees and their immediate families.....	382.75
Special events (parties, dinners, athletic events, entertainment, and other functions) .....	193.25
Food, lodging, or other expenses at a conference or meeting.....	0.00
Other gifts .....	0.00
Miscellaneous expenses .....	184.82

### **Total Registered Lobbyists in 2013**

Bruce C. Bereano	Anne Arundel County Employees Health Care Coalition
Nathan S. Betnun	Stifel Nicolaus & Company, Inc.
Harry C. Blumenthal	Johnson Development Associates Marc D. Bowen, LLC
Danny G. Boyd	Snyder Development Corporation, Snyder/Elvaton LLC
Robert Burdon	Annapolis and Anne Arundel Co. Chamber of Commerce, Inc.
Gene L. Burner	Northrop Grumman Corp.

George A. Carras	S/C Odenton Holdings, LLC
Beth Cooley	CTIA-The Wireless Association
Charles F. Delavan	B&S/Eggerl, LLC - Parkside Elm Street Development Harmans Road, LLC PR II Arundel Gateway Land, LLC
Eric DeVito	Classic Group, LLC Elm Street Development Company, Inc. New Boston Seneca Parkway, LLC
Joseph F. Devlin	Novus Residences, LLC U.S. Home Corporation dba Lennar
Robert J. DiPietro	Greenberg Gibbons Commercial, Inc. Ribera Development, LLC
Denis Dunn	AT&T
Gerard Evans	Milestone Communications
Hayley Evans	Milestone Communications
Ann Fligsten	Arnold Preservation Council
Bill F. Gibson	Cherrywood Development, LLC
Larry A. Gordon	Cherrywood Development, LLC
Aaron J. Greenfield	Laurel Racing Association Limited Partnership
Marina Hardy	Clear Channel Outdoor
LaTara Harris	AT&T
Michael Harrison	Homebuilders Assoc. of MD
Timothy R. Henderson	Raven Power Holdings
Alan J. Hyatt	Boones Mobile Estates, Inc.
Joseph R. Jackson Bonnie L. Johansen	Northrop Grumman Electronic Systems Baltimore Gas & Electric Company
Kevin Kennedy	Cherrywood Development, LLC
Claire Louder	West Anne Arundel County Chamber of Commerce
Walter E. Lynch	The Maryland Jockey Club
Timothy F. Madden	Morris & Ritchie Assoc., Inc.
Sean R. Malone	Laurel Racing Association Limited Partnership

Daniel J. Mellin	George & Linda Graefe
C. Edward Middlebrooks	Glen Abbey, LLC, Glen Abbey II, LLC, Glen Abbey III, LLC, Glen Abbey IV, LLC, Glen Abbey V, LLC
Ellen G. Miller	S/C Odenton Holdings, LLC
Robert Miller	Boones Mobile Estates, Inc.
Cynthia Morgan	Southern Anne Arundel Chamber of Commerce
John S. Pantelides	1593 Defense Highway LLC The Anne Arundel County Alliance For Fair Land Use Chesapeake Landscaping and Design, Inc. Clarence & Margaret Jordan
Midgett S. Parker, Jr.	Payne Memorial African Methodist Episcopal Church
Timothy A. Perry	AT&T
Thomas J. Pilon	St. John Properties, Inc.
David M. Plott	33 Stahl Point, LLC 137 Stahl Point Road, LLC DMS Development, LLC Hebron Manor I, LLC The Key School Snyder/Elvaton LLC UGPLP – 2 PreFlight BWI, LLC
Charles R. Schaller	Gilbane Development Company
Frances Schmidt	Northern Anne Arundel County Chamber of Commerce
Linda M. Schuett	Glen Abbey, LLC, Glen Abbey II, LLC, Glen Abbey III, LLC, Glen Abbey IV, LLC, Glen Abbey V, LLC
David M. Sheehan	Glen Abbey, LLC, Glen Abbey II, LLC, Glen Abbey III, LLC, Glen Abbey IV, LLC, Glen Abbey V, LLC
Brian Shepter	Laurel Racing Association Limited Partnership Peoples Community Health Centers
David A. Simison	Trustee Lee Family Irrevocable Trust
Matthew C. Tedesco	Clark Road Development Company, LLC
H. Walter Townshend	Baltimore Washington Corridor Chamber
Sager A. Williams, Jr.	Baltimore Gas and Electric Company Chesapeake Landscape and Design, Inc. Edwin A. And John O. Crandell, Inc.
Judy Wilson	Greater Crofton Chamber of Commerce

J. Steven Wise

Anne Arundel County Employees Health Care Coalition  
Sprint Corporation

Linda S. Zahn

Greater Severna Park Chamber of Commerce

## EDUCATION

The ethics commission staff presented 13 training sessions to 171 county employees. For the first time, the commission incorporated PowerPoint® presentations into some of its training, thanks to the gracious loan of projection equipment from the office of information technology.

Notably, for the first time in the 19 years since the ethics commission was created, the county executive requested ethics training for the county executive, her staff, and the heads of all departments and offices. Also for the first time, the county attorney requested a training session for the staff of the office of law.

The ethics commission reissued and provided all new county employees with its *Pocket Guide*, a mini-brochure summarizing the ethics law's conflicts of interest provisions. The pocket guide is also provided to employees who attend ethics training, as well as any other person, upon request.

The commission continued to make its two brochures available upon request. These brochures are entitled *What You Need to Know about the Public Ethics Law- Lobbyists* and *What You Need to Know about the Public Ethics Law- Vendors and Contractors*.

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 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. Due to budget and travel constraints, the director has been unable to attend the annual COGEL conference for the last eight years.

## BUDGET

As in all previous years, the ethics commission conserved public resources by carefully controlling costs. The commission sends all notifications and disclosure forms to county employees by email in lieu of first-class mail. The commission also requests all disclosure filers (covered volunteers and lobbyists) to accept email notifications and to access all forms via the commission's website. A number of these filers have agreed to accept email only notifications. For the second consecutive year and only the second time since the ethics commission was created in 1994, the county council did not provide the requested budget for outside attorneys' fees. The ethics commission exceeded its budget in the amount of \$580 (.34%) due to changes to the "personal services account" an item that is outside of the commission's control. This

overage was more than off-set by the monies that were received by the commission as late fees and returned to the county's general fund.

## **LEGISLATION**

Two bills were enacted in 2013 affecting the Public Ethics Law. Bill 72-13 created up to five new positions in the police department and provided that the persons filling those positions will be required to file financial disclosure statements. Bill 89-13 added new positions to the fire department and required filing of financial disclosure for the persons filling those positions.

There were no other changes to the ethics law and there were no changes imposed upon local ethics commissions by the Maryland State General Assembly. The county ethics commission continues to be out of compliance with the State of Maryland's Public Ethics Law due to the special exceptions enacted into the county's law permitting police officers to engage in secondary employment in liquor licensed establishments.

## **CONCLUSION**

The commission holds its regular meetings on the second Monday of each month in the conference room at the commission office. Contingent meetings are also scheduled for specific dates. Two contingent meetings were held in 2013. Notices of commission meetings are posted on its website. Questions or comments about this report are welcome and may be mailed, [emailed](#), or faxed to the ethics commission.

The ethics commission acknowledges with gratitude, the endless assistance and patience of the employees of the office of information technology, particularly Ligia Perales, Victor Ferriera, and Christine M. Hagan. The commission also acknowledges the help of Gina Scerbo, the commission's secretary, whose flawless record keeping and compilation of statistics makes this report possible. Finally, the commission 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 on this 16th day of January, 2014 by:

### **Anne Arundel County Ethics Commission:**

Cynthia H. Caldwell, Chair  
Katherine Cawood  
Emerson C. Davis  
Carol S. Lewnes  
Craig A. Reynolds  
Vicki H. Steinberg