

# QUEEN ANNE'S COUNTY ETHICS COMMISSION



2021  
Annual Report

# Queen Anne's County Ethics Commission

## 2021 Annual Report



### Introduction

The Maryland General Assembly enacted a State Ethics Law in 1979, the purpose of which was to protect the public's confidence and trust in government by ensuring the impartiality and independent judgment of State officials and employees. This law required local jurisdictions to enact provisions that were at least equal to the State Public Ethics Law. Queen Anne's County has complied with this requirement through the passage of, and amendments to, the County Public Ethics Law (Chapter 8 of the Queen Anne's County Code).

On February 23, 1982, the Queen Anne's County Commissioners unanimously adopted an ordinance creating a County Ethics Commission to administer the Ethics Law and to encourage and enforce compliance with its requirements. The Commission does this by issuing **advisory opinions**, hearing and deciding **complaints**, ensuring County officials and employees comply with public **financial disclosure** requirements, overseeing the registration of **lobbyists** and their annual reporting requirements, and providing **educational and informational outreach**. These responsibilities are described in detail below.

This report summarizes the major activities of the Commission during the calendar year 2021.

### The Ethics Commission

The Queen Anne's County Ethics Commission consists of five members and one alternate, each serving a five-year term. Terms are staggered to ensure the inflow of new ideas and perspectives while retaining continuity and experience. During 2021, the Commission included Kaarin Salisbury (elected by the Commission to be its Chairman for the calendar year), Valerie Hirsch, Patricia Jamison, Jerry Jordan, Will Mulock and Matt Baxter.

The Commission is staffed by a part-time clerk, Tina Miles, and is advised by an attorney, Crystal S. Richard, Esq. Both the clerk and the attorney respond to informal questions to the Ethics Commission.

The Commission schedules meetings once a month, usually on the third Monday of each month, in the County Commissioners' Hearing Room in the Liberty Building in Centreville. Members of the public are welcome to attend the open session of each meeting. During the open meeting the Commission discusses the status of financial disclosure reports, requests for advisory opinions, ethics training and other issues, and hears comments from the public.

When necessary, in accordance with the Maryland Open Meetings Act, the Commission meets in a closed or executive session to consult with counsel or to conduct confidential business, which may include discussion of requests for advisory opinions, complaints, and the progress of any investigations. Hearings on complaints of ethics violations are also handled in a closed session. All final actions of the Commission are taken in open session as required by §8-8(D) of the Queen Anne's County Code.

The Commission may choose not to meet in a particular month when there is no formal business. Should there be a time-sensitive matter to discuss, the Commission may meet at a previously unscheduled time, as long as appropriate notice is given to allow the public to participate. In 2021, the Ethics Commission met on February 22, March 15, May 17, August 16, and October 18.

The Commission regularly monitors developments to ensure that our County remains current with any changes to the Maryland State Ethics Code.

## Advisory Opinions

Advisory opinions are initiated upon request or by the Commission itself as a result of issues raised during its regular meetings. Each opinion, redacted as necessary to preserve confidentiality, is announced during the public portion of the meeting and becomes available to the public in written form after notification of the individual requesting the opinion. An advisory opinion, as the name states, is advisory in nature and represents the Commission's interpretation of Ethics Law as it relates to the matter raised. Advisory opinions are based solely on the facts presented by the requesting individual(s); the Commission does not investigate the facts (although we may ask for clarification) and the opinions are not binding.

In 2021, the Commission issued two advisory opinions:

**21-01 (May 2021).** The Ethics Commission considered a request about whether a County employee's involvement on the board of two local not-for-profit organizations would create a conflict of interest with his/her employment. Based on the facts that were provided, the Commission determined that the employee's involvement in the not-for-profit organizations did not present an apparent conflict of interest in itself.

**21-02 (May 2021).** A Queen Anne's County employee asked if accepting an offer of a part-time job from the town of Queenstown with similar duties as the current County job would constitute a conflict of interest. The Commission advised that, based on the facts provided about the new job and since the town of Queenstown did not constitute a business entity as defined in the County Ethics Code, there was no apparent conflict of interest under County Ethics Code §8-11.

## Complaints

The Commission accepts complaints when legally sufficient according to the procedure specified in §8-10(G). A complaint may be made by any individual or by a majority of the Ethics Commission. After receiving a complaint, the Commission may conduct an investigation into the allegations and, if appropriate, proceed as follows: (1) dismiss the complaint; (2) give the parties an opportunity to correct the violation(s); or (3) hold a hearing on the complaint.

Two complaints were received by the Commission in 2021.

**Unlogged (August 2021).** The Commission received an anonymous letter complaining about misconduct at one of the County sites. Since the alleged activity did not fall within the purview of the Ethics Code, the letter was not officially logged as a complaint and Counsel to the Commission passed it along to the County Administrator for further action.

**21-01 (November 2021).** A complaint was sent to the Ethics Commission from an interested party alleging that one of the members appointed to the Queen Anne’s County Board of License Commissioners had a conflict of interest that potentially disqualified him from serving on the board. The Ethics Commission responded that the purported complaint was legally insufficient under County Ethics Code, §8-10(G)(1), as the complainant failed to allege what violation was being claimed and failed to make the necessary attestation that such was filed under oath.

## **Financial Disclosures**

Queen Anne’s County Public Ethics Law (§8-13) requires that elected County officials, certain employees, members of decision-making authority boards or commissions, and various other individuals disclose their financial affairs annually, as well as upon employment/appointment and upon leaving office. This serves as a tool to guard against conflicts of interest and to reassure the public that Queen Anne’s County business is being properly conducted.

In 2021, the Commission received and reviewed 281 financial disclosure statements—an impressive 100% employee participation, thanks to the efforts of Ethics Commission Clerk, Tina Miles.

## **Lobbying Disclosure**

Lobbying disclosure under the Public Ethics Law (§8-14) has two aspects. First, lobbyists are required to file a registration statement within five days of first acting as a lobbyist, and yearly thereafter. Second, all lobbyists must file a year-end report with the Commission disclosing the value, date and nature of any food, entertainment or other gift provided to a County official or employee; the identification of the official or employee or their spouse or dependent children receiving gifts with an aggregate value of \$25 or more; the amount and source of all compensation paid to the lobbyist for, or in connection with, all lobbying activities; and a breakdown of expenditures on the activities described therein. These reports are public records available for inspecting and copying.

The Commission registered eight lobbyists in 2021, all of whom submitted year-end reports.

## **Request to Modify the Ethics Code**

In August the Queen Anne’s County Director of Human Resources requested that the Ethics Commission modify sections §8-12A and §8-12B(1) of the County Ethics Code to increase the allowable value of gifts that an employee could receive from \$20 to \$25. After careful consideration, the Commission denied the request, deciding to leave the code as is.

## **Educational and Informational Outreach**

Ethics Commission members and staff are available to offer an overview of the purpose and concept of the Queen Anne’s County Ethics Ordinance. Our focus is to ensure that County officials and employees recognize potential issues, both on and off the job, that could be, or could appear to be, conflicts of interest related to their business or employment with the County. This service is provided throughout the year and specifically to new hires at orientation.

## **In Conclusion**

Queen Anne's County's Public Ethics Law exists to assure the residents of this County that they are being served by impartial public officials and employees who are free of improper influence and held to expected standards of ethical conduct. As your County Ethics Commission, we invite you to hold us accountable for ensuring this law is applied equitably and universally.

For more information on the Queen Anne's County Ethics Commission, please visit our website at [www.qac.org/576/Ethics-Commission](http://www.qac.org/576/Ethics-Commission). In addition to ethics fact sheets, forms, and a list of current lobbyists registered with the Commission, you will find a link to Queen Anne's County's Ethics Code.

Respectfully submitted,

### **Queen Anne's County Ethics Commission**

Valerie G.S. Hirsch, Chair

Kaarin Salisbury

Patricia Jamison

Jerry Jordan

Will Mulock

Robin Lanham, Alternate Member