



## MONTGOMERY COUNTY ETHICS COMMISSION

Public Meeting, June 14, 2022  
Conducted via Zoom call  
Minutes

IN ATTENDANCE:

Commissioners: Susan Beard, Chair  
Bruce Romer, Vice-Chair  
Jennifer Collins  
Rahul Goel  
Mary Ann Keefe

Staff Members: Robert W. Cobb, Chief Counsel  
Erin Chu, Program Manager

Item 1. The meeting was called to order at 7:00 p.m.

Item 2. The Commission approved the minutes from the May 10, 2022, meeting as presented.

Item 3. Ethics Education: Mr. Cobb briefed the Commission on the developments concerning employee training. Mr. Cobb described the measures OHR was taking to implement the acknowledgement form and the 5 minute introductory video for new employees. The current approach is for OHR to distribute the video and acknowledgement form in advance of the NEOP training, reference these materials during NEOP, and follow-up with distribution after the NEOP. Compliance with the requirement to submit the acknowledgment form will be monitored by Commission staff.

Mr. Cobb discussed the development of training videos for BCC members. Commission members made suggestions regarding the establishment of systemic training vehicles for delivery to County employees. One Commissioner emphasized the objective of keeping training focused on the basic concepts of the program and ensuring employees know who to call to address issues when they come up. Another Commissioner noted that pulling in charismatic leaders into ethics video presentations can be effective. Mr. Cobb is to distribute the 5 minute video for new employees to Commission members.

Item 4. Mr. Cobb informed the Commission that the attorney to the County Council would be submitting a packet regarding changes to the ethics law that had been considered at a preceding meeting. There was one additional change to be made concerning adding the Police Accountability Board and the Administrative Charging Committee to the list of entities required to submit a financial disclosure report. There also was a technical change to ensure that compensated members of BCCs

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subject to Council confirmation would be required to submit financial disclosure reports in advance of confirmation.

The Commission discussed the Building Performance Improvement Board's charter and whether its members would likely have conflicts of interest by working on matters that affect their businesses and employees. The Commission concluded that BPIB members could violate 19A-11(a)(1) by working on matters affecting businesses in which they have an economic interest, even where the businesses are not parties to the matter but are affected by the matters in a manner distinct from its effect on the public generally. BPIB members could also stand in violation of 19A-12 if the outside businesses are deemed to be regulated by the BPIB.

The Commission determined that if the members of this board were to be representing constituencies in addition to being appointed from constituencies, this would need to be made clear in the statute establishing the particular body. An alternative to making the change to the BPIB's enabling statute would be to change the ethics law so that all BCCs that are similarly formed from constituencies would not be subject to the prohibitions of 19A-11(a)(1) and 19A-12. The Ethics Commission was not in support of this alternative as such relief from the prohibition could in theory be subject to abuse. For example, a dominant member of a board could lead a board to decisions that are directed to benefit the member's businesses, even where the business was not a party to the matter before the board.

Item 5. New Business.

There was no new business.

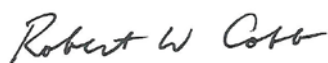
Pursuant to GP Art. 3-305, at 8:35 p.m. the Commission voted unanimously to close the meeting to the public to discuss legal advice and confidential matters.

- a. The Commission considered 4 requests for waivers. Three requests were granted unanimously, one was denied unanimously. One member abstained from one of the decisions to grant a waiver.
- b. The Commission considered a matter brought to its attention and determined not to open an investigation at the current time.
- c. The Commission approved the outside employment requests as presented.

The meeting reopened at 9:20.

Item 6. The meeting adjourned at 9:20.

Respectfully Submitted,



Robert W. Cobb  
Chief Counsel