

**Howard County Ethics Commission  
3430 Courthouse Drive  
Ellicott City, Maryland 21043**

**OPEN MEETING MINUTES**

A duly advertised public meeting of the Howard County Ethics Commission was held in the Ilchester Room, 2<sup>nd</sup> Floor, Conference Room 3, George Howard Building, 3430 Courthouse Drive, Ellicott City, Maryland, 21043 on December 5, 2017.

**Commission Members Present:** Charles Fuller, Chair  
Joanne Drielak

**Absent:** Jonathan Kromm  
Jean Xu

**Absent:** Joseph Markwordt (excused)

**Staff Members Present:** Beverly Heydon, Asst. County Solicitor, Executive Secretary to the Commission

Fuller called the open meeting to order at approximately 6:08 p.m. The following items of business were discussed in open session:

1. Motion made by Drielak to approve agenda, seconded by Kromm, and passed unanimously.
2. Review and discussion of October 3, 2017, correspondence from State Ethics Commission.

*Mandatory Provisions:* The Commission generally agreed to the mandatory changes that must be adopted by local governments to be in compliance with the requirements of Subtitle 8 of the State Public Ethics Law and COMAR 19A.04.

*Discretionary/Optional provisions:* The Commission discussed the optional suggestions set forth in the October 3, 2017, letter, which is incorporated and adopted into these minutes. After discussion and deliberation, the Commission decided as follows:

1. State Gov't, 5-101(t), removes "exchange-traded funds" from the definition of interest. The Commission recommends that the County also exclude ETF's from the definition of interest. At vote, this recommendation passed unanimously on a motion made by Fuller, and seconded by Kromm.

2. State Gov't 5-506, adds three specific circumstances that constitute a violation of the prestige of office provision. The State's adoption of this language is based on previous ethics advisory opinions interpreting the State statute.

Unlike the State Ethics Commission, the Commission has not expanded the definition of 22.204(e) through advisory opinions, therefore there is no need to add the State's optional language to 22.204(e). The Commission generally agreed that the County should keep the current language set forth in 22.204 because it encapsulates the Commission's current practice. Fuller made a motion recommending that the County not adopt the State's optional language. The motion was seconded by Kromm and passed unanimously.

3. State Gov't 5-607, changes the Schedule F disclosure (indebtedness to entities doing business with the State) to indebtedness to entities doing business with or regulated by the individual's governmental unit. After discussion, Fuller made a motion recommending that the County adopt the 5-607 changes into 22.204(k)(3)(vi). The motion was seconded by Kromm and passed unanimously.

4. State Gov't 606(a)(2), suggests that the Commission provide internet access to financial disclosure statements through an online registration program. The Commission considered and discussed security issues, cost and maintenance issues, and public access issues. The Commission considered whether the requirement would deter volunteers from serving on a Board/Commission. The Commission reviewed its current practice of providing accessibility of statements to the public and noted this practice has been consistent with the procedure for inspection used by the State Ethics Commission. The Commission noted that there has never been an issue with providing timely public access. Kromm made a motion recommending that the Commission defer to Administration and for no recommendation by the Commission. No member seconded the motion, therefore, that motion failed. Having no other motion made by any member, the Commission takes no position on this issue.

5. State Gov't 5-704, codifies disclosure requirements for lobbyists who serve on State boards and commissions. It also codifies a state requirement for such a lobbyist who is disqualified from participating in a specific matter to file a statement or recusal with the board or commission. The Commission noted that out of 156 Board and Commission members who are required to file a financial disclosure statement, it is aware of one lobbyist who serves on a Board. Unlike the State, the Commission does not require lobbyists to file a separate statement of recusal. The Commission generally agreed that there is no need to change the current statutes pertaining to lobbying activity. Kromm made a motion recommending that the County not change its current statute. The motion was seconded by Xu and at vote passed unanimously.

3. Discussion of financial disclosure statements: Heydon reported that she is working with IT to improve the electronic financial disclosure database. The database base should be updated by February, 2017 and ready to launch by March.

4. Motion by Fuller to adjourn Open Meeting and go into closed meeting, which was seconded by Drielak and passed unanimously. Open Meeting adjourned at approximately 7:30 p.m.

**Closed Meeting:** Pursuant to the Open Meetings Act, minutes of this open session are required to include the following:

Date of Closed Meeting: December 5, 2017

Time of Closed Meeting: Approximately 7:30 p.m.

Place of Closed Meeting: George/Howard Building, Ilchester Room, 3430 Courthouse Drive, Ellicott City, MD 21043

Purpose: To discuss, deliberate, and seek legal advice, on one confidential advisory opinion.

Authority to Close: 1) Md. Code Ann., Gen. Prov. Art. §3-305(b)(7): To consult with counsel to obtain legal advice on a legal matter; 2) Md. Code Ann., Gen. Prov. Art. §3-305(b)(13): To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; 3) To comply with the Commission's Rules of Procedure set forth in Rule 03.C, "the Commission may be in closed sessions to consider an advisory opinion request to the extent that consideration of the request would necessarily lead to identification of the subject of the request;" 4) Howard County Code §22.203(m)(3): "The Commission shall publish or otherwise make available to the public copies of the advisory opinions, with the identities of the subjects deleted."

Listing of topics discussed: Inquiry 2017-01: The Commission reviewed, deliberated, and sought legal advice regarding the applicability and interpretation of the Code as it applied to Inquiry 2017-01.

Persons present: Attorney Heydon; Members: Drielak, Fuller, Kromm, and Xu.

Actions taken: Deliberated, consulted with counsel, reviewed Howard County Code, and issued verbal authorization to the Commission's attorney for a written response to the Inquiry.

Respectfully submitted and approved by Fuller, Drielak, Kromm, and Xu on January 12, 2018.

Beverly Heydon  
Beverly Heydon  
Executive Secretary