



CECIL COUNTY ETHICS COMMISSION

Cecil County Administration Building
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<http://www.ccgov.org/government/boards-and-commissions/ethics-commission>

Open Meeting Minutes

August 10, 2020 via Zoom

Present: Bob Boonstoppel, Janice Colvin, Bill DeFreitas, Bradley Moore, Wyatt Wallace

Guests: Jason Allison, Ethics Commission Counsel

Call to Order: Bob Boonstoppel called the meeting to order at 4:30 pm.

Agenda Approval: An item was added to old business. Wyatt Wallace made a motion to accept the agenda as amended; the motion was seconded by Janice Colvin and approved by all.

May 11, 2020 Open Session Meeting Minutes Approval: Bill DeFreitas made a motion to accept the agenda; the motion was seconded by Janice Colvin and approved by all.

OLD BUSINESS:

Financial Disclosure Status: The majority of forms have been received; financial disclosures for three employees and 29 Board and Commission members are still outstanding. Bob explained the forms review process for the Commission's newest member.

Action Item: Human Resources will continue to work on obtaining the outstanding forms and will deliver/pick-up completed forms to Ethics Commission members for review.

Status of Complaints 19-03 and 19-04 Response: Bill DeFreitas will follow up.

Draft Regulation Policy Regarding Exception to Employment, §39-14: The Commission, who has the authority to promulgate regulations, discussed the draft regulation that interprets and clarifies §39-14. Jason supported the regulation and stated it will provide greater objectivity and accountability. Enacted through an Executive Order, it will further ensure the integrity of County government to constituents and reaffirm that the Commission acts with transparency. It will also provide the Commission with an additional tool should there be an ethics complaint. Wyatt Wallace made a motion to adopt the revised regulation, the motion was seconded by Janice Colvin and approved by all.

Janice Colvin made a second motion to send the regulation to the County Executive for promulgation through an Executive Order, the motion was seconded by Wyatt Wallace and approved by all.

OLD BUSINESS: (continued)

Action Item: Jason will draft a preamble that clearly explains the regulation and circulate it, along with the regulation, to the Commission and County Executive.

Status of Gregory Complaint Judicial Review in Circuit Court: Jason presented an update of where the case stands and the process for going forward with an expected timeline.

Open Meetings Act Complaint: The State found the complaint to be without merit. The Commission thanked Jason for his assistance in resolving this issue.

Lessons Learned from Complaint 19-05/Amended Contested Case Hearing Rules of Procedure:

Bob drafted a statement to cover requiring that subpoenas be accompanied by a description of the expected testimony and case relevance.

The Commission discussed the staff counsel's role and Jason offered to write a further clarification.

The issue of how to handle a confidentiality breach was raised. Jason advised that the Commission has the power to file an ethics complaint and if the Commission determines there has been a violation, they can turn that over to the State's Prosecutor.

Action Item: Jason will provide written clarification of the staff counsel role.

Bob and Jason will complete the draft of the hearing rules and send it to Commission members. Members are to review and be prepared to discuss at the November meeting.

Cecil Whig Article Correction: Bob contacted the Cecil Whig; the editor offered to correct their inaccurately reported article online but declined to do so in print. Jason suggested the Commission consider working with the Public Information Officer to issue a press release.

NEW BUSINESS:

Annual Certification to State Ethics Commission: Bob and Human Resources will submit the certificate to comply with the October 1st deadline.

Proposed Charter Amendment on Qualifications to Run for Office: County Council has proposed an amendment to Charter section 205 to fill open candidacies with a wider group of individuals. The charter must still comply with the Ethics Code and the Commission is the final arbiter of whether those relationships are permissible.

Motion to Adjourn to a Closed Meeting: Bradley Moore made a motion to close the open meeting and adjourn to a closed meeting at 6:09 pm; the motion was seconded by Bill DeFreitas and approved by all.

Next meeting: Monday, November 9, 2020, at 4:30 p.m., tentatively scheduled in the Rising Sun conference room.

Attachments: August 10, 2020 Closed Meeting Summary
Ethics Regulation 2020-01 Prohibition Against Outside Employment Executive Order
Draft Rules of Procedure Contested Case Hearing

Respectfully Submitted,
Edie Tinsman, Ethics Commission Secretary

SUMMARY OF CLOSED SESSION HELD ON AUGUST 10, 2020

1. Statement of the time, place, and purpose of the closed session:

Time of closed session: 6:09 PM
 Place (location) of closed session: Via Zoom
 Purpose of the closed session: To discuss a request for an advisory opinion

2. Record of the vote of each member as to closing the session:

Motion to close meeting
 made by: Bradley Moore Seconded by: William DeFreitas
 Names of members voting aye: Robert Boonstoppel, Janice Colvin, William DeFreitas,
 Bradley Moore, Wyatt Wallace
 Members opposed: None Abstaining: None

3. Statutory authority to close session:

This meeting was closed under the following provisions of General Provisions Art. § 3-305(b):

→ **Topic #1: § 3-305(b) (13)**

4. Listing of each topic actually discussed, persons present, and each action taken in the session:

| Topic description | Persons present for discussion | Action Taken/Each Recorded Vote |
|---|--|---|
| Discuss a request for an advisory opinion | Robert Boonstoppel Janice Colvin William DeFreitas Bradley Moore Wyatt Wallace | §39-9: The Commission members discussed and reached unanimous agreement on the elements of an advisory opinion responding to the request. Chair directed the Commission Counsel to prepare an opinion consistent with the discussion and vote of the members. |