



## CECIL COUNTY ETHICS COMMISSION

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

### Meeting Minutes

May 11, 2020 via Zoom

**Present:** Bob Boonstoppel, Bradley Moore, Wyatt Wallace

**Absent:** Bill DeFreitas

**Guests:** Jason Allison, Ethics Commission Counsel

**Call to Order:** Bob Boonstoppel called the meeting to order at 4:37 pm.

**Agenda Approval:** Bradley Moore made a motion to accept the agenda; the motion was seconded by Wyatt Wallace and approved by all.

**February 10, 2020 Open Session Meeting Minutes Approval:** Bradley Moore made a motion to accept the agenda; the motion was seconded by Wyatt Wallace and approved by all.

**February 10, 2020 Closed Meeting Summary Approval:** Wyatt Wallace made a motion to accept the minutes; the motion was seconded by Bradley Moore and approved by all.

### **NEW BUSINESS:**

**Hearing Status:** Bob Boonstoppel has kept a summary of the ongoing hearing proceedings that began on April 30, 2020. Jason Allison pointed out that the Ethics Commission contested case hearings are administrative proceedings which are outside the scope of the Maryland Open Meetings Act; additionally, §39-10 requires that all actions related to a case be maintained in strict confidence until the case's conclusion.

**Action Item:** Bob will circulate the summary to members to be maintained as an internal record.

**Open Meetings Act Complaint:** Ann MacNeille, Open Meetings Act Compliance Board Counsel, has provided the Commission notification that the hearing respondent has filed complaints with the board against the Ethics Commission. Jason has been in contact with Ms. MacNeille and informed the Commission they have 30 days from the notification date to file a response. Jason will be filing a motion to dismiss the complaints based on jurisdictional grounds citing the Dyer case.

**Cecil Whig Article:** An article mischaracterizing the Ethics Commission's duty under the Open Meetings Act appeared in the May 7, 2020, edition of the Cecil Whig. Jason reached out to the reporter to educate her on the facts and requested a retraction or an accurate article be printed. If this is not done, Jason is preparing an Op-Ed article and requested input from the membership before submitting it.

### **OLD BUSINESS:**

**Ethics Commission Member Status:** The County Council is holding up confirmation of the open vacancy pending completion of complaint 19-05. Jason contacted the Council President asking that the vacancy be filled promptly since the Commission has not been fully staffed for months, his request was denied.

**Financial Disclosure Status:** 65% of employee forms and 58% of board and commission forms have been received.

**Action Item:** Human Resources will follow up on outstanding forms and deliver/pick-up completed forms to Ethics Commission members for review.

**Proposed Regulation Policy Regarding Exception to Employment, §39-14:** Most of the Commission's complaints relate to outside employment. The Commission discussed making changes that will allow a supervisor to certify that s/he is aware of the outside employment and certify that the outside employment does not create a conflict.

It was questioned how this would work in the case of exceptions; to date the Commission has never granted an exception, only determined in an advisory opinion whether a conflict existed. Jason suggested that the proposed changes include an initial step that the secondary employment certification be submitted to the Director of Administration and/or Director of Human Resources for review, to ensure impartiality, prior to submission to the Commission. Council President Meffley would also like to propose changes to the ethics code to allow school teachers to volunteer so they may serve on boards and commissions.

**Action Item:** Bob will put together a proposal for consideration and discussion at the August meeting. Members are requested to review the handout from the February meeting.

**Status of Complaints 19-03 and 19-04 Response:** Bob will contact Bill DeFreitas for an update.

### **NEW BUSINESS** (continued):

**Complaint 20-02:** A complaint was received and Deborah Sniadowski has been assigned as the investigator for the Commission.

**Action Item:** Bob and Human Resources will complete and send the complainant acknowledgement and respondent notifications.

**Proposed Change to Ethics Rules of Procedures, re: Subpoenas:** Once the current hearing is complete, it was proposed that the rules for issuing subpoenas be modified to require the request be accompanied by an offer of expected testimony.

Jason suggested that the Commission consider also including that witnesses under subpoena, who are bound by the local ethics code, yet refuse to show up will be sanctioned by the courts and/or subject to an ethics code violation.

Other issues that occurred during the course of this complaint that need review and consideration include confidentiality, possible misuse of prestige of office, and other violations.

**Action Item:** Commission members need to review these issues and be prepared to discuss and present needed changes at the August meeting.

**Case 19-05:** Jason prepared and sent the draft of the Commission's findings and final decision and asked members to review and comment. Bob will get back to Jason and the other members with a time to discuss approval.

**MOTION TO ADJOURN**

Bradley Moore made a motion to adjourn at 5:29 pm; the motion was seconded by Wyatt Wallace and approved by all.

**Next meeting:** Monday, August 10, 2020, at 4:30 p.m., tentatively scheduled in the Rising Sun conference room.

Attachment: February 10, 2020 Closed Meeting Summary

Respectfully Submitted,  
Edie Tinsman, Ethics Commission Secretary

**SUMMARY OF CLOSED SESSION HELD ON FEBRUARY 10, 2020**

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

Time of closed session: 4:45 PM  
 Place (location) of closed session: County Administration Building, Elkton, MD  
 Purpose of the closed session: To discuss an ethics complaint's merits and resolution

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

Names of members voting aye: Robert Boonstoppel, 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)** → **Topic #2: § 3-305(b) (13)** → **Topic #3: § 3-305(b) ( 1 )**  
 (add others as needed)

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

<b>Topic description</b>	<b>Persons present for discussion</b>	<b>Action Taken/Each Recorded Vote</b>
#1: Ethics complaint 19-05	Robert Boonstoppel William DeFreitas Bradley Moore Wyatt Wallace	Discuss the merits and disposition of the complaint.
#2: Ethics complaint 19-03 and 19-04	Robert Boonstoppel William DeFreitas Bradley Moore Wyatt Wallace	Discuss the merits and disposition of the complaints.
#3: Personnel matter	Robert Boonstoppel William DeFreitas Bradley Moore Wyatt Wallace	Discuss the candidates for the Ethics Commission as requested by the County Executive.