

MINUTES OF THE BALTIMORE COUNTY ETHICS COMMISSION

MEETING OF NOVEMBER 7, 2017

The Commission was called to order by the Chair at 5:00 p.m. at 400 Washington Avenue, Room 118, Towson, Maryland. Those present at the meeting were:

1. Jeffrey Forman, Esquire – Chairman
2. Lee Jacobson, Esquire – Commissioner
3. G. Darrell Russell - Commissioner
4. Elaine C. Katz, Esquire - Executive Director
5. Susan Dubin, Esquire – Assistant County Attorney
6. Michael E. Field, Esquire – Baltimore County Attorney / Guest

Commissioner J. Michael Lawlor was not in attendance.

The Chair called for the approval of the minutes for the meeting of October 3, 2017. Commissioner Jacobson moved to approve the minutes. Commissioner Russell seconded the motion. The minutes were approved with no additions or corrections.

The Chair called for the report of the Executive Director. The commission was updated on the status of the 2016 financial disclosure forms. As of the date of this meeting, 11 forms remain outstanding. All but 2 chairs of the boards and commissions have been called. It is hoped that they can contact their members who still need to file.

The Chair called for new business. A discussion ensued, led by guest Michael Field, Baltimore County Attorney, with regard to the proposed rules of procedure. Following a review of this proposal, Commissioner Russell moved that the Baltimore County Ethics Commission adopt them. Commissioner Jacobson seconded the motion and the proposed rules of procedure were approved and adopted.

County Attorney Field then opened discussion on proposed legislation required by the Maryland State Ethics Commission.

On October 3, 2017, the Ethics Commission received a letter from the State Ethics Commission stating that in light of changes made to state ethics law during the 2017 session, the County would be required to enact changes to the County ethics law. The State Ethics Commission would like the County to make the changes as soon as possible but the hard deadline is October 1, 2018, when the County must recertify its program to them.

The State Ethics Commission sent a list of four items that MUST be changed and then a list of five items that MAY be changed, at the County's discretion. The Commission chose to recommend two of the discretionary changes.

Mandatory Changes

- Under current law, former members of the County Council may not assist or represent a person in a matter that is the subject of legislative action for one year after they leave office. The County needs to add former County Executives to this prohibition.
- Starting in 2019, the County must redact home addresses of public officials when allowing the public to see their financial disclosure statements.
- The County must add a new provision prohibiting a lobbyist who becomes a public official from participating in a matter he/she worked on when he/she was a lobbyist during his/her first year as a public official.
- The County must add a provision in the financial disclosure statement requiring a filer to disclose whether the filer's spouse is a regulated lobbyist.

Discretionary changes

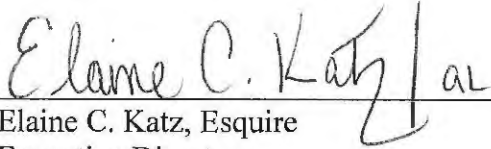
- Under current law, the County requires filers to give information about mutual funds. Under state law, mutual funds have always been excluded. The new state law now also excludes exchange-traded funds from the statement. The Commission proposes to add the exclusion for mutual funds and ETFs.
- Currently, filers must disclose indebtedness to all business entities doing business with the County on their financial disclosure statements. According to the State Ethics Commission, the County can now limit this disclosure to only those entities doing business with the filer's specific governmental entity. The Commission recommends doing this as the larger disclosure was always difficult for filers.

The Chair called for old business. In order to discuss a potential appeal of a decision on a complaint made by this Commission at the last meeting, the Chair asked for the recusal of Mr. Field, Ms. Dubin and Ms. Katz, and asked for a motion to close the meeting. Commissioner Jacobson moved to go into closed session. Commissioner Russell seconded the motion. The meeting entered closed session at 5:25 p.m.

The meeting was re-opened at 5:40 p.m. County Attorney Field, Assistant County Attorney Dubin, and Director Katz re-entered the meeting. The Chair announced that the Commission decided it would not forward an appeal of its decision because the law does not provide for the Ethics Commission to send a decision to dismiss a matter to the Board of Appeals. Discussion of this matter appears in the confidential closed session minutes. There being no further business, it was announced that the next scheduled Commission meeting would be on Tuesday, February 6, 2018.

Commissioner Russell moved to adjourn the meeting. Commissioner Jacobson seconded the motion. The meeting adjourned at 4:50 p.m.

Respectfully Submitted,


Elaine C. Katz, Esquire
Executive Director