

**ST. MARY'S COUNTY ETHICS COMMISSION**  
**St. Mary's County Potomac Building**

**Minutes of January 26, 2009**

**MEMBERS PRESENT:** Joseph B. Bush, Chair  
Robert W. Denning, Vice Chair  
George E. Baroniak, Member  
Robert E. Elwood, Member  
Arthur F. Goeller, Member  
Elizabeth Long, Alternate Member  
Sarah Cannavo, Administrative Support

**CALL TO ORDER:**

The meeting was called to order by Mr. Bush at 2:00 p.m.

**ANNOUNCEMENTS:**

**Next Meeting:** The next meeting will be held on February 2, 2009 in conference room 14 of the Potomac Building.

**REVIEW AND APPROVAL OF MINUTES:**

**Minutes of 5 January, 2009:** Mr. Goeller made a motion to accept the minutes as written. Motion seconded by Mr. Elwood and carried.

**Executive Minutes of 5 January, 2009:** Mr. Baroniak made a motion to accept the minutes as written. Mr. Elwood seconded the motion and it was carried.

**Executive Minutes of 15 December, 2008:** Mr. Elwood made a motion to accept the minutes as written. Motion seconded by Ms. Long and carried.

**UNFINISHED BUSINESS:**

**Webpage updates:** Ms. Cannavo updated the commission on the status of the webpage:

- Membership list updated
- 2009 Meeting Schedule updated
- 2007 Annual Report posted
  - o 2008 Annual Report is due June 30, 2009
- Advisory Opinion Page updated through 2009

**Advisory Opinion Request:** The Commission received a request for an advisory opinion concerning a possible conflict of interest. Mr. Baroniak drafted a response letter to the citizen.

**Executive Session:** Mr. Baroniak made a motion to move into Executive Session as provided for in Article 25, Section 4-210(a) (1) Boards and Commissions and the St. Mary's County Ethics Ordinance Rules of Procedure, Section 7. The motion was seconded by Mr. Goeller. Motion carried, 5-0.

Executive Session: 2:09 p.m. to 2:35 p.m.

Ms. Long made a motion to close the Executive Session. The motion was seconded by Mr. Elwood and carried.

**FDS Filing Requirements:** The commission reviewed the master listing of St. Mary's County Boards, Commissions, and Committee. It is unclear why some boards are required to file Financial Disclosure Statements and other boards are not. A complete review of the committees and a description of their responsibilities will need to take place before a decision can be reached as to their filing requirements. Any changes to the requirements listed in the Ethics Ordinance will require BOCC approval. This item is tabled until the next meeting.

**Ordinance Review:** Mr. Elwood requested members review the Ethics Ordinance in an effort to clarify the use of "perception" as it relates to conflicts of interest. Mr. Baroniak suggested having the County Attorney come to a meeting and brief the Commission on the legal aspects of conflict of interest. The members agreed to table this topic for a future meeting.

#### **NEW BUSINESS:**

**Confidentiality Requirements:** Members discussed the nature of confidentiality as it relates to the duties of the Ethics Commission; specifically, the expectation of the public to have confidentiality when filing a complaint, advisory request, or other action to the Ethics Commission. It was stated that once an Advisory Opinion had been rendered, the matter became public record and that there should be no expectation of confidentiality. Several members felt that the individual topic would / should determine confidentiality (case by case basis). Mr. Baroniak pointed out that the Ordinance provided for confidentiality at the request of the citizen. If a citizen wanted the matter kept in confidence, the Ethics Commission needs to take every reasonable precaution to protect the citizen and the information. The matter was tabled pending further research of the ordinance and possible consultation with the County Attorney.

#### **FINANCIAL DISCLOSURE STATEMENTS:**

**Reviewed:** 48 Financial Disclosures Statements were reviewed.

Mr. Bush returned the FDS held from the January 5 meeting. He spoke with the individual and determined that no conflict existed.

**PUBLIC COMMENT:**

None.

**ADJOURNMENT:**

A motion was made by Mr. Baroniak to adjourn the meeting. The motion was seconded by Mr. Goeller and the motion was carried. The St. Mary's County Ethics Commission was adjourned at 3:40 p.m.