

**ST. MARY'S COUNTY ETHICS COMMISSION**

**MINUTES OF May 7, 2007**

**St. Mary's County Governmental Center**

**Members Present: George E. Baroniak, Chair**  
**Joseph B. Bush, Vice Chair**  
**Arthur E. Goeller, Member (arrived late)**  
**Terri L. Holder, Member**  
**Warren Kunz, Member**  
**Susan J. Wolfe, Executive Secretary**  
**Others Present: Walter Burch**

**CALL TO ORDER:**

The meeting was called to order by Mr. Baroniak at 2:05 p.m.

**ANNOUNCEMENTS:**

Next Meeting. The next meeting will be held on May 21, 2007.

**REVIEW/APPROVE MINUTES:**

Minutes of April 18, 2007. A motion was made by Mr. Bush to accept the minutes as written. The motion was seconded and carried.

**UNFINISHED BUSINESS:**

Request from Public Schools. Mr. Baroniak will follow up on this issue. He did speak with the gentleman who promised to send in his Financial Disclosure statement for CY 2006. The form has not been received as of the date of this meeting.

**NEW BUSINESS:**

Complaints. Members reviewed a complaint filed on April 20, 2007, by Walter Burch, Lexington Park, against John K. Parlett, Jr. alleging conflict of interest pursuant to the Ethics Ordinance, Section 5 A and C. Members also reviewed a complaint filed on April 20, 2007, by Mr. Burch against Philip H. Dorsey, III, alleging conflict of interest pursuant to the Ethics Ordinance, Section 5 A and C. Both respondents are members of the newly appointed Rural Preservation District Task Force.

The complaint against Mr. Parlett alleges that his occupation as a developer in St. Mary's County will impair his impartiality and/or independence of judgment for service on the Rural Preservation [District] Task Force, and create the appearance of, if not an actual, conflict of interest in violation of the St. Mary's County Ethics Ordinance.

The complaint against Mr. Dorsey alleges that his occupation as a developer in St. Mary's County, as well as his financial interest in over 700 acres located in the RPD will impair his impartiality and/or independence of judgment for service on the Rural Preservation [District] Task Force, and create the appearance of, if not an actual, conflict of interest in violation of the St. Mary's County Ethics Ordinance.

Mr. Baroniak noted that this is the first meeting for discussion of these complaints. As a result, no decision will be made at this meeting. The Commission follows its Rules of Procedures for handling such complaints. As a result, letters will be sent to Messrs. Parlett and Dorsey advising them of the complaints and subsequent Ethics Commission procedures including the appropriate timelines.

Mr. Kunz asked for clarification of the definitions of "official" and "employee" according to the Ethics Ordinance [Ordinance]. Reference was made to the "Definitions" section of the Ordinance. Mr. Bush asked if the RPD Task Force will make recommendations to the Board of County Commissioners [BOCC]. Mr. Baroniak responded any recommendations they make will result in a public hearing with final approval by the BOCC. Ms. Holder asked if something had happened that would show a conflict of interest by either gentleman. She said that unless something has happened other than appointment to the RPD Task Force, there would appear to be no violation. She further stated the Commission would have to know more about any alleged conflict of interest other than appointment before proceeding.

Mr. Baroniak reviewed the other members of the RFD Task Force and their land holdings. Messrs. Hahnel, Evans and Norris own land in the county and he believes Mr. Norris owns land in the RPD. Mr. Burch stated that those three members own small acreage and have no land in the RPD according to their Financial Disclosure Statements for CY 2006.

Mr. Burch stated that his concern regards the participation of Messrs. Parlett and Dorsey on the RPD. He feels that their participation should be prohibited because it benefits their occupation as developers. Mr. Baroniak asked if the other three members should be excluded from participation on the RPD Task Force because they own land. He also asked if members whose family members own land in the RPD should be excluded and Mr. Burch responded they probably should. He advised that Mr. Dorsey is his cousin. Mr. Burch said he himself owns ½ acre in the Lexington Park development district and it is not developable. He further said that citizens who don't own large lots and whose job is not to develop land should be appointed to the Task Force. He said that Messrs. Parlett and Dorsey own land in the development district and are "in the business of transferring TDR's." Mr. Bush asked Mr. Burch how could the BOCC have appointed them as members of the RPD Task Force. Mr. Burch responded that these appointees should have impartial judgment and not direct the BOCC. He said that, during the meeting authorizing the Task Force, Commissioner Raley asked the County Attorney if there would be a conflict in any appointment of people who own large amounts of property. Mr. Burch reported the County Attorney said there would not be. Mr. Baroniak asserted that the County Attorney acts as an advisor to the Ethics Commission and may interpret the Ordinance with the concurrence of the Commission. He also advised that outside counsel is available to the Commission in the event of any possible conflict of interest in a matter involving the County Attorney or her office.

Mr. Baroniak asked Mr. Burch if he has attended any of the meetings of the Task Force. Mr. Burch responded in the negative. Mr. Baroniak asked Mr. Burch if he filed previous complaints against Messrs. Parlett or Dorsey. He responded in the negative. Mr. Baroniak asked him if he has any facts that either Respondent has benefited from the decisions of the Task Force. Mr. Burch responded that the Task Force and other ad hoc committees only advise and recommend. Mr. Baroniak asked if farmers who own large amounts of land should be excluded. Mr. Burch responded in the positive if they own land in the RPD and/or have TDR's. He further said that no one who has land in the RPD with the possibility of TDR's should serve.

Mr. Burch said that Messrs. Parlett and Dorsey should act as stakeholders in the TDR process and should be invited to speak to the issue and give their points of view to the Task Force.

*Mr. Goeller joined the meeting.*

After a status briefing for Mr. Goeller by Mr. Baroniak, Mr. Burch said his complaint was not against the two individuals but really against the County; but, according to the Commission complaint form, he had to file against an individual(s). He affirmed he was not saying that these two gentlemen did anything wrong. Mr. Bush asked Mr. Burch if the Commission should ask the BOCC to rescind the membership of the Respondents on the Task Force. He responded in the affirmative.

Mr. Baroniak spoke briefly about the development of the county Comprehensive Plan in 2002 completed by an outside firm with no county input until the public hearing. All agreed that the lack of county involvement in the process was not helpful to the development of the Plan. After a brief discussion on the Comprehensive Plan, the Zoning Ordinance, and the Development Review Forum (DRF), Mr. Baroniak asked Mr. Burch if Messrs. Parlett and/or Dorsey were on the DRF when it was appointed. He responded in the negative.

Mr. Goeller asked where the line is when someone owns land in the county which could or could not be viewed as a conflict of interest or bar them from participation on the Task Force. He said that the county needs experts to serve on county boards, commissions, and task forces. Balance of membership should also be a concern.

Mr. Baroniak asked Mr. Burch if his complaint is really with Commissioner Raley who appointed Mr. Parlett. Mr. Burch responded that the participation of the two Respondents is in violation of the Ethics Ordinance. Mr. Baroniak asked if the complaints should have been filed against the Board of County Commissioners. He said it probably should have but he filed against the two gentlemen because he perceives they have a vested financial interest.

*Mr. Burch left the meeting.*

Request for Assistance from Citizen. An email was received from a citizen asking for assistance on a matter involving a dispute with a County deputy sheriff. A response will be sent to the citizen urging him to contact the Sheriff's Office and utilize their procedures for filing a complaint.

#### **VOTE TO MOVE INTO EXECUTIVE SESSION:**

Mr. Kunz 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, and the motion was seconded. Motion carried, 5-0.

#### **EXECUTIVE SESSION:**

Present: George E. Baroniak, Chair

Joseph B. Bush, Vice Chair

Arthur E. Goeller, Member

Terri L. Holder, Member

Warren Kunz, Member

Others Present: Christy Holt Chesser, County Attorney

Susan J. Wolfe, Executive Secretary

Authority: St. Mary's County Code, Article 25, section 4-210(a)(1) Boards and Commissions; St. Mary's County Ethics Commission Rules of Procedure, Section 7.

Time held: 3:15 to 3:25 p.m.

Mr. Goeller moved that the Executive Session be closed. The motion was seconded and approved.

**FINANCIAL DISCLOSURE STATEMENTS:**

Five statements were reviewed.

**PUBLIC COMMENT:**

None.

**ADJOURNMENT:**

A motion was made by Mr. Bush to adjourn the meeting at 3:31 p.m. The motion was seconded and carried.