

COMMISSION MEMBERS

James Hester, FAICP
Chair

Maxene Bardwell, CPA
Vice Chair

Robert Scaggs

Toni Drake, Esq.

Karen Lubieniecki

Lynne Sport *Alternate*



COMMISSION STAFF

Christian L. Pulley, CPM
*City Administrator
Executive Officer*

Dennis Whitley III, Esq
Counsel to the Commission

Laura Christoplos
Administrative Assistant II

CITY OF LAUREL ETHICS COMMISSION

8103 Sandy Spring Road • Laurel, Maryland 20707 (301) 725-5300

Internet Address: <https://www.cityoflaurel.org/1458/Laurel-Ethics-Commission>

**Meeting Minutes
Thursday October 10, 2024
Virtual Meeting by Zoom**

The meeting was called to order at 6:02 pm by Chairman James Hester.

Chair James Hester called the roll with Chair James Hester, Vice Chair Maxene Bardwell, Commissioners Karen Lubieniecki, and Tommy Scaggs, and Alternate Lynne Sport in attendance. Also present were Ethics Commission Counsel Dennis Whitley III, City Administrator/Ethics Commission Executive Officer Christian L. Pulley, CPM, and Administrative Assistant II Laura Christoplos.

The meeting agenda was approved on a motion by Commissioner Lubieniecki, seconded by Commissioner Scaggs, and passed unanimously by voice vote.

Vice Chair Bardwell and Commissioner Lubieniecki had several corrections to the minutes of the June 20, 2024, meeting. Vice Chair Bardwell asked to delete the second “s” attached to “FDS.” On a motion by Commissioner Scaggs, seconded by Commissioner Lubieniecki, the minutes were approved as amended by all present except Vice Chair Bardwell, who had not been present at the meeting.

Vice Chair Bardwell and Commissioner Lubieniecki had incorrect pagination when they opened the minutes. Staff resent them to see if that helped.

The 2023 Financial Disclosure Statements (FDS), and issues with them were discussed.

Chair Hester described the situation with Charles Clyburn of the Arts Council. He has not attended meetings in a very long time. Mr. Clyburn did submit his FDS, but owed the maximum fine of \$500. The Commissioners discussed the situation and decided to give him a onetime dispensation of his fine on compassionate grounds due to the extenuating circumstances of his physical and emotional challenges of the past year.

Commissioner Lubieniecki made a motion that the Commission waive the fees for Mr. Clyburn in this particular instance, with the understanding that he is no longer a member of the Arts Council. Vice Chair Bardwell seconded the motion, which was passed by unanimous voice vote. Staff will write a letter to Mr. Clyburn and the Mayor's Office.

The fine owed by the Honorable Carl DeWalt was discussed. Staff will follow up with Budget and Personnel Services (BAPS) to see if they have better contact information.

The last person discussed was the Honorable Martin Mitchell, who has not submitted his 2023 FDS, and owes the maximum fine of \$500. Staff will write a letter to make sure this is documented.

The Commission then discussed edits to the FDS for 2024. Commissioner Lubieniecki asked that paragraph two of the instructions for the simplified FDS emphasize that officials and employees who are no longer serving on the commissions or boards still need to fill out the FDS for the previous year. Staff will also adjust paragraph one of the instructions for the long form. Commissioner Sport suggested it might be more effective if it was included in the cover letter. It was decided to put it in both places.

In the fourth paragraph "use a typewriter" will be deleted since they are no longer in common use. Commissioner Lubieniecki asked why there was not a fillable pdf form. Administrator Pulley stated that we are working with Information Technology (IT) to create that kind of form, and looking at software similar to what the State uses, so that everything can be done online. Vice Chair Bardwell concurred.

Commissioner Lubieniecki asked why N/A could not be used on the forms. Vice Chair Bardwell thought it was for legal reasons. Mr. Whitley said that, as far as he was aware, there was no legal reason not to allow N/A. He felt it was up to the Commission. Chair Hester would like to keep the prohibition of N/A on the forms.

Commissioner Lubieniecki referred to page 4, number 3 of the long FDS, where it says "See paragraph D of Instructions for definition of "Attributable."" There is no longer a paragraph D, and there is no definition of "Attributable" in the instructions.

Staff will add a definition of "Attributable" to the list of definitions in the instructions, and change the language in question 3. She will send the changes to Mr. Whitley for review.

Vice Chair Bardwell made a motion to accept the requested edits to the forms as discussed. Commissioner Scaggs seconded the motion, and it was passed unanimously by voice vote.

Chair Hester informed the Commission that there had been an Ethics Complaint submitted, but after Mr. Whitley's review it was determined that it did not meet the Complaint requirements. It has been sent back to the complainant for their corrections.

Mr. Whitley suggested that the form be tweaked to include the required language on the form. It currently does not state that it is required to be notarized, but that it needs to be "under oath." Chair Hester would like the complainant to state which section or sections of the Ethics Ordinance they believe are being violated. There are eleven prohibited actions. Mr. Whitley asked if this was an effort to make the complainant do research? Chair Hester would like them

to understand that not every complaint they have regarding the City is necessarily an Ethics complaint. It may also help to focus our efforts and help the complainant to think through what they are asking.

Staff will add a brief description of the eleven prohibited actions to the complaint form. Chair Hester would also like to have a link to the Ethics Ordinance. (When revising the form, it was decided to include a link to the Prohibited conduct and interests section of the ordinance rather than including the text in the form.) The prohibited actions are in section 2-55 A-K. Chair Hester mentioned that the limited information in the complaint that was submitted did not seem to fit under any of the prohibited actions.

Chair Hester asked about getting the link to the Ethics Ordinance onto the Commission's page. Administrator Pulley stated that the Ordinance has not been codified yet, which is why there is not a link. (This has since been resolved, and the link is on the Ethics Commission webpage.)

After staff makes the revisions to the form they will submit it to Mr. Whitley for review.

Chair Hester brought up the Ethics Commission briefing requested by the President of the City Council for the Mayor and City Council. It is tentatively scheduled for November 4. He will be on the briefing, and invited everyone on the Commission to participate. The briefing will be 10-15 minutes long, then the Commissioners will take questions. It is especially important for new members of the City Council. Administrator Pulley contacted the Council President, who informed her that November 4 will not work. Administrator Pulley asked that the Commission send a few dates in November and December to staff. There will probably be a special work session to accommodate this.

Commissioner Lubieniecki brought the Commission's attention to the fact that a former Councilmember is still using his title as Councilman on Facebook. She was not sure if the Commission could do anything about that. Chair Hester brought up the "Cooling Off Period," which is one of the prohibited actions in the Ordinance. He would like to confer with counsel about issuing a cease and desist order, which is within the Commission's purview. Mr. Whitley asked if the Commissioner would send a screen shot to him, and he would consult the ordinance. Chair Hester asked that it be sent to the entire group. Mr. Whitley said he would also speak to the City Solicitor, since it might be a legal issue beyond the Ethics Ordinance.

There were no members of the public present for comments, and staff had nothing to add.

Commissioner Lubieniecki made a motion to adjourn, which was seconded by Vice Chair Bardwell. The meeting was adjourned at 6:54 pm.