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CITY OF LAUREL ETHICS COMMISSION

8103 Sandy Spring Road, Laurel, Maryland 20707

**Meeting Minutes
Monday, May 20, 2024
Virtual Meeting via Zoom**

The Ethics Commission Meeting was called to order at 6:08 pm by Chairman James Hester.

Roll was called. In attendance were Chair James Hester, Vice Chair Maxene Bardwell, Commissioners Toni Drake, Tommy Scaggs, and Karen Lubieniecki, and Alternate Lynne Sport. Also present were Ethics Commission Counsel Dennis Whitley III, City Administrator/Ethics Commission Executive Officer Christian L. Pulley, CPM, Special Assistant to the City Administrator Carreen Koubek and Administrative Assistant II Laura Christoplos.

The May 20, 2024, Agenda was approved as written.

Vice Chair Bardwell suggested several amendments to the February 28, 2024, Minutes. The Commission approved, and the Minutes were approved as amended.

Chair Hester read through a list of those who had not submitted their Financial Disclosure Statements (FDS). Some had been submitted after the list was printed.

Commissioner Drake stated that this year things had gone very smoothly. The major issue is that nothing has been received from former Councilmember Martin Mitchell.

Chair Hester asked that another reminder be sent to Councilmember Mitchell informing him of the current amount of his fine and its continued accrual. City Administrator Pulley stated that staff has reached out to him multiple times with no response. Chair Hester would still like to see reminders sent out every two weeks. Commissioner Lubieniecki suggested sending a final notice, stating that it was the final notice, but that fines will continue to accrue until the FDS is submitted, or the maximum fine is reached. The Chair and Commissioners agreed that this was a good suggestion.

It was said, historically, if someone has outstanding obligations to the City, they cannot move forward with confirmation. Chair Hester suggested putting this in the final reminder. City Administrator Pulley said that, if this was the language used, she would want Mr. Whitley to write the letter, and staff will stick to FDS matters. Commissioner Drake asked if it was appropriate to send something to the Mayor and Council to see if there are any suggestions, or pressure that they can provide. Chair Hester stated that this would have to come from City Administrator Pulley. City Administrator Pulley said she would speak with the Mayor. Chair Hester wants the Mayor to know that the Ethics Commission has requested that the City Administrator bring this issue up with him.

Chair Hester spoke about Keri Fuller, of the Arts Council, who had a major medical issue last year. The Commission waived the requirement for her to fill out her FDS for 2022. The Chair of the Arts Council told staff that Ms. Fuller was still unable to fill out her FDS. Ms. Fuller resigned in 2023.

Chair Hester suggested that the Commission be understanding given the severity of her situation. We don't know the details. There was concern, from a HIPPA standpoint, about how much detail should be shared with the Commission.

Mr. Whitley suggested that her requirement be waived, but that something should be codified so that there is a proper procedure and protocol in the future, rather than being ad hoc. Chair Hester agreed that a protocol was needed to ensure that the Commission does not appear arbitrary in its decisions. Mr. Whitley asked the Commission to consider the level of proof required, considering HIPPA requirements.

Chair Hester asked Counsel to draft a sentence addressing this.

Mr. Whitley will look at how other organizations handle this situation, and draft something for the next meeting. Commissioner Lubieniecki asked if it might be appropriate for the Commission to ask, at its discretion, for a letter from a medical professional. Mr. Whitley said he would address the option of requesting proof from a medical professional. He said the protocol would need to be stringent, but caring.

Tony Small, also formerly on the Arts Council, did not submit an FDS last year or this year. He has not responded to multiple attempts to contact him.

Chair Hester asked staff to send another reminder to Mr. Small, noting his current fine amount.

Commissioner Drake asked, at what point, should a person be removed from their position? Chair Hester noted that Mr. Small had already resigned. The larger question is what to do with someone who is still on a Commission and is not complying with this requirement?

Since the Mayor, rather than the Ethics Commission, appoints Commission members, the Ethics Commission should write a memo to the Mayor and inform him of this person's malfeasance. We would need to copy the Mayor, the City Administrator, and the person's immediate supervisor or chairman.

Commissioner Lubieniecki asked if it was a possibility to send out a press release saying that this person has not fulfilled their obligations. Mr. Whitley said that if it could be guised as an Ethics Opinion, it might be workable. He will check into it.

City Administrator Pulley explained that the Mayor would have to approve an announcement like that, then it would go to the Communications Department. She also said that everything we are discussing tonight needs to be in a memo, drafted by Chair Hester to City Administrator Pulley, which she will then forward to the Mayor.

Charles Clyburn is currently on the Arts Council, and has not submitted his FDS this year. The Arts Council informed City staff that his wife had recently died.

Commissioner Lubieniecki suggested that the Commission show recognition of his loss, and a bit of gentleness. She suggested acknowledging his loss in the letter. Unfortunately, we need to remind him of his obligation. Chair Hester suggested softening the letter and offering to give him 30 days forgiveness. After that, the fine will start to accrue.

Jamal Lee submitted his FDS 15 days late, and has been informed that he owes \$75. A reply was received from Mr. Lee on May 20st, in which he cc'd Nailah Gubern Lee and asked her to "Take care of this." Chair Hester would like to ask him to recuse himself from any activity on the CRA until the fine is paid. Send a copy to the Chair of the CRA, the Mayor, and the City Administrator.

Former Council member DeWalt submitted his FDS 6 days late, and has been informed, via the Clerk to the City Council, that he owes \$30. Commissioner Lubieniecki informed the Commission that Councilman DeWalt has resigned and moved to South Carolina. We need to make sure we have his current contact information. Staff stated that she communicates with Council members through the Clerk to the Council. She will make sure the information is going to his current address.

Commissioner Lubieniecki suggested that when staff communicates with Council member DeWalt she should remind him that he will have to fill out an FDS next year as well.

Chair Hester asked that another reminder be sent to Council member DeWalt. Alternate Sport suggested mailing it to his Laurel address and it will be forwarded, since he just closed on the house last Friday.

Board of Appeals Alternate Valerie Nicholas turned her FDS in on the morning of May 1st. She told staff that she did not realize she was on the Board and had not attended any meetings. The Commission decided to waive the \$5 fee due to special circumstances.

The Ethics Commission voted unanimously to have Counsel and staff move forward with the actions discussed.

Chair Hester stated that it was good to see a shorter list of infractions this year.

There were some other problems that the subcommittee noted on other FDS forms. (Staff is following up on them and has gotten some responses. Chair Hester suggested a time frame of ten days to two weeks for people to get back with corrections or explanations.

City Administrator Pulley discussed the appointment process for a replacement for Councilmember DeWalt. She requested that the Commission review the FDS forms of those who are interested in being appointed to the Council. Chair Hester and Commissioners Lubieniecki and Drake volunteered.

The Clerk's Office expects to have the FDS forms from those interested in being appointed to Council member DeWalt's Ward 1 Council seat in early June.

The General Public Meeting opened at 6:59 pm.

Commissioner Drake asked about putting together an updated Ethics Packet like the one she received when she first joined the Commission.

Chair Hester noted that the Ordinance Revisions have finally been incorporated into the Ordinance.

City Administrator Pulley requested that Commissioner Drake bring in the hard copy of her Ethics Packet. Chair Hester said to give staff time to go through and update the packet since staff also has their regular duties. Alternate Sport volunteered to look over the updated packet when it was done.

City Administrator Pulley thanked everyone for all of their hard work on this year's FDS.

Chair Hester would like to have a short meeting to wrap up the resolution of the 2023 FDS. City Administrator Pulley will check her schedule for a meeting time.

The subcommittee will come in and review the corrected and late submission FDS forms. Alternate Sport is not available in the near future, so Commissioner Lubieniecki will come in her place.

The General Public Meeting closed at 7:08 pm.

The meeting adjourned at 7:09 pm.