

# **BOWIE CITY ETHICS COMMISSION**

## **Minutes**

### **August 18 , 2015 - Open Meeting**

A meeting of the Bowie City Ethics Commission was held on Tuesday August 18, 2015 in the City Manager's conference room. Commission members in attendance were Benjamin Woolery, Chair, Jim Holderbaum, Jay Fagan and Karl Stehmer. Vince Canales was excused from the meeting. Also in attendance was Fred Sussman, Counsel for the Commission and John Fitzwater, Assistant City Manager, and liaison to the Commission. Alan Kolski and Dan Thomas also attended the meeting as observers and as possible future members of the Commission.

The meeting was called to order at 3:00 p.m. by Chairman Woolery.

The meeting began with a discussion about the circumstances as to when a meeting is held in open session versus when a meeting needs to be closed. Generally, a meeting would be held in a closed session when the Commission is considering a request for an advisory opinion or when the Commission is dealing with a complaint. It is the discretion of the Ethics Commission as to whether they meet in open or closed session when considering Financial Disclosure Statements, Lobbying Registration Forms or Lobbying Activity Reports. Most other matters coming before the Commission would be held in an open session.

The Commission then considered the Financial Disclosure Statements (FDS) filed by candidates for the 2015 City Election. A discussion ensued as to what the role of the Commission is when considering FDSs. Mr. Sussman indicated that when he reviews FDSs, he is looking for whether the person filling out the form was responsive to all questions. The form is filled out under threat of perjury if the form is inaccurately filled out. Therefore, Mr. Sussman does not look behind the question to determine if someone correctly or incorrectly responded to a question. Schedule G regarding whether the filer of the form had earned income, generated the most discussion in this regard. It was also indicated that the reason a question is not accurately filled out could be that the person filling out the form did not properly understand the question. There was also discussion as to who enforces the perjury provision pertaining to the completion of these forms. Mr. Sussman indicated that someone would need to file a complaint alleging that someone perjured themselves and a court having appropriate jurisdiction would consider the matter.

Following the above discussion Mr. Stehmer moved to approve the Financial Disclosure Statements of the following candidates (Muckle, Carter, Glass, Gardiner, Dewberry, Jackson, Alegbeleye, Esteve, Rowe and Hessberger). Mr. Fagan seconded. All voted in favor.

The Commission also indicated that since the Schedule G question on the Financial Disclosure Statement regarding earned income seemed to be difficult for a

number of the candidates, that the Commission consider preparing a better explanation as to what is being asked for by this question.

Finally, Mr. Holderbaum moved to authorize Chairman Woolery to send a letter to Candidate Johnson requesting additional information in the Financial Disclosure Statement that he submitted. Mr. Stehmer seconded this motion. All voted in favor of this motion.

The Commission asked about the status of the complaint filed by Councilman Brady against Mayor Robinson with the City's Board of Elections. Mr. Fitzwater indicated that he would distribute a copy to the Commission of a legal opinion prepared by the City Attorney regarding this matter.

Mr. Fitzwater indicated that the Commission's request for City Council to consider an ordinance establishing a one year time frame within which complaints could be filed with the Ethics Commission would be added to the City Council agenda on September 8, 2015 for introduction and consideration by the City Council.

There was also an informative discussion for the benefit of the observers regarding the role of the Commission pertaining to conflicts of interest. The role of the Commission is not to initiate a conflict of interest inquiry, but instead only to become involved should someone allege a conflict of interest and file a complaint with the Commission. The role of the Commission is reactionary rather than proactive regarding complaints of conflicts of interest.

There was also an informative discussion for the benefit of the observers regarding why the Ethics Commission was reviewing Financial Disclosure Statements (FDS) by candidates instead of the Board of Elections. The response to this question is that the City Code determines what the Ethics Commission can and cannot consider and that the Code determines that FDS are the responsibility of the Ethics Commission to review.

There being no further business to come before the Commission the meeting adjourned at 4:00 p.m.

**[The next meeting of the Ethics Commission will be held on Wednesday September 16, 2015 at 3:00 in the City Manager's conference room.]**

John L. Fitzwater  
Staff Liaison to the Ethics Commission