



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

April 29, 2021

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RE: Conflict of Interest and Ethics Report

Dear Recipients:

The Maryland Code, Section 5-823 of the General Provisions Article, requires the Maryland-National Capital Park and Planning Commission (Commission) to report to the governing bodies of both counties regarding certain employee ethics issues and regulations. This letter complies with the reporting requirements and covers the period of July 2019 to December 2020. This report will transition our reports from fiscal year to a calendar year basis.

I. Conflict of Interest Issues.

A. Financial Disclosure.

The Commission requires designated employees to complete and file financial disclosure affidavits annually utilizing “**Form 1**” promulgated by the Maryland State Ethics Commission. The designated employees submit these affidavits subject to the penalties of perjury. For convenient reference, I have enclosed: (1) our current financial disclosure regulations, Commission Practice 5-70, Financial Disclosure, and (2) a blank Form 1.

During reporting periods of 2019 and 2020, approximately 157 M-NCPPC employees were required to file financial disclosures. These employee disclosures are in addition to disclosures filed by our ten (10) Commissioners who file forms directly with the Maryland State Ethics Commission and respective County administrations. Thus, the number of people who filed represents 7.5% of the M-NCPPC’s 2019 career workforce of 2,105 employees, and 7.1% of the 2020 career workforce of 2,207 positions.

B. Conflict of Interest Inquiries and Issues.

During the reporting period, the M-NCPPC agency fielded a number of disclosures and compliance inquiries regarding potential and actual conflicts of interest that were reported by the employees involved, their managers, or others. The inquiries/disclosures include the following scenarios (in no particular order):

- An anonymous complainant suspected that an employee had abused their position to steer a particular hiring decision. OIG found no evidence of improper influence by the named employee and compliance with applicable agency hiring rules.
- An anonymous hotline complainant alleged that a supervisor was renting an apartment they owned to a subordinate and also was showing workplace favoritism to that subordinate because of the landlord-tenant relationship. The complainant further alleged that the supervisor had undertaken the apartment rental with the approval of their next-level manager. After investigating to substantiate the conflict of interest associated with the landlord-tenant relationship, the Office of the Inspector General (OIG) referred the case for corrective action by the agency’s corporate Human Resources (HR) administrators, as well as the termination of the rental arrangement.
- An anonymous complainant alleged that a senior manager had abused their position to pay dues for maintaining their membership in a professional organization without an adequate business justification. Upon review, the OIG determined a strong business case for maintaining the membership and confirmed compliance with applicable agency purchasing rules. OIG accordingly concluded the complaint was unfounded.

- Over the reporting period, OIG resolved several hotline complaints that incorrectly alleged misuse of various vehicles or equipment. Examples of the various incidents where OIG assured a proper or appropriate use of agency property involved a truck, trailer, helium tanks, and mowing equipment.
- An anonymous hotline complainant alleged that a supervisor was abusing their position by repeatedly steering contract work to a favored vendor and that a higher-level manager was aware of the alleged impropriety. Upon investigation, the OIG determined that the vendor in question had won the award of a task order contract through a competitive selection process and, therefore, the complaint was not substantiated.
- An anonymous hotline complainant alleged that an employee had participated in a competitive hiring process that resulted in the unfair selection of an individual with whom they shared a residence. Upon review of the selection documentation and further investigation, the OIG confirmed the employee shared a residence with the newly-selected individual, but they had voluntarily disclosed the shared residence with the HR staff within the department. OIG also learned that the potential for an actual unfair advantage was not likely because the employee who participated in the selection process rated another applicant in the competitive selection higher than the individual with whom they shared the residence and, moreover, the three other people were directly involved in the rating process. The responsible department agreed that corporate HR staff would arrange remedial training for the department's HR staff to improve their ability to identify actual/perceived conflicts.
- A manager reported a series of billing irregularities for work relating to equipment installation and maintenance that an employee had inexplicably approved for payment before completion. After further investigation by OIG in consultation with the Corporate Purchasing Division and Legal Department, the agency took appropriate actions with regard to both the vendor and employee who allegedly abused their position.
- An anonymous complainant notified the OIG that a manager allegedly abused their position to pilfer certain items donated for a charitable event. The matter was referred to the appropriate authorities for further investigation and possible corrective action.
- A member of the planning staff made an informal ethics compliance inquiry in connection with their scheduled participation in a community master plan charrette.
- A senior department manager sought guidance on a pending proposal to purchase an agricultural easement from a property owner who also was an employee of the M-NCPPC. Working with the agency's legal office, the department developed improvements to the easement application process to assure formal disclosure in the future by a M-NCPPC employee/property owners. Based on a determination that the employee had no involvement in the selection or approval process whatsoever, and after public disclosure of the employee

relationship, the Planning Board formally approved the specific purchase on the same terms as other easements included during the same acquisition cycle.

- Several senior managers sought guidance on the conflict of interest and employment-related issues arising when an employee is involved in the activities of a charitable organization. Specific inquiries involved the potential appointment of a designated employee to the board of directors for a not-for-profit corporation engaged as a private partner in the context of a P-3 relationship and another employee who had been recruited to help an event committee for an organization promoting accessibility through transportation policies and investments.
- A staff member made an informal ethics compliance inquiry about having a personal legal matter handled by an attorney who frequently appears before the agency in quasi-judicial cases. The staff was advised that hiring the attorney would result in mandatory disclosures of the new personal relationship and, most likely, recusal by the staff member in a significant number of cases falling within their official responsibilities.
- An anonymous hotline complainant alleged that a manager was abusing their public position to support their outside business activities and also provide preferential treatment to an identified third party. The OIG investigated and was unable to substantiate the allegation.
- A manager requested guidance from the OIG regarding a possible conflict of interest involving an employee's secondary employment and the use of a Commission business office. After further evaluation, OIG determined that the employee's actions did not constitute a conflict.
- An employee raised concerns with the OIG regarding abuse of power during the annual budgeting process. The OIG investigated and determined the employee was not asked to submit "false" budget requests, but instead, was asked for information as part of a proforma budget planning exercise. The OIG further determined that all final budget requests had been fully disclosed, vetted, and supported by senior management.
- A newly-hired legal counsel sought guidance about complying with the standards of public ethics for handling cases for private clients with matters pending before a Planning Board before and after their starting date with the M-NCPPC. Among other things, the attorney was advised: (1) to adjust their employment start date to effect a complete and orderly withdrawal from any still pending matters, (2) to recuse and avoid any involvement in any private client matter pending at the time of transition to M-NCPPC employment, and, (3) to notify their supervisor and effect recusal in any future M-NCPPC matter that presents a conflict of interest as a result of a prior attorney-client relationship or prior involvement in a development application.
- Staff members routinely make compliance inquiries about the agency's gift, conference, and nominal value rules. Guidance is routinely provided.

II. Lobbying Disclosures.

In addition to these reports, we will be reporting annually on the activities of third parties to lobby agency officials on its legislative and quasi-legislative activities. During the time period covered by this report, no individuals have registered to, nor lobbied, agency officials on the Commission's legislative or quasi-legislative activities. The agency routinely includes its Lobbying policy as part of the Ethics policies that are shared as links in the section below. Reporting requirements are also posted on the agency's website.

III. Ethics Regulations.

Over time, the Commission has promulgated a number of regulations to govern employee conduct and establish ethical standards. Those regulations include the Financial Disclosure rules discussed above, as well as the following documents that are accessible through the links below for your files and convenient reference. All documents also may be accessed through the following address <https://www.mncppc.org/DocumentCenter/View/17337/M-NCPPC-Ethics-Regulations-and-Policies>:

- [Commission Practice 1-31 - Organizations and Functions of the Audit Committee and Office of the Inspector General](#)
- [Commission Practice 2-14 - Non-Commission Employment and Non-Commission Business](#) and accompanying [Administrative Procedures 03-05 - Non-Commission Employment /Business](#)
- [Commission Practice 2-15 - Employee Use of Commission Property](#)
- [Commission Practice 2-24 - Ethics](#) and [Notice 06-03 Nominal Value](#)
- [Commission Practice 2-72 - Conditions for Acceptance of Awards from Outside the Commission](#)
- [Commission Practice 2-90 - Solicitations on Commission Property](#)
- [Commission Practice 3-31 - Fraud, Waste, and Abuse](#)
- [Commission Practice 4-10 - Purchasing Policy](#)
- [Commission Practice 5-61 - Lobbying Disclosure](#)
- [Commission Practice 5-70A - Financial Disclosure](#)
- [Commission Practice 6-10 - M-NCPPC Vehicle Use Program](#)

Mses. and Messrs. Jackson, Madaleno, Michelson, and Williams

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- [Commission Practice 6-13 - Electronic Communications Policy](#) and accompanying [Administrative Procedures 12-01 - Mobile Technology \(Acquisition, Assignment, and Authorized use\)](#)
- [Commission Practice 6-52 - Use of Commission Facilities by the Public and Staff](#)

A number of these policies have undergone review and recent updates. Others are being reviewed as part of the comprehensive review of all agency policies, including disclosure requirements to ensure they continue to reflect organizational needs. This comprehensive review of the agency's ethics policies is now underway.

IV. Conclusion.

We hope the information provided in this report is informative and welcome any comments you have. Please feel free to contact us if you have any questions or concerns.

Sincerely,



Asuntha Chiang-Smith
Executive Director

Enclosures

cc: The Maryland-National Capital Park and Planning Commission
M-NCPPC Audit Committee
Joseph C. Zimmerman, Secretary-Treasurer
Adrian R. Gardner, General Counsel
Mike Riley, Director, Montgomery County Parks Department
Bill Tyler, Director, Prince George's County Dept. of Parks and Recreation
Andree Checkley, Director, Prince George's County Planning Department
Gwen Wright, Director, Montgomery County Planning Department
Renee Kenney, Inspector General
Jennifer K. Allgair, Executive Director, Maryland State Ethics Commission