



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

June 15, 2023

Tara Jackson
Chief Administrative Officer
Prince George's County
Headquarters Building
1701 McCormick Drive
Largo, Maryland 20774

Richard S. Madaleno, Jr
Chief Administrative Officer
Montgomery County
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, Maryland 20850

Ms. Marlene Michelson
Executive Director - Office of the County Council
Montgomery County Council
100 Maryland Avenue, 6th Floor
Rockville, Maryland 20850

Mr. Robert J. Williams, Jr.
Administrator
Prince George's County Council
14741 Governor Oden Bowie Drive, Room 2027
Upper Marlboro, Maryland 20772-3050

RE: Conflict of Interest and Ethics Report

Dear Recipients:

The Maryland Code, General Provisions Article, Section 5-823, requires the Maryland-National Capital Park and Planning Commission ("M-NCPPC") to submit a report, on or before April 30 each year, to the governing bodies of Prince George's County and Montgomery County on its conflict of interest issues and regulations during the previous calendar year. This letter complies with the reporting requirements and covers the period of January 2022 to December 2022.

I. Conflict of Interest Issues.

A. Financial Disclosure.

The M-NCPPC 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, M-NCPPC Practice 5-70, Financial Disclosure, and (2) a blank Form 1.

During the reporting period, approximately 189 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 8.9% of the M-NCPPC’s CY2022 career workforce of 2125 employees.

B. Conflict of Interest Inquiries and Issues.

During the reporting period, M-NCPPC fielded several 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):

- A department supervisor communicated with direct reports about a pending Human Resources investigation in a manner that posed a potential conflict and could have been detrimental to the investigation. The issue was discussed with the supervisor and appropriate action was taken to safeguard the investigation.
- A new Commissioner inquired as to disclosure to the State Ethics Board regarding his wife’s employment and a part-time, virtual teaching position. The individual was advised to disclose his spouse’s employment as a potential conflict that would require his recusal if a matter involving her company came before the Planning Board.
- An employee who is also a notary inquired about her provision of paid notary services outside of her M-NCPPC work hours. She was advised to file a “Non-Commission Employment Form” and have it approved by her supervisor and department head.
- In two separate lawsuits filed against M-NCPPC employees, M-NCPPC retained outside counsel to represent the individual employees due to potential conflicts of interest between

employee defendants and the M-NCPPC while the Office of the General Counsel (“OGC”) represented the M-NCPPC.

- When a former employee filed a lawsuit against the M-NCPPC for an alleged violation of the MPIA, the M-NCPPC retained outside counsel due to the OGC’s prior direct engagement with the former employee litigant.
- A Commissioner recused himself from a closed session regarding conduct of an appointed official and potential actions to be taken due to a conflict caused by the Commissioner’s involvement in an underlying complaint.
- The OGC advised a Commissioner about a potential conflict of interest between the Commissioner’s full-time employer and matters that were presented to the Planning Board relating to the Commissioner’s employer.
- The Montgomery County Planning Department staff made inquiries concerning whether a conflict of interest was created by staff continuing to perform their job duties and responsibilities while they were potential witnesses in potential litigation. The OGC advised staff that there was not a conflict of interest in that scenario.
- A Division Chief from Prince George’s County Department of Parks and Recreation made an inquiry concerning whether a conflict of interest was created as a result of her casual acquaintance with an individual who works for a potential flooring vendor. The OGC advised that there was neither a conflict of interest nor a perceived conflict of interest.

Over the reporting period, the OIG resolved several hotline complaints and various investigations involving alleged conflicts of interest.

- The OIG investigated allegations of a conflict of interest involving an M-NCPPC contractual employee working in a professional information technology position. It was determined that the employee also operated an IT firm and used their position within the Commission to secure contracting jobs for his/her company. The employee was terminated.
- The OIG received an anonymous allegation that an M-NCPPC employee responsible for field permitting was collecting and keeping cash registration fees. The OIG investigated the allegations and was unable to substantiate the allegations.

- An employee, approved for full-time telework was working a second job, outside the M-NCPPC during his/her scheduled work hours. The OIG calculated \$13,627 in salary payments for time not worked. The employee was terminated.
- An anonymous hotline allegation reported possible nepotism at a M-NCPPC maintenance yard. Per the complainant, a father and son routinely worked on the same crew and alleged that the father was a crew lead who was providing preferably treatment to his son. The OIG raised the nepotism concerns with the Department. Department management were aware of the relationship, and confirmed the individuals were not on the same crew.
- Staff members routinely make compliance inquiries about the agency's gift, conference, and nominal value rules. Guidance is routinely provided.

II. Lobbying Disclosures.

As you may know, the M-NCPPC updated and expanded its M-NCPPC Lobbying policy, Administrative Practice 1-11 on December 15, 2021. The Practice was updated to ensure that lobbying the M-NCPPC or its Planning Boards for the purpose of influencing any administrative, legislative, quasi-legislative, or executive action, does not violate ethical norms or erode the highest trust placed by the public in Commissioners, appointees, and M-NCPPC employees. The revised Practice clarified and expanded the types of lobbying that would trigger a registration requirement for the lobbyist. Due to the timing of adoption of the revised Practice, calendar year 2021 was subject to the old version of the Practice which only covered the M-NCPPC's legislative and quasi-legislative activities. Calendar year 2022 is the first year of implementation for our newly revised practice. During 2022, eight (8) lobbying registrations were submitted.

The M-NCPPC will continue to include its Lobbying policy as part of the Ethics policies that are shared as links in the section below. Updated reporting requirements are also posted on the agency's website. The Corporate Policy Team is working with the Office of the General Counsel to design and rollout a new public-facing Lobbying Registration Portal to provide real-time registration information.

III. Ethics Regulations.

Over time, the M-NCPPC 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:

- [Commission Practice 1-31 - Organizations and Functions of the Audit Committee and Office of the Inspector General](#)

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

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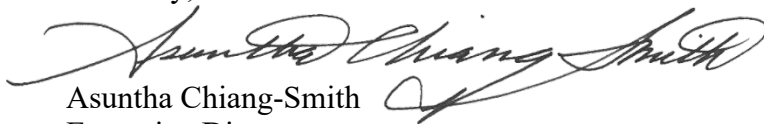
- [Commission Practice 2-14 - Non-Commission Employment and Non-Commission Business](#) and accompanying [Administrative Procedures 03-05 - Non-Commission Employment /Business](#)
- [Commission Practice 2-15 - Employee Use of Commission Property](#)
- [Commission Practice 2-24 - Ethics](#) and [Notice 22-09 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 5-70 - Financial Disclosure](#)
- [Commission Practice 6-10 - M-NCPPC Vehicle Use Program](#)
- [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 examination of all agency policies, including disclosure requirements to ensure they continue to reflect organizational needs. The comprehensive review of the agency's ethics policies is currently 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

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

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Enclosures

cc: The Maryland-National Capital Park and Planning Commission
M-NCPPC Audit Committee
Gavin Cohen, Secretary-Treasurer
Debra Borden, General Counsel
Mike Riley, Director, Montgomery County Parks Department
Bill Tyler, Director, Prince George's County Dept. of Parks and Recreation
Suzanne King, Acting Director, Prince George's County Planning Department
Tanya Stern, Acting Director, Montgomery County Planning Department
Renee Kenney, Inspector General
Jennifer K. Allgair, Executive Director, Maryland State Ethics Commission