



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

April 17, 2024

10:00 a.m. – 12:00 p.m.

**Prince George's
Parks and Recreation Administration**

Auditorium

6600 Kenilworth Avenue
Riverdale, Maryland 20737

and via teleconference

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA

Wednesday, April 17, 2024
10:00 am to 12:00 noon

Hybrid – Online & Prince George’s Parks and Recreation Admin Auditorium
Riverdale, Maryland

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(*) Page 1	
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – March 20, 2024	(*) Page 3	
3.	General Announcements (10:05 a.m.)		
	a) Stress Awareness Month		
	b) Alcohol Awareness Month		
	c) Arab American Heritage Month		
	d) Upcoming National Prevention Week (Mental and/or Substance Use Disorders) May 12-18		
	e) Financial Disclosure Statements Due April 30		
	f) Reminder June Commission meeting will be Wednesday June 12 (regular schedule falls on Juneteenth M-NCPPC Holiday)		
4.	Action and Presentation Items (10:15 a.m.)		
	a) Resolution 24-08 Easement of M-NCPPC property to Peterson LLC at Potomac Waterfront Park in Oxon Hill (Sun)	(*) Page 9	
	b) Amendments to Practice 1-30 Organization and Functions of the Office of the Secretary-Treasurer and Department of Finance (Harvin/Beckham)	(*) Page 21	
	c) Amendments to Practice 2-24 Code of Ethics (Harvin/Beckham)	(*) Page 33	
	d) CIO’s Quarterly Report/Enterprise Resource Planning (ERP) Update (Chilet)	Page 67	
5.	Officers’ Reports (10:40 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, January 2024 (For Information Only)	Page 71	
	<u>Secretary Treasurer</u>		
	<i>No report scheduled</i>		
	<u>General Counsel</u>		
	b) Litigation Report (For Information Only)	Page 73	
	c) Annual Legislative Report	LD	
<i>Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b), (9), a closed session is proposed to consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees’ Organization and the Fraternal Order of Police bargaining units to preserve the Commission’s negotiating position.</i>			
7.	<u>Closed Session</u>		
	a) Collective Bargaining Update		

(*) Vote (LD) Late Delivery (H) Handout (D) Discussion Only

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
March 20, 2024

The Maryland-National Capital Park and Planning Commission met in hybrid, in-person/videoconference, with the Chair initiating the meeting at the Wheaton Headquarters Auditorium in Wheaton, Maryland, and was live-streamed by the Montgomery County Planning Department.

PRESENT

Prince George's County Commissioners

Peter A. Shapiro, Chair
Dorothy Bailey
Manuel Geraldo

Montgomery County Commissioners

Artie Harris, Vice Chair
Josh Linden
Mitra Pedoeem

NOT PRESENT

William Doerner
A. Shuanise Washington

Shawn Bartley
James Hedrick

Chair Shapiro called the meeting to order at 10:10 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: See item 2

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – 2/21/24

Motion by Commissioner Geraldo to adopt the 3/20/24 Amended Agenda and 2/21/24 Open Session Minutes
Seconded by Vice Chair Harris

6 approved the 3/20/24 agenda

6 approved the 2/21/24 minutes

ITEM 3 GENERAL ANNOUNCEMENTS

- a) Women's History Month
- b) St. Patrick's Day
- c) National Colorectal Cancer Awareness Month
- d) National Nutrition Month
- e) Upcoming Stress Awareness Month
- f) Upcoming Alcohol Awareness Month
- g) Financial Disclosure Filing Requirement Reminder

Chair Shapiro thanked the cross-agency budget team on their ongoing work on the current budget cycle. Vice Chair Harris thanked the Gold Medal team for and early submission of the Gold medal application on behalf of the agency.

ITEM 4 COMMITTEE AND BOARD REPORTS (for information only)

- a) Employees' Retirement System Board of Trustees Regular meeting Minutes from February 6, 2024.

ITEM 5 ACTION/PRESENTATION ITEMS

- a) Resolution 24-04 Montgomery County Bond Sale (Cohen)

Secretary-Treasurer Cohen provided a summary of the Resolution to issue \$8M in bonds on the public markets. The proceeds would be used to fund improvements and infrastructure in the Montgomery County Parks System.

Motion of Commissioner Geraldo to adopt Resolution 24-04
Second by Commissioner Pedoeem
6 in favor

- b) Resolution 24-05 Perpetual Easement of M-NCPPC Property to Prince George's County at Riverview Park located in Fort Washington (Sun)

Vice Chair Harris asked the General Counsel to provide a brief summary for the benefit of the newer Planning Board members, on why the full Commission is required to approve a land matter specific to one county. General Counsel Borden noted in the Land Use Article, there is a specific provision that says the full Commission is required to approve any land disposal transaction within Montgomery or Prince George's Counties. This would include an easement, such as within Resolution 24-05. She noted the acquisition of land can be delegated to the respective Planning Boards.

Motion of Commissioner Geraldo to adopt Resolution 24-05
Second by Vice Chair Harris
6 in favor

- c) Resolution 24-06 Memorandum of Understanding and Reciprocal Enforcement between The M-NCPPC and the University of Maryland College Park Police Department (Aniton)
Item removed from the agenda.

- d) Acknowledgement of Sergeant Anton White as the Fraternal Order of Police Represented Employee to the ERS Board of Trustees for the remainder of the term ending June 30, 2025 (Rose)

Employees' Retirement System Administrator Rose requested Commissioners' support to acknowledge Sgt. White's appointment to the ERS Board of Trustees.

Motion of Commissioner Geraldo to acknowledge the appointment of Sgt. White to the ERS Board of Trustees
Second by Commissioner Pedoeem
6 in favor

- e) Resolution 24-07 Adjustments to the Aquatics Seasonal/Intermittent Pay Schedule (Spencer/King)

Classification and Compensation Manager Boni King presented the item, transmitted as a late delivery/addition to the agenda. Resolution 24-07 proposes an adjustment to the aquatic

seasonal/intermittent pay schedule, of a \$1.00/hr salary rate increase to newly hired employees in their first year of employment, and applying the resulting percentage increase to 2nd, 3rd, and 4th year rates. The increase is needed to remain competitive with other jurisdictions.

Motion of Commissioner Geraldo to adopt Resolution 24-07
Second by Vice Chair Harris
6 in favor

ITEM 6 OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report, February 2024 (For Information Only)
- b) Minority Female Disabled vendor program Quarterly Report (For Information Only) Vice Chair Harris asked if the M-NCPPC's MFD program has met or set specific goals for its benchmarks. Deputy Executive Director Spencer and Corporate Policy and Management Operations Director Harvin said DHRM is waiting for the results of the state of Maryland vendor disparity study, expected in September 2024, which will allow us to set specific parameters and goals. The agency does have an overall goal to increase the number of MFD vendors than in previous years and is on track to exceed the number of local, minority, female and disabled vendors used last year.
- c) Quarterly Budget Transfers Report (For Information Only)

Secretary-Treasurer's Report
No report scheduled

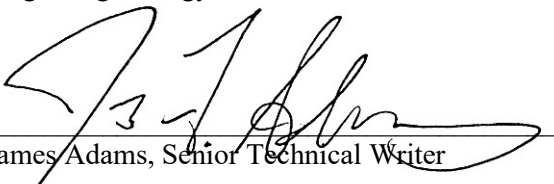
General Counsel's Report
d) Litigation Report (For information only)

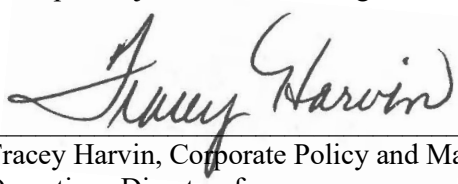
Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b), (9), Commissioner Pedoeem moved to enter a closed session to consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees' Organization and the Fraternal Order of Police bargaining units to preserve the Commission's negotiating position. Commissioner Geraldo seconded. All Commissioners attending approved.

Closed session commenced at 10:33 a.m.

ITEM 7. CLOSED SESSION
a) Collective Bargaining Update

Open Session resumed at 11:21: a.m. where Chair Shapiro acknowledged a vote was taken to approve collective bargaining strategy. With no other business to discuss, Chair Shapiro adjourned the meeting at 11:22 a.m.


James Adams, Senior Technical Writer


Tracey Harvin, Corporate Policy and Management
Operations Director, for
Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT**

Date: 03/20/2024 Time: 10:39 am

Location: Wheaton Headquarters Building Auditorium, Wheaton, Maryland & Via Videoconference

Motion to close meeting made by Commissioner Pedoeem. Seconded by Commissioner Geraldo.

Members voting in favor: Bailey, Geraldo, Harris, Linden, Pedoeem, Shapiro

Opposed: N/A Abstaining: N/A Absent: Bartley, Doerner, Hedrick, Washington

**STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b)
(check all that apply):**

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- (15) To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information, such as information that is related to passwords, personal ID numbers, access codes, encryption, security devices, or vulnerability assessments or that a governmental entity collects or maintains to prevent, detect, or investigate criminal activity; or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9), a closed session is proposed to consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees' Organization and the Fraternal Order of Police bargaining units to preserve the Commission's negotiating position.

Topics to be discussed:

Collective Bargaining update of negotiations with Municipal and County Government Employees Organization (MCGEO) and Fraternal Order of Police (FOP) bargaining units.

This statement is made by:

Peter Shapiro, Chair, Presiding Officer.

PRINT NAME


SIGNATURE & DATE

25 MARCH 2024

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: April 9, 2024

TO: The Maryland-National Capital Park and Planning, Full Commission

FROM: Paul J. Sun, Land Acquisition Specialist *PJS*
Park Planning and Environmental Stewardship
Department of Parks and Recreation

SUBJECT: **PGCPB Resolution No. 2024-017 (M-NCPPC No. 24-08)**

Attached, please find the above referenced Resolution regarding the granting of a permanent ingress-egress easement on Commission owned property (Potomac River Waterfront Park located in Oxon Hill) to the Peterson Companies.

The Commission agrees to grant this non -exclusive easement to the Peterson Companies for Peterson to access its waterfront pier.

We request that this Prince George's County Planning Board Resolution be scheduled for adoption by the Full Commission in April of 2024.

Thank you for your attention to this matter.

Attachment:

- PGCPB Resolution No. 2024-017 / M-NCPPC Resolution No. 24-08



PGCPB No. 2024-017

M-NCPPC No. 24-08

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (“Commission”) is authorized under the Annotated Code of Maryland, Land Use § 17-205 to transfer any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, the Commission owns Potomac River Waterfront Park consisting of part of Parcel 11 for a total of 21,124 ± square feet or 0.48 ± Total Acres located in Oxon Hill, and further identified as Tax Map 104, Grid D2 (“Property”); and

WHEREAS, the Peterson Companies L.C. (“**Peterson**”) has requested that the Commission convey to Peterson a 21,124 ± square foot (0.48 ± acre) permanent nonexclusive ingress-egress easement over the Property for Peterson to access its waterfront pier; and

WHEREAS, for the benefit of the public, the Commission intends to grant to Peterson such 0.2624 ± acre permanent nonexclusive easement as requested by Peterson.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby approves the conveyance of the above-referenced easement, contingent on approval by the full Commission.

BE IT FURTHER RESOLVED, that, in connection with the transactions contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission, any and all such certificates, documents, and/or instruments, and to do or cause to be done, any and all such acts, as the Executive Director deems necessary or appropriate to make effective or to implement the intended purposes of the foregoing resolution, without limitation, and the taking of such actions shall be deemed conclusively to be authorized hereby.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Shapiro, Geraldo, and Bailey voting in favor of the motion, and Commissioners Doerner and Washington absent, during open session at its regular meeting on Thursday, March 21, 2024.

Adopted by the Prince George's County Planning Board this 4th day of April, 2024.

Approved as to Legal Sufficiency

Neil A. Murphy
Commission Office of the General Counsel
Date: 04/04/2024

Peter Shapiro
By: Jessica Jones
Jessica Jones
Planning Board Administrator

Open Session, March 21, 2024

AGENDA

Grant of Ingress/ Egress Easement at National Harbor Potomac River Waterfront Park



Property of the Maryland-National Capital Park and Planning Commission

Tax Map 104 Grid D 2
Part of Parcel 11

Vicinity Map



SHEET 1 OF 4



Part of Parcel 11
Tax Map 104, Grid D2
Potomac River
Waterfront Park

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Maryland National Capital Park and
Planning Commission.

DATE: 03/14/2023

SCALE: 2,000

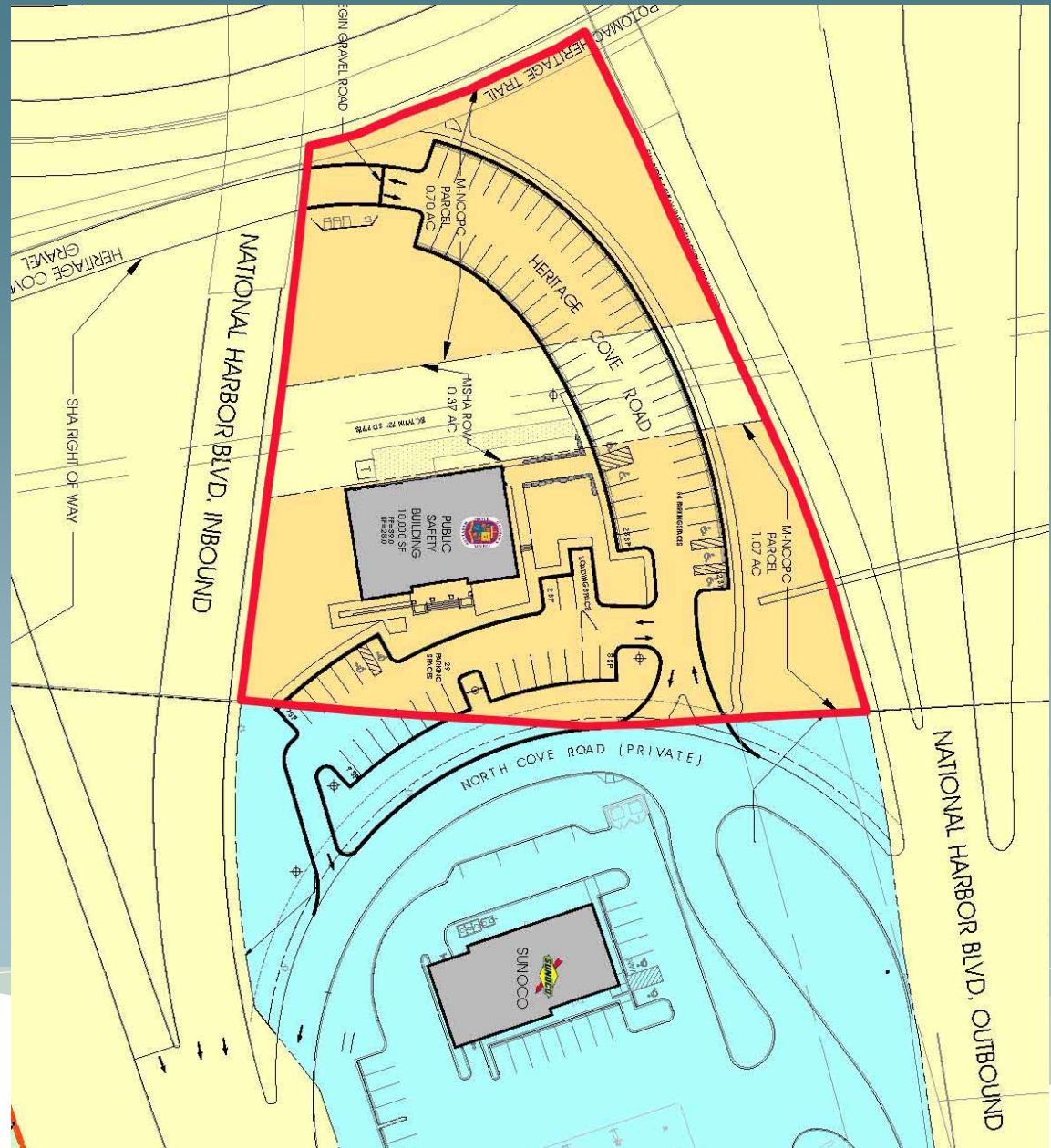
Feet



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT.P, NRCAn, Esri
Canada, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c)
OpenStreetMap contributors, and the GIS User Community.

National Harbor Public Safety Building

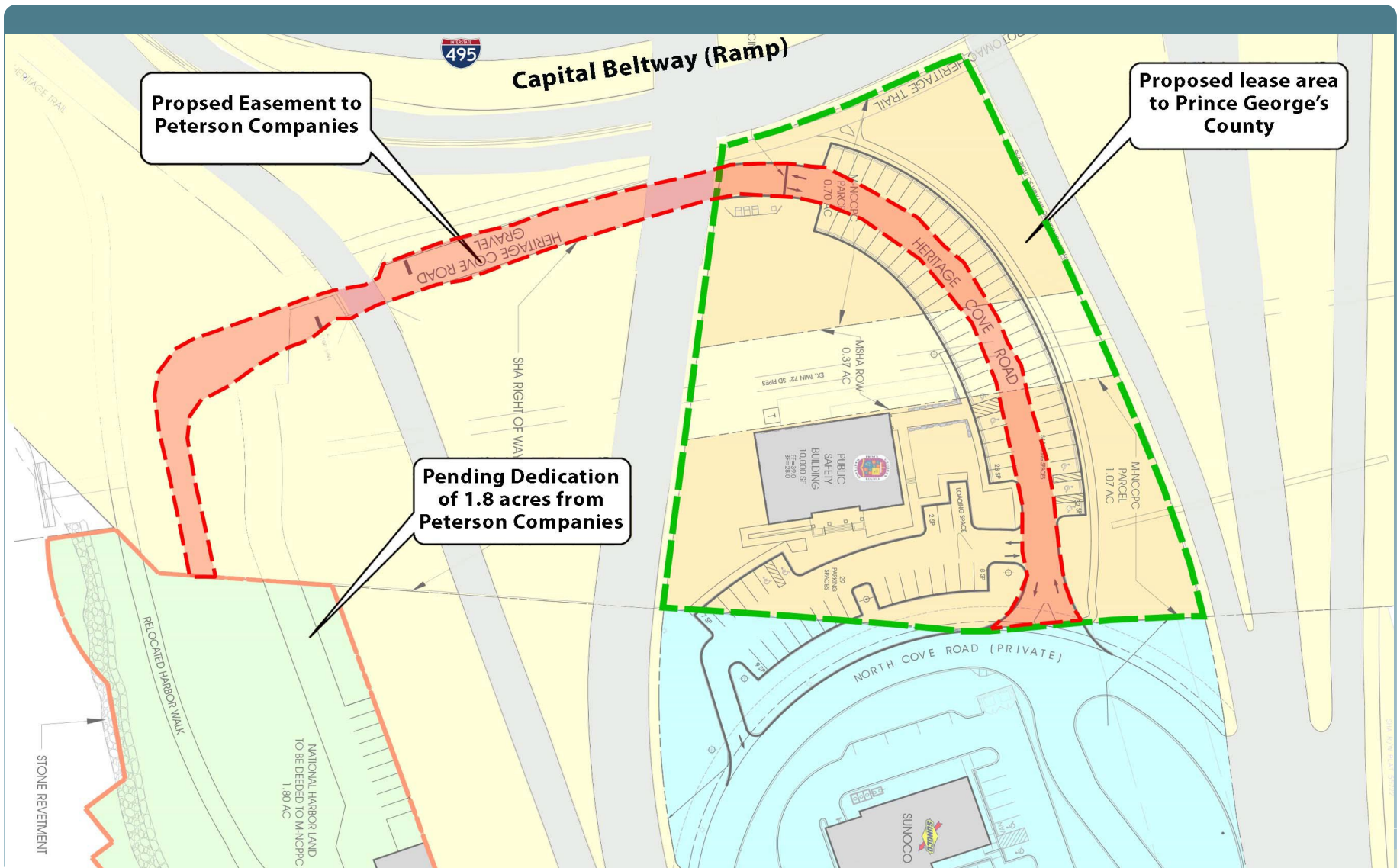
In April 2023, we presented the general terms for a long-term lease on Park property for the new Prince George's County Public Safety Building





National Harbor Public Safety Building





As part of the Public Safety Building development, it is necessary to grant an access to the Peterson Companies to ensure that they have access to their piers along the waterfront

Open Session March 21, 2024

- The access (ingress/egress) easement will follow the proposed parking lot drive aisle and route underneath the Capital Beltway ramps.
- The access easement will be non-exclusive and consist of 21,124 square feet or 0.48 acres.
- The access easement is needed prior to Peterson's conveyance of their 1.8 acre Parcel to M-NCPPC.
- There will be no cost considerations for the granting of this easement.

Proposed Easement to Peterson Companies

Capital Beltway (Ramp)

Potomac River Waterfront Park

Proposed lease area to Prince George's County

P.O

NORTH COVE

P.30

P.31

17

P.32

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Proposed Access Easement from North Cove Road to the future 1.8 acre Parcel

Pending Dedication of 1.8 acres from Peterson Companies

STAFF RECOMMENDATION

Approval
(Tyler/McNeal/Sun)*

* Subject to final approval by the Full Commission

End

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

April 17, 2024

To: The Commission

Via: William Spencer, Acting Executive Director

From: Tracey Harvin, Corporate Policy and Management Operations Director
Michael Beckham, Corporate Policy & Archives Manager

Subject: Amendments to Administrative Practice 1-30, Organization and Functions of the Office of the Secretary-Treasurer and Department of Finance

Requested Action

The Commission is asked to review and approve proposed amendments to Administrative Practice 1-30, *Organization and Functions of the Office of the Secretary-Treasurer and Department of Finance* (Attachment A).

With the Commission's approval, the proposed revisions will be finalized and promulgated.

Background

Originally issued in 1976, Practice 1-30 describes the core functions and responsibilities of the Secretary-Treasurer and Department of Finance. The Practice was most recently revised in 2022 to reflect the current organizational structure with updated descriptions of functions and responsibilities.

Summary of Changes

As part of an effort to continually update the agency's policy system, changes to the existing Practice are proposed to:

- Remove the provision stating the Secretary-Treasurer executes agreements with providers, as the Executive Director performs the role of executing contracts for the Commission.
- Remove the provision that requires the Secretary-Treasurer to attest to the signature of the Executive Director. Attestation of a signature, similar to witnessing a signature, may be performed by any person and does not necessarily need to be the Secretary-Treasurer. This action is also no longer relevant or needed with the use of electronic signatures.

Attachments:

A. Proposed Amendments to Administrative Practice 1-30, Organization and Functions of the Office of the Secretary-Treasurer and Department of Finance

1 **DRAFT AMENDMENTS TO ADMINISTRATIVE PRACTICE 1-30,**
2 **ORGANIZATION AND FUNCTIONS OF THE**
3 **OFFICE OF THE SECRETARY-TREASURER AND THE DEPARTMENT OF FINANCE**
4

Key to Revisions:

Grey Highlighted text: Recommended additions
Stricken text: Recommended deletions
Bold Italics: Notes to Draft Reviewer

5
6 **AUTHORITY** This Administrative Practice was originally approved by the Commission at its
7 Meeting of May 12, 1976. Amendments were last approved by the Commission of
8 [TBA] April 20, 2022.
9

10 ***Note to Draft Reviewer:*** The following two sections are recommended for deletion, as they are
11 unnecessary. The Practice applies to the Secretary-Treasurer and the Department of Finance. The
12 Commission's approval of the amended policy will replace all previous versions of the Practice. Note
13 also, that the "Purpose/Background" Section is merged with the "Policy" Section, to mirror the layout of
14 other recently updated 1-Series Practices.

15
16 **APPLICATION** ~~The provisions of this Practice apply to Commissioners, appointed officials, and all~~
17 ~~Commission employees.~~
18

19
20 **RESCISSION** ~~All Commission issuances in any form that conflict with this Practice are hereby~~
21 ~~reseind~~
22

23
24 **PURPOSE/** This Practice was established on May 12, 1976, to describe the organization and
25 **BACKGROUND** responsibilities of the Commission's Department of Finance and the Office of the
26 Secretary-Treasurer. ~~POLICY~~ Pursuant to Division II of the Land Use Article,
27 Annotated Code of Maryland, Section 15-109 (Executive Director, Secretary-
28 Treasurer, and General Counsel), the Commission shall appoint a Secretary-
29 Treasurer to. ~~The Secretary-Treasurer shall~~ serve as the organization's Chief
30 Financial Officer to manage its finances and advise the Commission on all financial
31 matters. The Secretary-Treasurer also serves as the Director of the Department of
32 Finance.
33

34 Under the direction of the Secretary-Treasurer, the Department of Finance shall
35 administer the organization's financial systems to ensure fiscal stability, public
36 accountability, and the overall integrity of fiscal activities. The Department shall
37 provide efficient, effective, and comprehensive financial services and analysis, debt
38 management, payroll, accounting, procurement, investments and treasury

1 operations, internal controls, and information technology management, including
2 administration of the enterprise resource program platforms. Specific departmental
3 objectives shall reflect priorities established by the Commission and the Secretary-
4 Treasurer.

5
6 The Department shall also provide financial expertise and guidance to M-NCPPC
7 operating departments and serve as a technical resource to Montgomery and Prince
8 George’s County governments, and other relevant outside entities, to ensure a
9 financially sound organization.

10
11 Since the initial adoption, the Practice has been amended as follows:

- 12
- 13 • April 20, 2022: Amended to identify changes in responsibilities arising from
- 14 additional functions assigned by the Commission, revisions in accounting and
- 15 financial reporting standards, and shifts in the department’s organizational
- 16 structure.
- 17 • [TBA]: Amended to reflect the Secretary-Treasurer does not execute contracts
- 18 and is not a required attestator or witness to the execution of a contract.
- 19
- 20

21 **REFERENCES**

- 22 • Division II of the Land Use Article, Annotated Code of Maryland, Section 15-
23 109.
- 24 • Administrative Practice 1-10, Organization and Functions of Commission and
25 Planning Boards.
- 26 • Administrative Practice 1-31, Organization and Functions of the Audit
27 Committee and the Office of the Inspector General.
- 28 • Administrative Practice 2-21, Risk Management.
- 29 • Administrative Practice 3-10, Authorized Business Expenses.
- 30 • Administrative Practice 3-11, Administration of Cash Funds.
- 31 • Administrative Practice 3-13, Cash Receipts and Related Cash Transactions and
32 accompanying Procedures 01-01.
- 33 • Administrative Practice 3-14, Capital and Controlled Asset Policy and
34 Accompanying Procedures 04-01.
- 35 • Administrative Practice 3-30, Delegation of Authority to Sign Documents.
- 36 • Administrative Practice 3-70, Professional Membership Payments.
- 37 • Administrative Practice 4-10, Purchasing Policy and the M-NCPPC
38 Procurement Manual.
- 39 • Administrative Practice 5-80, Public Information and Records Management.
- 40
- 41
- 42

1 **MISSION**

The Department of Finance’s mission is to maintain a financially sound organization, including implementation of financial planning and controls, to support Commission programs, ensure fiscal accountability, and provide comprehensive financial services for Commission management. In carrying out this mission, the Department is responsible for maintaining strong internal controls and implementing and administering corporate management information systems by using advanced technologies.

10 **ORGANIZATION**

The Department of Finance is organized into the following functional areas: (i) Corporate Accounting Services, (ii) Corporate Procurement Services, and (iii) Corporate Business Services and Finance Administration. The Department is directed by the Secretary-Treasurer, guided by the Commission, and monitored, but not directed, by the Executive Director.

17 **FUNCTIONS/
18 RESPONSIBILITIES**

Departmental duties and responsibilities are directed by the Secretary-Treasurer to reflect the strategic priorities established by the Commission and the work program as approved in the annual budget. Staff assignments may include inter-divisional, inter-departmental and inter-agency teams.

22 **A. Functions Assigned to the Secretary-Treasurer**

The Secretary-Treasurer is the Commission’s fiscal advisor and is appointed to serve at the pleasure of the Commission. The Secretary-Treasurer is the head of the Finance Department and is responsible for:

1. Planning, organizing, coordinating, and directing the activities of the Finance Department.
2. Recommending and administering financial policies of the Commission.
3. Directing financial matters such as coordinating financial activities, services, and reports for internal and external entities, including but not limited to, the Commission and the Planning Boards; the Executive Director; M-NCPPC departments; County Councils; County Executive offices; other local, state, and federal agencies; and external auditors.
4. Developing, implementing, and monitoring compliance with financial policies and programs in conformance with authoritative governmental accounting, auditing, financial reporting, procurement and investment standards including, but not limited, to those of the Governmental Accounting Standards Board (GASB), the Government Finance Officers Association (GFOA), applicable State and federal laws, and other government industry standards, as appropriate.

- 1 5. Exercising the fiduciary responsibility associated with managing public
2 assets by protecting the agency's assets through the establishment of
3 internal controls.
- 4
- 5 6. Advising the Commission and departments on funding approaches for
6 capital projects.
- 7
- 8 7. Along with the Executive Director and the Corporate Budget Director,
9 advising the Commission and the departments on proposed short-term and
10 long-term strategic fiscal planning to protect the financial stability of the
11 agency.
- 12
- 13 8. Recommending which entities should provide the agency with banking,
14 credit, and lending services, to help manage cash, investment, and debt
15 programs.
- 16
- 17 9. ~~Executing agreements with providers.~~ (*Note to Draft Reviewer:* Text
18 recommended for deletion as the Executive Director performs the role of
19 executing contracts for the Commission.)
- 20
- 21 10. Serving as the designated signatory on all M-NCPPC bank accounts,
22 investment accounts and broker-dealer accounts.
- 23
- 24 11. Delegating authority to procure goods and services in accordance with
25 Administrative Practice 4-10 and the Procurement Manual, including the
26 authorization of procurement cards, credit cards when in the best interest of
27 the M-NCPPC and revocation of same, as necessary.
- 28
- 29 12. Reviewing proposed disbursements, identifying related violations or
30 applicable waivers of M-NCPPC policy, and advising the Commission as
31 to any appropriate remedial action.
- 32
- 33 13. Monitoring the agency's revenues and expenditures for compliance with
34 Division II of the Land Use Article of the Annotated Code of Maryland and
35 the agency's formally adopted budgets.
- 36
- 37 14. Ensuring that M-NCPPC departments do not exceed authorized available
38 funding sources.
- 39
- 40 15. Certifying the availability of funds to satisfy M-NCPPC's contractual
41 obligations. This task may be delegated by the Secretary-Treasurer to those
42 qualified within the Department of Finance.
- 43

- 1 16. Reviewing prospective budget transfers and budget amendments, and
2 determining whether their approval is appropriate, as provided for in
3 Administrative Practice 3-60, Budget Adjustments.
4
- 5 17. Preparing and issuing financial records/reports to the Commission,
6 Planning Boards, departments, Audit Committee, and County/state
7 agencies as needed.
8
- 9 18. Reviewing Fraud, Waste and Abuse complaints and reporting any findings
10 to the Office of the Inspector General and Executive Director, in accordance
11 with Administrative Practice 3-31 (Fraud, Waste and Abuse) and its
12 accompanying Administrative Procedures.
13
- 14 19. Pursuant to Administrative Practice 2-21, Risk Management, maintaining
15 custody and management of the Intra-governmental Risk Management
16 Fund. With the Executive Director, providing oversight regarding the
17 Fund's fiscal adequacy and compliance with fund reserve policies.
18
- 19 20. Debt Issuance post-compliance procedures including continuing disclosure
20 obligations and arbitrage calculations.
21
- 22 21. Ensuring the solvency and reserve adequacy of the Commission Internal
23 Service Fund for employee group insurance in consultation with actuary.
24
- 25 22. Keeping the following:
26 a. All Commission contracts (custodian of originals).
27 b. The Corporate Seal.
28 c. Financial Records in accordance with the Commission's Record
29 Retention policy (Administrative Practice 5-80 Public Information and
30 Records Management).
31
- 32 ~~23. Attestation of the signature of the Executive Director after review and~~
33 ~~approval of financial terms and conditions of all contracts and agreements.~~
34 *(Note to Draft Reviewer:* Text recommended for deletion as it is
35 unnecessary. Attestation of a signature, similar to witnessing or notarizing
36 a signature, may be performed by any person and does not necessarily need
37 to be the Secretary-Treasurer.)
38
- 39 24. Signing all record plats.
40
- 41 25. Serving as Ex-Officio on the Retirement Plan Board of Trustees and Ex-
42 Officio on the 115 Other Post-Employment Benefits (OPEB) Trust Fund.
43

1 **B. Functions Assigned to the Department of Finance**

2 Under the direction of the Secretary-Treasurer, the Department of Finance
3 carries out agency-wide financial duties in the service areas listed below.
4

5 **1. Corporate Accounting Services**

6 Corporate Accounting Services has three (3) work programs, and their
7 respective responsibilities are as follows:
8

9 a. General Accounting is responsible for:

- 10 i. Maintaining formal accounting records of all financial transactions
11 of the Commission in accordance with the M-NCPPC's records
12 retention policy (Administrative Practice 5-80, Public Information
13 and Records Management).
14 ii. Recording and reporting financial transactions in accordance with
15 Generally Accepted Accounting Principles (GAAP).
16 iii. Establishing and determining proper Fund and related structures to
17 account for Commission services.
18 iv. Preparing financial statements and quarterly budget projections.
19 v. Providing Capital Improvement Program (CIP) accounting,
20 analysis, ad- hoc reporting, and billings.
21 vi. Generating grant and other billings.
22 vii. Providing contract fund certifications.
23 viii. Maintaining Capital Asset records and policy documentation.
24 ix. Preparing ad-hoc reports and analysis for internal and external
25 customers.
26 x. Reviewing actual expenditure and budget data in the Accounting
27 System.
28 xi. Performing account reconciliations of the Commission General
29 Ledger.
30 xii. Preparing bond sale schedules and maintaining related records for
31 financial reporting.
32 xiii. Coordinating the annual external audit.
33 xiv. Preparing the Annual Comprehensive Financial Report (ACFR) and
34 the Uniform Financial Report for the State of Maryland, Single
35 Audit Report, grant reporting and other financial reports as required.
36 xv. Developing and providing Commission-wide training and end-user
37 functional support for the Enterprise Financial Management (EFM)
38 system.
39 xvi. Accounting structure maintenance and administering
40 reorganizations.
41 xvii. Facilitating EFM report requirements, module updates, test plans
42 and business requirements.

1 xviii. Providing administrator services for division ancillary software or
2 financial systems.

3
4 b. Accounts Payable is responsible for:

- 5 i. Processing and recording all vendor payments in accordance with
6 Commission practices, policies, and procedures.
- 7 ii. Ensuring proper invoices including but not limited to accurate
8 disbursement and accounting of transactions that comply with
9 payment terms, ensuring that invoices have authorized payment
10 approvals, and responding to questions pertaining to payments and
11 invoices.
- 12 iii. Maintaining proper file management.
- 13 iv. Maintaining and managing proper vendor records.
- 14 v. Complying with all IRS regulations as it relates to vendor
15 disbursements such as preparing required 1099 Forms and
16 submission to the IRS.

17
18 c. Treasury Operations is responsible for:

- 19 i. Managing cash and investments in accordance with Commission
20 Practices, which emphasize the protection of investment principal,
21 sufficient liquidity to meet cash flow requirements, and maximum
22 return on investments subject to the first two objectives.
- 23 ii. Financial reporting that provide historical and projected information
24 on property tax collections and other revenue sources.
- 25 iii. Preparing investment reports to inform management of investment
26 returns and compliance with investment policy.
- 27 iv. Processing revenue and cash transactions.
- 28 v. Processing bond and debt payments.
- 29 vi. Processing bond proceeds, drawdowns for cashflow and initiating
30 account set ups.
- 31 vii. Administering the Post-Retirement Insurance Benefits Program
32 (115 Trust).
- 33 viii. Managing banking, collateral, credit card, investment, and other
34 custodial relationships.
- 35 ix. Performing bank reconciliations of all major Commission accounts.
- 36 x. Administering petty cash and conducting annual reviews regarding
37 bank reconciliations of petty cash and other accounts managed by
38 the operating departments.
- 39 xi. Managing, processing and submission of M-NCPPC's general tax
40 filings.

1 **2. Corporate Procurement Services**

2 Corporate Procurement is responsible for:

- 3 a. Overseeing the procurement operations of the Commission. As
- 4 components of this primary function, the division is responsible for the
- 5 development of procurement policy and procedures in accordance with
- 6 Commission procedures and applicable state and federal laws, as well
- 7 as contract review and processing.
- 8 b. Administering and monitoring the Commission's central procurement
- 9 function, in compliance with Commission procurement policies and
- 10 practices. (See: Administrative Practice 4-10, Purchasing Policy and the
- 11 M-NCPPC Procurement Manual.)
- 12 c. Overseeing the procurement of all necessary commodities, supplies,
- 13 equipment, and services that support the Commission's mission.
- 14 d. Implementing the provisions of the Commission's Non-Discrimination
- 15 Policy which promotes equal and fair competition between all vendors.
- 16 e. Fostering and maintaining relationships between the community,
- 17 vendors and Commission departments and ensure the equitable
- 18 treatment of all regarding procurement of goods and services.
- 19 f. Reviewing all contracts for availability of funds, compliance with
- 20 bidding procedures, and financial acceptability of vendor.

21

22 **3. Corporate Business Services & Finance Administration**

23 Corporate Business Services and Finance Administration has three (3) work

24 programs, and their respective responsibilities are as follows:

- 25
- 26 a. Corporate Payroll is responsible for:
- 27 i. Processing payroll in accordance with Merit System Rules and
- 28 Regulations, collective bargaining agreements, and
- 29 federal/state/local regulations.
- 30 ii. Reconciling employee deductions and their appropriate distribution.
- 31 iii. Complying with all IRS regulations as they relate to payroll
- 32 including reconciliation and submission of all payroll taxes and
- 33 regulatory reporting (e.g., W-2's, 941's).
- 34 iv. Providing payroll related reporting.
- 35 v. Answering staff questions about wages, deductions, attendance, and
- 36 time records.
- 37 vi. Maintaining confidentiality of employees' pay records.
- 38 vii. Appropriate taxation of take-home vehicles as it relates to
- 39 Commission Practice 6-10 Vehicle Use Program.
- 40
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- b. Corporate ERP Business Operations is responsible for:
 - i. Supporting payroll systems by:
 - (a) Maintaining the absence management system.
 - (b) Maintaining the time and attendance system.
 - (c) Maintaining payroll system configurations.
 - (d) Maintaining/developing payroll related reports.
 - (e) Troubleshooting payroll system issues.
 - ii. Supporting Corporate ERP systems by:
 - (a) Administering end-user security.
 - (b) Providing audit data on system usage.
 - (c) Administering business intelligence dashboards.
 - (d) Maintaining and developing business reports.
 - (e) Troubleshooting ERP system issues.
 - (f) Overseeing the operations and functional support for the Commission's financial systems and human resources systems including the timekeeping system.
 - (g) Liaising with the operating departments in support of their business operation needs relating to ERP usage.
 - c. Finance Administration is responsible for the Department's:
 - i. Administration and management.
 - ii. Budget development.
 - iii. Budget monitoring.
 - iv. Procurement.
 - v. Human resources.
 - vi. Policies and procedures.
 - vii. Property Tax Assessments.

DEPARTMENT OF FINANCE

**Corporate
Secretary-Treasurer/Chief
Financial Officer**

- Department Oversight
- Contract Attestation
- Corporate Seal
- ERS Trustee
- 115 Trust (OPEB) Trustee

**Corporate Business
Services & Finance
Administration**

**Corporate Accounting
Services**

**Corporate Procurement
Services**

**Administrative
Services**

**ERP Business
Operations**

**Payroll
Operations**

**General
Accounting**

**Accounts
Payable**

**Treasury
Operations**

- Administration & Management
- Commission Financing Bond Sales
- Financial and Economic Analysis
- Department Budget Development, Review & Analysis
- Department HR Administration
- Department Procurement
- Department Policy Administration
- Property Tax Assessment

- Corporate ERP Business Operations
- Maintaining the absence management system
- Maintaining the time and attendance system
- Maintaining payroll system configurations
- Maintaining/developing payroll related reports
- Troubleshooting payroll system issues
- Administering end-user security
- Administering business intelligence dashboards.
- Maintaining and developing business reports
- Overseeing the operations and functional support for the Commission's financial systems and human resources systems including the timekeeping system

- Payroll Operations
- Payroll Tax Compliance
- Payroll Regulatory Compliance
- Reconciling employee deductions and their appropriate distribution.
- Complying with all IRS regulations as they relate to payroll including reconciliation and submission of all payroll taxes and regulatory reporting (e.g. W-2's, 941's).
- Maintaining confidentiality of employees' pay records
- Appropriate taxation of take-home vehicles as it relates to Commission

- Commission Financial Reporting & Analysis
- General Accounting
- Commission Projections
- Accounts Receivable
- CIP Management & Grant Billings
- Bond Debt & Arbitrage Accounting & Reporting
- Contract Funds Certification
- Capital Assets & Land Records
- Enterprise Financial Management (EFM) Commission-wide Training and End User Functional Support
- EFM Report Facilitation
- Accounting Structure Maintenance & Reorganizations
- Accounting Systems Updates, Enhancements, Implementations, Test Plans & Business Requirements Collaboration

- Vendor Payments Processing & Record Maintenance
- Employee Travel Advances & Reimbursements
- Executive Credit Card Program
- IRS Form 1099 Reporting

- Cash & Revenue Processing
- Investment Management & Reporting
- Property Tax Revenue and other
- Revenue Processing & Reporting
- Management of Bank Accounts & Bank Reconciliations
- Administration of the Post-Retirement Insurance Benefits Program (115 Trust)
- Bond & Debt Payments
- Investment of Bond & Debt proceeds & Drawdowns
- Administration of Petty Cash Program
- Processing & Submission of Tax Filings
- Escheat Property Management & Filing

- Overseeing the procurement operations of the Commission
- Responsible for the development of procurement policy and procedures in accordance with Commission procedures and applicable state and federal laws, as well as contract review and processing
- Administering and monitoring the Commission's central procurement function, in compliance with Commission procurement policies and practices
- Overseeing the procurement of all necessary commodities, supplies, equipment, and services
- Implementing the provisions of the Commission's Non-Discrimination Policy
- Foster and maintain relationships between the community, vendors and Commission departments and ensure the equitable treatment of all regarding procurement of goods and services
- Reviewing all contracts for availability of funds, compliance with bidding procedures, and financial acceptability of the vendors

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6611 Kenilworth Avenue • Riverdale, Maryland 20737

April 17, 2024

To: The Commission

Via: William Spencer, Acting Executive Director

From: Tracey Harvin, Corporate Policy and Management Operations Director
Michael Beckham, Corporate Policy & Archives Manager

Subject: State Ethics Commission - Recommended Amendments to Practice 2-24, *Code of Ethics*

Requested Action

The Commission is asked to review and approve proposed amendments to Administrative Practice 2-24, *Code of Ethics* (Attachment A), to incorporate recommendations from the State Ethics Commission. The recommendations:

- a. Add language to include the Maryland Association of Counties (MACo) and the Maryland Municipal League (MML) as restricted parties for purposes of accepting a gift;
- b. Add a provision to disclose financial relationships with the University of Maryland Medical System (UMMS) for purposes of Financial Disclosure Statements, and
- c. Add a definition for “quasi-governmental entity.”

With the Commission’ approval, the proposed amendments will be finalized and promulgated.

Background

Concurrent with staff preparing the comprehensive rewrite of Administrative Practice 2-24, *Code of Ethics*, the Legal Department reached out to the State Ethics Commission to receive feedback on the draft. The State Ethics Commission has now provided input, with the suggestion to make three relatively minor revisions.

Proposed Amendments

1. In the “Gifts” section, add that a “restricted external party” includes, “an association, or an entity acting on behalf of an association, which is engaged only in representing counties or municipal corporations” to cover entities like MACo and MML. See: Attachment A, pg. 12, Section I(B)(1)(c).

2. In the “Financial Disclosure” add a provision to disclose relationships with:
 - i. The University of Maryland Medical System (UMMS)
 - ii. A governmental entity of the State or local government in the State; or
 - iii. A quasi-governmental entity of the State or local government in the State.

See: Attachment A, pg. 26, Section II(A)(3).

3. In the “Definitions” section, add a definition for “quasi-governmental entity” to mean, “an entity that is created by State statute, which performs a public function, and that is supported in whole or in part by the State but is managed privately.” See: Attachment A, pg. 6, Section titled, *Definitions*.

Attachments

- A. Draft Amendments to Administrative Practice 2-24, *Code of Ethics*

**DRAFT AMENDMENTS TO
ADMINISTRATIVE PRACTICE 2-24, CODE OF ETHICS**

Key to Revisions:

Grey Highlighted text: Recommended additions.

Stricken text: Recommended deletions.

Bold Italics: Notes to Draft Reviewer.

AUTHORITY Pursuant to Maryland Public Ethics Law, Article 40A, Annotated Code of Maryland 1957, 1990 replacement volume, and Division II of the Land Use Article of the Annotated Code of Maryland, the Commission approved amendments to this Practice on January 17, 2024.

APPLICATION This Administrative Practice applies to all employees, including Commissioners, Merit System employees, contract employees, and appointed officials. As to volunteers, only Section I(A) (Standard of Conduct) applies. To the extent an employee is a member of a collective bargaining unit, and any provision of this Code of Ethics directly conflicts with an applicable collective bargaining agreement, the collective bargaining agreement will control with respect to the area of conflict. To the extent other documentation of the employment relationship of an officer, director, or deputy director legally supersedes any provisions referenced herein, that superseding document would control in the event of a conflict. As to Commissioners, to the extent that any provision of this Code of Ethics conflicts with the General Provisions Article of the Maryland Code, Title 5 (Maryland Public Ethics Law), or Section 15-120 of Division II of the Land Use Article of the Maryland Code, the Maryland Code shall prevail.

RESCISSION Practice 2-14 and accompanying Procedures 03-05, *Non-Commission Employment and Non-Commission Business*; Practice 2-15, *Employee Use of Commission Property*; Practice 2-72, *Conditions for Acceptance of Awards from Outside the Commission*; Practice 2-90, *Solicitations on Commission Property*; and Practice 5-70, *Financial Disclosure* are rescinded and replaced by this Practice.

CONTACT General questions regarding this policy can be directed to the Policy Office by calling 301-454-1736 or by emailing policyreview@mncppc.org. For questions regarding interpretations and applicability, as well as reporting concerns, contact the Ethics Officer in the Office of the Office of General Counsel at 301-454-1671 (See Section V, Inquiries and Concerns).

1 **PURPOSE/**
2 **BACKGROUND**

The Commission initially approved Practice 2-24, Code of Ethics on June 16, 1991, to create a comprehensive Practice governing the M-NCPPC’s rules and regulations pertaining to conflicts of interest and ethical conduct. Employees of the Commission must maintain high professional and ethical standards in the performance of their official duties. This Code of Ethics establishes the framework for promoting ethical compliance.

This Code of Ethics addresses the ethical standards applicable to employees. Other Commission Administrative Practices and policies specifically address ethical responsibilities uniquely applicable to particular third parties, including but not limited to lobbyists (Practice 5-61, *Lobbying Disclosure*), volunteers, vendors, and others seeking to do business with the Commission (Practice 4-10 and the Commission’s *Procurement Manual*, including Section 2 (Ethics and Sanctions in Purchasing)).

Since its initial adoption, this Practice has been amended, as follows:

- January 9, 2023: Amended to reflect that nominal value is defined by the Executive Director, subject to consultation with the Chair and Vice Chair of the Commission, and in consideration of those amounts set by Prince George’s County, Montgomery County, and the State of Maryland.
- November 15, 2023: Amended to update Practice 2-24 and create a single, comprehensive, Code of Conduct, consistent with Maryland Public Ethics Act, Section 5-823 and 5-829 requiring the Commission to adopt conflict of interest and financial disclosure regulations substantially similar to those provisions found in Subtitles 5 and 6 of the Act.
- January 17, 2024: Amended to clarify a former employee may represent or assist a governmental entity on a specific matter or contract in which the former employee significantly participated as a Commission employee, for compensation, provided an actual or perceived conflict of interest is not created.
- [TBA]: Amended to update the definition of “restricted external party” and the required contents of annual Financial Disclosure Statements.

38 **REFERENCES**

- Maryland Public Ethics Law, Article 40A, Annotated Code of Maryland 1957, 1990 replacement volume
- Section 15-120 of Division II of the Land Use Article of the Code of Maryland
- Administrative Practice 1-31, *Organization and Functions of the Audit Committee and Office of the Inspector General*

- Administrative Practice 2-28, *Composition, Privacy, and Disposition of Employment Records*
- Administrative Practice 2-16, *Seasonal/Intermittent, Term and Temporary Employment* and its accompanying Procedures 00-02
- Administrative Practice 3-31, *Fraud, Waste & Abuse*
- Administrative Practice 4-10, *Purchasing Policy, and accompanying Procedures 05-02, Procurement Manual*
- Administrative Practice 5-61, *Lobbying Disclosure*
- Administrative Practice 5-81, *Maryland Public Information Act Policy*, and accompanying Procedures 22-01, *MPIA Procedures Manual*
- Administrative Practice 6-10, *Vehicle Use Program*
- Administrative Practice 6-13, *Electronic Communications Policy*
- Administrative Procedures 21-01, *Business and Personal Use of Social Media*
- Administrative Procedures, 99-04, *Time and Attendance*
- Merit System Rules and Regulations

DEFINITIONS

Business means any for-profit or not-for-profit enterprise, including a corporation, general or limited partnership, sole proprietorship, joint venture, association, firm, institute, trust, or foundation. Business does not include a governmental entity.

Ceremonial gift means an item of customary and reasonable value normally given at functions such as dedications, inaugurations, initiations, awards, tributes, and retirements, but not limited to such events, where food, beverages, entertainment, and mementos (souvenirs) may be provided.

Ceremonial occasions mean functions such as dedications, inaugurations, initiations, awards, tributes, and retirements, but not limited to such events, where food, beverages, entertainment, and mementos (souvenirs) may be provided.

The Commission means: (a) the Maryland National Capital Park and Planning Commission which is the organizational entity referred to in this Practice, or (b) the 10-member voting body of the Maryland-National Capital Park and Planning Commission.

Commissioner means a member of the ten-member voting body of the Maryland-National Capital Park and Planning Commission, and a member of the respective five-member Planning Board for Montgomery County or Prince George’s County.

Commission resources mean any service, asset, or property, whether physical, digital, electronic, virtual, or intellectual, owned, purchased, leased, or under contract with the Commission. Commission resources include, but are not limited

1 to cash (currency, checks, money orders, credit card receipts); facilities; general
2 equipment and tools; natural items (e.g., plants, trees, mulch, compost, and
3 firewood); vehicles and machinery; office equipment and supplies, including
4 Commission stationery; computer hardware, software, and other electronic
5 equipment; printers and copiers; telecommunication services such as telephones,
6 mobile devices, facsimile machines, internet/intranet, electronic mail; data stored
7 on, received by, or transmitted by the agency's operating systems or servers;
8 Commission issued uniforms, and staff services delivered by Commission
9 employees, contractors, or volunteers; and rights under any license or other
10 agreement relating to intellectual property, know-how, and information of
11 commercial value, whether or not protected by patent, trademark, copyright, or
12 other legal entitlement.

13
14 **Compensation** means any money or thing of value, regardless of form, including
15 the sale or delivery of tangible or intangible property, that an employer pays or
16 agrees to pay for services rendered.

17
18 **Conflict of interest** means any circumstance or set of circumstances which
19 interfere with, appear to interfere with, or have the potential to interfere with, the
20 impartiality and independent judgment of an employee, inclusive of a
21 Commissioner, Appointed Officer, and Department Head. (See also: Maryland
22 Code, Land Use Art., § 15-120, *et seq.*; and Maryland Code, General Provisions
23 Art., §§ 5-501 and 5-502).

24
25 **Employee**, for the purposes of this Practice, means any person employed by the
26 Commission, whether employed on a full-time or part-time basis, as a Merit
27 System employee; Seasonal/Intermittent, Temporary, or Term contract employee;
28 Appointed Officer; Department Head; or, Commissioner, regardless of the
29 manner of entry into Commission service.

30
31 **Employer** means any person who pays or agrees to pay compensation for services
32 rendered.

33
34 **Employment** or **employ** means engaging in an activity for compensation.

35
36 **Ethics Officers** means employees who are trained and designated to provide advice
37 regarding compliance with the Code of Ethics and recommend appropriate actions.

38
39 **Family member (Employee's relative)** means any individual who is related by
40 blood, marriage, adoption, domestic partnership, or guardianship, including but not
41 limited to a spouse, domestic partner (as qualified under the Commission's Health
42 and Benefits Program), parent or step-parent, spouse's parents, grandparent, or

1 spouse's parents, child or step-child, legal guardian, brother or step-brother, sister
2 or step-sister, the siblings of one's parents and those siblings' children.

3
4 **Fiduciary duty** means a legal obligation that results from a position of trust with
5 respect to a third party's business and assets.

6
7 **Financial interest** means:

- 8 1. Ownership of any interest as the result of which the owner has received within
9 the past three years, or is presently receiving, or in the future is entitled to
10 receive, more than \$1,000 per year; or
- 11 2. Ownership, or the ownership of securities of any kind representing or
12 convertible into ownership, of more than 3 percent of a business entity by:
 - 13 a. An official;
 - 14 b. An employee; or
 - 15 c. The spouse of an official or employee;

16
17 **Gift** means the transfer of anything of economic value regardless of the form
18 without adequate and lawful exchange of consideration of at least equal value.

19
20 **Gratuity** means anything of value that is presented or promised in anticipation of
21 receiving a consideration, whether the consideration is less than, equal to, or greater
22 than the value presented or promised.

23
24 **Honorarium** means the payment of money or anything of value for:

- 25 1. Speaking to, participating in, or attending a meeting, conference, or other
26 function; or
- 27 2. Writing an article, other than a book, which has been or is intended to be
28 published.

29
30 **Interest** means any source of income or any other legal or equitable economic
31 interest, whether subject to an encumbrance or a condition, which is owned or held,
32 in whole or in part, jointly or severally, directly, or indirectly. Interest does not
33 include:

- 34 1. An interest in a time deposit or demand deposit in a financial institution;
- 35 2. An interest in an insurance policy, endowment policy, or annuity contract under
36 which an insurance company promises to pay a fixed number of dollars either
37 in a lump sum or periodically for life or some other specified period;
- 38 3. An interest in a mutual fund or exchange-traded fund (ETF);
- 39 4. An interest held in the capacity of an agent, custodian, fiduciary, personal
40 representative, or trustee, unless the holder has an equitable interest in the
41 subject matter; or
- 42 5. An interest in a deferred compensation plan that:
 - 43 a. Has more than 25 participants, and

1 b. The Internal Revenue Service has determined qualified as a trust under
2 Sections 401, 507, and 501 of the Internal Revenue Code.

3
4 **Maryland Public Ethics Law** means the general Provisions Article, Title 5, of the
5 Maryland Annotated Code.

6
7 **Non-Commission Business** means activities performed while on duty and which
8 are unrelated to the business of the Commission as further described in this
9 Practice.

10
11 **Non-Commission Employment** means work activities performed for oneself or a
12 third party unrelated to the business of the Commission as further described in this
13 Practice.

14
15 **On-duty** means being engaged in or responsible for an assigned task or duty either
16 on Commission or non-Commission property. An employee is not considered on
17 duty when attending lectures, meetings, training programs, and similar activities if
18 the following four criteria are all met: (a) attendance is outside of the ‘employee’s
19 regular working hours; (b) attendance is in fact voluntary; (c) the course, lecture,
20 or meeting is not directly related to the employee’s job; and (d) the employee does
21 not perform any productive work during such attendance.

22
23 **Person** means an individual, receiver, trustee, guardian, personal representative,
24 fiduciary, corporation, company, association, firm, partnership, joint stock
25 company, or any other organization, institution, or entity.

26
27 **Procurement** means all acts and functions that pertain to the responsibility of the
28 acquisition of any goods, services, equipment, supplies, insurance, construction, or
29 intellectual property, including but not limited to the description of requirements,
30 selection, and solicitation of sources, preparation, and award of contract, or
31 purchase order, and all phases of contract administration.

32
33 **Quasi-governmental entity** means an entity that is created by State statute, that
34 performs a public function, and that is supported in whole or in part by the State
35 but is managed privately.

36
37 **Regulatory Matters** means matters that come before the respective Planning
38 Boards that involve the Planning Board’s exercise of planning and zoning authority
39 as described in the Land Use Article.

40
41 **Vendor** means a party obligated by contract or subcontract to provide goods,
42 services, or property to the Commission for consideration, including contracts and
43 subcontracts for construction and professional services related to construction.

1 **POLICY**

2 Commission employees must maintain high professional and ethical standards in
3 the performance of their official duties. This Code of Ethics establishes the
4 framework for promoting compliance.

5 Consistent with the Maryland Public Ethics Law and the Commission’s
6 commitment to public accountability, the Commission recognizes that (i) our
7 system of representative government is dependent in part upon the public
8 maintaining the highest trust in their public officials and employees; and (ii) the
9 public has a right to know and be assured that the impartiality and independent
10 judgment of public officials and employees shall be maintained.

11
12 To help ensure accountability and awareness of conflicts of interest, this Practice
13 outlines requirements for employees to avoid actual as well as perceived conflicts
14 of interest. This includes those related to solicitation and acceptance of gifts, non-
15 Commission business and employment, use of Commission resources, use of
16 prestige of office, use of confidential information, post-employment restrictions,
17 political activities, and nepotism. This Practice also outlines the requirements for
18 the completion of Financial Disclosure Statements by individuals whose
19 employment or office puts them in a position of influencing decisions that might
20 benefit parties seeking to do business with, doing business with, or regulated by,
21 the Commission. Furthermore, employees are prohibited from aiding, facilitating,
22 or colluding with third parties in violation of this Code of Ethics.

23
24 The Commission intends for this Practice to be liberally construed, to accomplish
25 its purpose.
26

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1 I. **CONFLICTS OF INTEREST**

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A. **Standard of Conduct**

1. An employee must avoid any action, whether or not it is expressly prohibited, that might result in, or create the appearance of a conflict of interest, including, but not limited to:
 - a. Using public office for the private gain of the employee or another.
 - b. Giving preferential treatment to an external party, e.g., vendor, or person seeking to do business with the agency, except in conjunction with the Commission’s supplier diversity program.
 - c. Participating in any matter that involves:
 - i. A business in which the employee or a family member has an economic interest.
 - ii. A business in which the employee or a family member is an officer, director, trustee, partner, or employee;
 - iii. A property in which the employee or a family member has an economic interest.
 - iv. Negotiating or seeking prospective employment for the employee or a family member or any arrangement with a business or entity about employment.
 - v. A business or individual that is a party to an existing contract with the employee or a family member, if the contract could reasonably result in a conflict between private interests and official duties;
 - vi. An entity doing business with the Commission in which a direct financial interest is owned by another entity in which the employee has a direct financial interest, if they may be reasonably expected to know of both direct financial interests; or
 - vii. A creditor or debtor of the employee or their family member if the creditor or debtor can directly and substantially affect an economic interest of the employee or their family member;
 - viii. A case, contract, or other specific matter affecting a party for whom, in the prior year, the employee was required to register to engage in lobbying activity under Practice 5-61, *Lobbying Disclosure*.

1 2. Exceptions:

- 2
- 3 a. An employee who otherwise would be disqualified from participation under Section
- 4 I(A)(1) shall disclose the nature and circumstances of the conflict and may participate or
- 5 act, if:
- 6
- 7 i. The disqualification would leave a body with less than a quorum capable of acting;
- 8
- 9 ii. The disqualified employee is required by law to act; or
- 10
- 11 iii. The disqualified employee is the only individual authorized to act.
- 12

13 All disclosures must be filed with the Ethics Officer.

- 14
- 15 b. Section I(A)(1) does not apply to an administrative or ministerial duty that does not affect
- 16 an agency's decision on a matter.
- 17
- 18 c. Section I(A)(1) does not apply to a police officer who is exercising the employee's official
- 19 duties in an emergency affecting a business or property in which the employee or a relative
- 20 of the employee has an economic interest.
- 21

22 (See also: Section 2 (Ethics & Standards in Purchasing) of Administrative Procedures 05-02,

23 *Purchasing Manual*.)

24

25 **B. Gifts**

26

27 **1. Gifts from External Parties**

28

- 29 a. Soliciting Gifts from External Parties. An employee shall not solicit, directly or indirectly,
- 30 a gift from an external party, except when an exception is authorized by the respective
- 31 Department Head. The respective Department Head may authorize an exception for an
- 32 employee to solicit a gift from an external party for a Commission program or initiative, in
- 33 support of the mission of the M-NCPPC. When an exception is authorized, each of the
- 34 following conditions must be met:
- 35
- 36 i. The solicitation for a gift shall be broad and not be directed at restricted external parties,
- 37 as defined in Section I(B)(1)(c)(i), below;
- 38
- 39 ii. Employees involved in regulatory, or procurement matters may not solicit a gift on
- 40 behalf of the Commission;
- 41
- 42 iii. The solicitation shall not confer any special access or benefit to the external party in
- 43 dealings with the Commission;

- 1 iv. The gifts solicited shall not result in personal benefit to the employee; and
2
3 v. All funds and in-kind gifts shall be accounted for in accordance with applicable laws
4 and Commission policy as it relates to fiscal, procurement, or related accounting
5 principles.
6

7 All authorized exceptions shall be forwarded to the Executive Director, to ensure consistent
8 application of policy.
9

- 10 b. Soliciting and Accepting Tips. An employee, including one who interacts with the public
11 (e.g., staff working at snack bars, golf courses, etc.), shall not solicit or accept tips under
12 any circumstances. The use of tip jars is prohibited.
13

14 c. Accepting Gifts from Restricted External Parties

- 15
16 i. *In General*. An employee shall not accept, directly or indirectly, a gift from a restricted
17 external party. A **restricted external party** is a person or entity that:

18
19 (a) Has, or is seeking to obtain, contractual or other business or financial relations
20 with the Commission;
21

22 (b) Is engaged in an activity or operation that is regulated or controlled by the
23 Commission; or
24

25 (c) Is acting in the capacity of a lobbyist with respect to matters on which the
26 Commission has oversight.
27

28 (d) Has interests that may be substantially affected by the performance or non-
29 performance of an employee's official duties.
30

31 (e) Is an association, or an entity acting on behalf of an association, which is engaged
32 only in representing counties or municipal corporations.
33

- 34 ii. *Exceptions*. Subject to Subsection iii, below, the following are exceptions to the
35 prohibition on accepting gifts from restricted external parties covered in Subsection i,
36 above:
37

38 (a) Receipt of gifts or entertainment because of obvious family or personal
39 relationships from a person related by blood, marriage, or legal guardianship;
40 domestic partner; or financially dependent relative, when it is clear that the
41 relationship, rather than the business of the persons concerned, are the motivating
42 factors.
43

- 1 (b) Ceremonial gifts or awards of insignificant monetary value.
2
3 (c) Attendance at an event (e.g., charitable, cultural, political, community, or
4 professional event), as a representative of the Commission.
5
6 (d) Honoraria for (i) speaking at, or participating in, a meeting, or (ii) writing an article
7 that has been or is intended to be published, when unsolicited, off duty, and not
8 related to the employee's official position.
9
10 (e) Reasonable expenses for food, travel, lodging, scheduled entertainment, and
11 reasonable and verifiable expenses for the care of a child or dependent adult, which
12 are actually incurred, when these items are provided in return for participation in a
13 meeting, or as a panel member, or as a speaker or participant at a meeting.
14
15 (f) Loans from banks or other financial institutions on customary terms for usual
16 activities of employees, such as home mortgage loans, and consumer loans; and
17
18 (g) Prizes and awards from a person through a "lottery" or through another similar
19 activity where the receipt is selected on a random basis (e.g., a raffle or drawing.)
20
21 (h) Meals/beverages consumed by an employee in the presence of a donor/entity.
22
23 (i) Unsolicited gifts of nominal value not to exceed \$20. Note: In determining the value
24 of a gift and whether it exceeds nominal value, the value of the gift shall be the fair
25 market value.
26
27 (j) Trivial gifts of informational value (e.g., writings, recordings, documents, records,
28 or other items intended primarily to communicate information, not including
29 images intended primarily for display or decoration).
30
31 (k) Any other gifts from external parties that are specifically authorized by the agency.
32

33 iii. *When Exceptions Are Not Allowed*: An employee shall not accept a gift listed in
34 Subsection (ii) (*Exceptions*), above, if:

- 35
36 (a) The gift would tend to impair the impartiality and independent judgment of the
37 employee;
38
39 (b) The gift is of significant value, and it would give the appearance of impairing the
40 impartiality and independent judgment of the employee; or
41

1 (c) The gift is of significant value and the employee believes or has reason to believe
2 that the gift is designed to impair the impartiality and independent judgment of the
3 employee.

4
5 iv. *Handling Receipt of Disallowed Gifts*: Excluding gifts described in Subsection
6 (ii)(Exceptions), above, an employee who involuntarily receives a gift from a restricted
7 external party shall:

8
9 (a) Return the gift;

10
11 (b) Transfer the gift to an organization that is tax-exempt pursuant
12 to 26 U.S.C. 501(c)(3);

13
14 (c) Reimburse the party the market value of the gift; or

15
16 (d) If the gift is perishable and it would not be practical to return it, share it with the
17 office staff, or destroy it.

18
19 **2. Gifts Between Employees**

20
21 a. In General. An employee may not solicit a gift from another employee.

22
23 b. Exceptions: The following are exceptions to the prohibition of an employee soliciting gifts
24 from another employee.

25
26 i. Soliciting voluntary contributions of a reasonable amount for a gift made on a special
27 occasion such as marriage, illness, retirement, or death. Whether a contribution is
28 considered reasonable shall be based on the relevant facts and circumstances. For
29 example, a reasonable contribution for a wedding gift may differ from one for the
30 funeral of a colleague of modest means.

31
32 ii. Soliciting a voluntary contribution for a charitable drive for an external party that is
33 authorized, in writing, by a Department Head or the Executive Director.

34
35 **C. Non-Commission Business and Employment**

36
37 **1. Non-Commission Business**

38
39 a. Non-Commission business is prohibited.

40
41 b. Non-Commission business means activities performed while on duty related to:
42

- i. Personal business;
 - ii. Non-Commission employment;
 - iii. Third-party business; or
 - iv. Work for an association, club, or any other entity as an employee, representative, or volunteer.
- c. Non-Commission business does not include participation in external activities that (i) relate to the business of the Commission, and (ii) are approved in advance, in writing, by an appropriate supervisor and Department Head.
- d. When speaking before a public body, with the media, or with members of the public, an employee may not hold themselves out as representing the agency in their official capacity, unless authorized to do so either explicitly or by the nature of their position.

2. **Non-Commission Employment**

- a. Non-Commission employment includes the following:
- i. Employment or contractual arrangements structured on a salary, fee, commission basis, or pro bono legal representation.
 - ii. Participation in any business ventures as owner, proprietor, partner, or investor.
 - iii. Participation for pay or as a volunteer in any business or non-profit entity involving fiduciary duties or responsibilities in a position such as an officer, manager, or director.
 - iv. Participation in any business or non-profit entity in which the participant holds 5 percent or more of the outstanding voting interests.
 - v. Other similar activities resulting in, or for the purpose of, remuneration.
- b. Non-Commission employment does not include:
- i. Service in the United States Armed Forces (active or reserve, including the National Guard); and
 - ii. Participation in official activities of a union representing M-NCPPC employees. This participation shall be governed by the respective collective bargaining agreement between the M-NCPPC and the union.

1 iii. Serving on the board of the M-NCPPC Credit Union or the Employees' Retirement
2 System.

3
4 c. Non-Commission employment is permitted only when participation is specifically
5 approved, in writing, by the employee's Department Head upon a finding that each of the
6 following conditions is met:

- 7
- 8 1. Engaging in non-Commission employment does not cause the existence of, potential
9 for, or appearance of, a conflict of interest with respect to Commission duties assigned
10 to the employee, or with any Commission policy, procedures, activities, or actions;
- 11
- 12 2. Engaging in non-Commission Employment does not diminish, interfere with, or detract
13 from the performance of Commission duties;
- 14
- 15 3. The employee's performance before engaging in non-Commission employment is at a
16 fully satisfactory level;
- 17
- 18 4. Non-Commission employment does not increase the risk of liability to the Commission
19 during, or from, the employee's performance of Commission-assigned duties
20 including, but not limited to, increased health and safety concerns;
- 21
- 22 5. Non-Commission employment does not result in the employee using the prestige of
23 their Commission office, official title, or position for private gain, or the gain of
24 another;
- 25
- 26 6. Engaging in non-Commission employment does not occur while on duty with the
27 Commission;
- 28
- 29 7. Non-Commission employment does not result in coercing other Commission
30 employees to buy or use goods, services, or other items of value (including interests in
31 land) sold, or offered, as part of their non-Commission employment;
- 32
- 33 8. Non-Commission employment does not result in an employee working for (a) a
34 person or entities owned by the employee's Commission subordinate or
35 supervisor, or (b) any business subject to the authority of the Commission or that does
36 business with the Commission when there is an actual or perceived conflict of interest;
- 37
- 38 9. Confidential information gained through Commission employment is not used for
39 financial gain, or any use other than Commission employment;
- 40
- 41 10. Non-Commission employment does not result in the solicitation or acceptance of
42 referrals for any non-Commission employment while on duty;
- 43

1 11. Non-Commission employment does not result in the unauthorized use of Commission
2 resources;

3
4 d. Approval for Non-Commission employment by Department Heads and appointed officers
5 must be obtained from the Commission’s Chair and Vice Chair.

6
7 e. The Commission retains the right to deny, rescind, revoke, or modify approval of non-
8 Commission employment if the employment violates any of the conditions in Section
9 I(C)(2)(c), above.

10
11 **3. Review Process for Non-Commission Employment Requests**

12
13 a. Employees must request and receive approval for non-Commission employment before
14 engaging in such employment. Employees must also request approval of changes
15 to previously approved non-Commission employment as soon as any changes are known.
16 Requests must be submitted using Appendix A, “*Request to Participate in Non-*
17 *Commission Employment Form*,” and include:

18
19 i. Employee name, position title, work schedule (days and work hours), and description
20 of Commission job duties;

21
22 ii. Name of non-Commission employer;

23
24 iii. Address where non-Commission employment will be performed;

25
26 iv. Non-Commission employment work schedule (days and work hours) including start
27 date and end date (if known);

28
29 v. A description of non-Commission employment duties.

30
31 b. Employees must submit requests to their supervisor. Department heads and appointed
32 officers must submit requests to the Commission Chair and Vice-Chair. In considering a
33 Seasonal/Intermittent Contract employee’s request for non-Commission employment, a
34 reviewer must take into consideration the fact that the Commission may not be the
35 Seasonal/Intermittent Contract employee’s primary employer.

36
37 i. Supervisors must review the “Request to Participate in Non-Commission Employment
38 Form” and send a recommendation of approval or denial to their Division Chief, with
39 a copy to the employee, within seven (7) calendar days of receiving the written request.

40
41 ii. If the recommendation is for denial, the supervisor must include the reasoning.
42

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- iii. If a supervisor does not forward the recommendation within seven (7) calendar days of receipt of the employee’s written request, the employee may forward the request to the Division Chief.

 - iv. The Division Chief will review the employee’s requests, and if applicable, the supervisor’s recommendation.
 - (a) The Division Chief must review the “*Request for Non-Commission Employment Form*” and forward it with a recommendation for approval or denial to the Department Head, with a copy to the employee, within seven (7) calendar days of receiving the written request, or longer in extenuating circumstances. If the recommendation is for denial, the Division Chief must include the reasoning.
 - (b) If the Division Chief does not forward the recommendation within seven (7) calendar days of receipt of the employee’s written request, the employee may forward the request to the Department Head.

 - v. The Department Head will review all employee requests along with the supervisor’s and Division Chief’s recommendations.
 - (a) The Department Head’s decision will be made by signing the request form, within seven (7) calendar days of receiving the request from the Division Chief, or longer in extenuating circumstances. An employee’s request shall not be considered approved until and unless approved by the Department Head.
 - (b) A copy of the decision shall be maintained in the departmental personnel file and a copy forwarded to the Human Resources Information System (HRIS) Office for filing in the official personnel file of the employee.
 - (c) The Department Head’s decision (i.e., to act or not act) is final.

 - vi. Approvals are only for the non-Commission employment stated in the request.
 - (a) If any information provided in the request changes at any time, the employee must provide the supervisor with written notice of the change, immediately.
 - (b) Any approval may be suspended or rescinded orally if a conflict of interest arises during the employee’s engagement in the non-Commission employment. The Department Head must provide written notice confirming the action within seven (7) calendar days of the oral action.

1 (c) If an employee engages in approved non-Commission employment that impairs
2 their ability to perform Commission duties, the employee may be directed to modify
3 or cease participation in the non-Commission employment while employed by the
4 Commission.
5

6 vii. The employee’s supervisor shall review the non-Commission employment, annually
7 during the performance review, to determine if the non-Commission employment has
8 not diminished, interfered with, or detracted from the employee’s job duties.
9

10 viii. During their Annual Performance Review, an employee must inform their supervisor
11 whether their non-Commission employment status has changed during the past year,
12 and if so, complete or update the “*Request to Participate in non-Commission*
13 *Employment Form*” (Appendix A).
14

15 ix. An employee who moves to another department is required to complete and file a new
16 request with the new department for any desired participation in non-Commission
17 employment.
18

19 **D. Use of Commission Resources**
20

21 1. **In General.** Commission resources may be used only for the official business of the agency.
22 Any use of Commission resources for a reason other than official business is prohibited, unless
23 permitted under the “Allowable Exceptions” set forth in the Section below.
24

25 2. **Allowable “De Minimis” Exceptions.** Restricted use of Commission resources is permitted
26 as outlined in other agency policies, including:
27

28 a. Administrative Practice 6-10, *Vehicle Use Program*. Note: Personal use of M-NCPPC
29 vehicles is generally prohibited, however in limited circumstances M-NCPPC may assign
30 a take-home vehicle to an employee, authorizing commuting (between the workplace and
31 home) and *de minimis* personal use of a vehicle, subject to Internal Revenue Service
32 Regulations. Onsite assigned vehicles, take-home vehicles, and pool vehicles may also be
33 used for personal use which is incidental to the business need (i.e., meals and breaks) and
34 temporary overnight use, when approved.
35

36 b. Administrative Practice 6-13, *Electronic Communications Policy*, and its accompanying
37 Administrative Procedure; 12-01, “Mobile Technology,” including but not limited to
38 Section IV(A). Note: Although employees may occasionally and incidentally need to use
39 Commission communication technology for personal reasons, such personal use must be
40 kept to a minimum, must be brief, must not interfere with the performance of the
41 employee’s duties and responsibilities, and must be consistent with Commission Practice
42 6-13, *Electronic Communications* and any other applicable policy directives affecting
43 technology.

1 **3. Required Oversight by Management**

2
3 a. Managers and supervisors must:

- 4
5 i. Reasonably monitor and enforce the proper use of Commission resources by those they
6 manage and supervise; and
7
8 ii. Report concerns that are related to the inappropriate use of Commission resources to
9 their Department Head, Inspector General, Park Police, or Executive Director in
10 accordance with Commission Practice 3-31, *Fraud, Waste, and Abuse*.

11
12 b. Department Heads must:

- 13 i. Ensure that their employees comply with Sections I(D)(1-2);
14
15 ii. Ensure that violations are reported and addressed in a timely and consistent manner;
16 and
17
18 iii. Report concerns that are related to the inappropriate use of Commission resources to
19 the Inspector General, Park Police, or Executive Director as may be required in
20 Commission Practice 3-31, *Fraud, Waste, and Abuse*.

21
22
23 E. **Use of Prestige of Office**

24
25 1. An employee must not intentionally use the prestige of office or public position:

- 26 a. For that employee’s private gain or that of another; or
27
28 b. To influence, except as part of the official duties of the employee, the award of a
29 Commission contract to a specific person.
30

31
32 2. An employee may not directly or indirectly request that a person retain the compensated
33 services of a particular regulated lobbyist or lobbying firm.
34

35 F. **Disclosure or Use of Confidential Information**

36
37 1. Except in the discharge of an official duty, an employee or former employee may not disclose
38 or use confidential information acquired by reason of the official’s or employee’s position and
39 not available to the public.
40

41 2. An employee or former employee may not use confidential information for:

- 42 a. Personal economic benefit; or
43

1 b. The economic benefit of another.

2
3 2. Examples of confidential information include, but are not limited to, privileged documents,
4 documents that are confidential pursuant to Practice 2-28, *Composition, Privacy and*
5 *Disposition of Employment Records*, and documents that may not be disclosed pursuant to the
6 Maryland Public Information Act (§4-301, *et seq.* of the General Provisions Article of the
7 Maryland Code).

8
9 **G. Post-Employment Restrictions**

- 10
11 1. Except as provided in paragraph 2, a former employee may not assist or represent another party
12 on a specific matter or contract for compensation if the matter involves the Commission and
13 the former employee significantly participated in the matter as a Commission employee.
14
15 2. A former employee may assist or represent a governmental entity on a specific matter or
16 contract in which the former employee significantly participated as a Commission employee,
17 for compensation, provided an actual or perceived conflict of interest is not created.
18
19 3. “Significant participation” means making a decision, approval, disapproval, recommendation,
20 rendering of advice, investigation, or similar action taken as an officer or employee. Significant
21 participation ordinarily does not include program or legislative oversight, or budget
22 preparation, review, or adoption.

23
24 **H. Political Activities**

25
26 **1. In General.**

- 27
28 a. Pursuant to §1-303 of the Local Government Article of the Maryland Code, an employee
29 may freely participate in any political activity and express any political opinion and may
30 not be required to provide a political service.
31
32 b. §1-304 of the Local Government Article of the Maryland Code prohibits employees of bi-
33 county agencies from engaging in political activity while on the job during working hours
34 or advocating the overthrow of the government by unconstitutional or violent means. A bi-
35 county employee who violates §1-304 of the Local Government Article of the Maryland
36 Code is guilty of a misdemeanor and is subject to potential fines and imprisonment.
37
38 c. In addition to §§1-303 and 1-304 of the Land Use Article of the Maryland Code, the
39 Commission’s expectations of employee conduct are set forth in Chapter 1800 (*Political*
40 *Activities*) of the Merit System Rules and Regulations (Merit Rules) and M-NCPPC Notice
41 22-07, *Employee Conduct With Respect to Political Activities*. The Merit Rules supersede
42 these provisions, which are provided to further elucidate the ethical standards applicable to
43 employees in this area.

- 1 2. **Permissible Activities.** Employees have the responsibility to regulate their political activities
2 in such a manner as not to interfere with their employment. Employees may engage in political
3 activities off-duty, off Commission premises, and without the use of Commission resources.
4 (e.g., Employees may retain membership in political parties; participate in political activities,
5 including seeking candidacy for public office; register and vote as they please; and express
6 their personal opinions on political subjects.)
7
- 8 3. **Prohibited Activities.** Political activities of employees that interfere with the performance of
9 their official duties and responsibilities are prohibited, whether done in-person or using social
10 media. The following political activities, which include, but are not limited to, are specifically
11 prohibited:
12
- 13 a. Campaigning, fundraising, or engaging in other partisan political activities on Commission
14 premises while performing duties and responsibilities as an employee;
 - 15
 - 16 b. Using one’s Commission position to engage in political activities or to advance associated
17 goals;
 - 18
 - 19 c. Using public office or political affiliations for private gain that may result in a conflict of
20 interest;
 - 21
 - 22 d. Promising, or appearing to promise, employment, a position, compensation, or any other
23 benefit in consideration, favor, or reward for political activity, especially but not limited
24 to, when such action presents a conflict of interest;
 - 25
 - 26 e. Performing political activities at the direction of a supervisor, appointed officer,
27 Department Head, Commissioner, any other employee, or vendor.
 - 28
 - 29 f. Engaging in political activity that interferes with the Commission’s work or the duties or
30 responsibilities of Commission employees;
 - 31
 - 32 g. Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan,
33 or other item of more than the established nominal value, in exchange for another’s
34 participation in political activity, especially when such action presents a conflict of interest
35 as defined in the Code of Ethics;
 - 36
 - 37 h. Use of scheduled work hours or unauthorized use of Commission resources for political or
38 partisan activities. (Employees shall use their own accrued annual, personal, or
39 compensatory leave for participation in such activities.)
40
41
42

- 1 i. Participating in political activities, whether on or off Commission premises, while
2 receiving administrative leave or other leave not appropriate for such purposes, such as
3 leave to attend union activities (Union Leave), or leave approved to attend Commission-
4 sponsored or -approved programs, training, forums, seminars, or similar career-
5 enhancement functions;
6
7 j. Using public office or political affiliation for private gain that may result in, or give the
8 appearance of, a conflict of interest with the Commission;
9
10 k. Coercing other Commission employees, including subordinates, to participate in political
11 activities;
12
13 l. Lobbying elected officials during work hours on behalf of candidates for appointed or
14 elected positions;
15
16 m. The appearance of promising, or an actual promise of, employment, promotion, demotion,
17 dismissal, or any other human resources action, based on partisan political activity;
18
19 n. Displaying partisan political signs, banners, posters, or other endorsements, while on duty,
20 on the Commission's premises, or while representing the Commission. Employees also
21 may not place political bumper stickers, logos, signs, or endorsements on any Commission
22 vehicles, property, or facility, or otherwise engage in electioneering while on duty;
23
24 o. Soliciting any person who has business before the Commission, including the employee's
25 office, to engage in political activity;
26
27 p. Engaging in political activities while wearing Commission apparel or uniforms, employee
28 identification, or any other items with badges, insignia, or logos that identify the
29 Commission. Notwithstanding these restrictions, the incidental wearing of Commission
30 uniforms or identification while voting off-duty is permissible. (*e.g.*, while in uniform,
31 stopping to vote before or after scheduled work hours would not be considered a violation
32 of this policy);
33
34 q. Otherwise in any way participating in political activities that involve, or would reasonably
35 appear to involve, a conflict of interest, as defined in this Code of Ethics or that would
36 violate this Code or other Commission Practices;
37

38 Note: Notwithstanding the above, receipt of unsolicited emails of a political nature will not be
39 considered unauthorized use of Commission resources for political activities. If such an email
40 is received, the employee must take every step to unsubscribe from the email list or contact the
41 sender to remove the employee from the email list. If the employee is unsuccessful in
42 unsubscribing, the employee should contact their respective departmental IT division for
43 assistance in blocking messages.

1 I. **Nepotism**

2 Consistent with Merit Rules Section 155 (*Nepotism*):

- 3
- 4 1. An employee, including a Department Head, may not appoint, promote, reassign, or participate
- 5 in any employment action affecting a family member as defined in the “Definitions” section.
- 6
- 7 2. A Department Head must:
- 8
- 9 a. Not permit the employment of members of a family where it would result in any person
- 10 having direct or indirect supervisory responsibility over a family member.
- 11
- 12 b. Recuse themselves from employment decisions involving members of their own family
- 13 and delegate their authority to another such as a Deputy Director.
- 14
- 15

16 II. **FINANCIAL DISCLOSURE**

17

18 A. **Financial Disclosure Requirements for Designated M-NCPPC Positions**

19

20 1. **In General.**

- 21
- 22 a. This Section identifies those whose positions require them to complete Financial
- 23 Disclosure Statements in accordance with the form and instructions which are contained in
- 24 Appendix B, “*Financial Disclosure Statement Instructions & Form*” Specific requirements
- 25 for the timing and filing of Financial Disclosure Statements are outlined below.
- 26
- 27 b. Financial Disclosure Statements cover the calendar year (January 1st through December
- 28 31st) immediately preceding the year of filing and are due by April 30th of each calendar
- 29 year.
- 30

31 2. **Individuals Required to File a Statement.** The following individuals must complete a

32 Financial Disclosure Statement form ~~as provided annually by the Executive Director:~~

- 33
- 34 a. Appointed Officers. Appointed officers and deputy appointed officers of the Commission
- 35 including the Executive Director, Secretary-Treasurer, General Counsel, and their
- 36 deputies.
- 37
- 38 b. Department Heads and Identified Positions.
- 39
- 40 i. Department Heads and Deputy Department Heads including:
- 41
- 42 (a) Director of Planning, Montgomery County;
- 43

- (b) Deputy Director(s) of Planning, Montgomery County;
- (c) Director of Planning, Prince George’s County;
- (d) Deputy Director(s) of Planning, Prince George’s County;
- (e) Director of Parks and Recreation, Prince George’s County;
- (f) Deputy Director(s) of Parks and Recreation, Prince George’s County;
- (g) Director of Parks, Montgomery County; and
- (h) Deputy Director(s) of Parks, Montgomery County.

- ii. Inspector General and Inspectors within the Office of the Inspector General;
- iii. Chief Information Officer;
- iv. Attorneys (as designated by the General Counsel); and
- v. Division Chiefs/Division Directors.

c. Other Individuals Whose Positions Require the Filing.

- i. *Positions Designated by Department Heads:* Department Heads shall designate positions for filing Financial Disclosure Statements (outside of those listed above in Section II(A)(2)(b)), that influence Commission matters because of their ability to take actions, make decisions, or recommendations, or advise on:
 - (a) Procurement matters or contracting;
 - (b) Administering grants or subsidies;
 - (c) Planning, zoning, or otherwise regulating land use;
 - (d) Policy or planning decisions that impact the Financial Interest(s) of third parties;
 - (e) Land acquisitions or dispositions, land development, and facility planning of Commission assets, whether owned or managed; or
 - (f) Other decisions with significant economic impact.

1 ii. *Individuals Who are Assigned by Department Heads to Serve on a Board or*
2 *Foundation:* Department Heads shall identify employees in designated positions who
3 are assigned to serve on a board or foundation in their official capacity as a Commission
4 employee.
5

6 3. **Contents of Statements.** The Financial Disclosure Statement for employees must require
7 disclosure of information and interests, if known, for the applicable reporting period pertaining
8 to:
9

- 10 a. Receipt of any gifts of more than \$20 in value, or a series of gifts from any one person
11 totaling \$100 or more;
- 12 b. Interests in real property;
- 13 c. Interests in corporations and partnerships;
- 14 d. Interests in Business entities doing business with the State, the Commission, Montgomery
15 County, or Prince George’s County;
- 16 e. Employment by or interest in business entities doing business with the State, the
17 Commission, Montgomery County, or Prince George’s County;
- 18 f. Indebtedness to entity doing business with the State, the Commission, Montgomery
19 County, or Prince George’s County;
- 20 g. Family Members Employed by the State, the Commission, Montgomery County, or Prince
21 George’s County;
- 22 h. Sources of earned income; and
- 23 i. Any financial or contractual relationship with (i) the University of Maryland Medical
24 System, (ii) a governmental entity of the State or a local government in the State, or (iii) a
25 quasi-governmental entity of the State or local government in the State.

26 4. **Filing Procedures and Deadlines.**
27

- 28 a. No later than 30 days before the filing deadline each year, instructions on filing annual
29 Financial Disclosure Statements must be provided by:
30 i. *The Executive Director* to appointed officers, Department Heads, and identified
31 positions named in Section II(A)(2)(a-b).
32
33
34
35
36
37
38
39
40
41
42

- 1 ii. *Each respective Department Head* to positions they designate as required to file,
2 including individuals assigned to serve on a board or foundation in their official
3 capacity as a Commission employee as covered in Section II(A)(2)(c).
4
- 5 b. Except as provided in subparagraph (d), positions required to file a financial Disclosure
6 Statement must file a statement by April 30th of each year. See Section II(A)(2) for the list
7 of positions required to file.
8

9 i. Appointed officers, Department Heads, and identified positions named in Section
10 II(A)(2)(a-b) file with the Executive Director's office.
11

12 ii. Positions designated as required to file by the respective Department Head, including
13 individuals assigned to serve on a board or foundation, as covered by Section
14 II(A)(2)(c) file with the respective Department Head's office.
15

16 (***Note to Draft Reviewer:*** The preceding two paragraphs are recommended to clarify with
17 whom they file their Financial Disclosure statement.)
18

19 c. Each Department Head must submit to the Executive Director within five (5) business days
20 following April 30th of each year a list of employees who have and who have not submitted
21 their completed Financial Disclosure Statement.
22

23 d. Procedures for New Hires or Appointees, for Individuals Serving in Acting Positions, and
24 Upon Termination:
25

26 i. *Any newly hired or appointed individual holding a Commission position required to*
27 *file a Financial Disclosure Statement* must file the statement with the appropriate office
28 at the time of hire. This requirement must be included in job advertisements and
29 communicated and monitored by the hiring department.
30

31 ii. *Individuals placed in an acting role for a Commission position that requires the filing*
32 *of a Financial Disclosure Statement* must file a statement when their acting assignment
33 is anticipated to last 60 days or longer. The individual must submit the completed
34 statement within 30 days of the acting assignment.
35

36 iii. *Any individual who leaves a position that requires the filing of a Financial Disclosure*
37 *Statement* must file the statement with the appropriate office during the close-out
38 process, prior to separation. Failure to file a required disclosure form upon separation
39 may result in the delay or withholding of a final paycheck in appropriate circumstances.
40 This requirement must be communicated and monitored by the hiring department.
41
42
43

1 **B. Entities Doing Business with the Commission.**

- 2
- 3 1. The Executive Director must cause to have published annually, either in print or in electronic
- 4 format, an alphabetized list of non-governmental entities doing business with the State,
- 5 Montgomery County, Prince George's County, and the Commission during the preceding year
- 6 and make it available to individuals for the purpose of filing Financial Disclosure Statements.
- 7
- 8 2. The list must be available for public inspection by March 1st of each year.
- 9

10 **C. Maintenance of Financial Disclosure Records**

11

12 **1. Availability for Review**

- 13
- 14 a. Subject to subparagraph (d), all Financial Disclosure Statements filed pursuant to Section
- 15 II (A)(2) must be made available for public inspection upon request during normal office
- 16 hours, subject to such reasonable fees as the Executive Director may establish.
- 17
- 18 b. Any person examining or copying these statements shall be required to provide their name,
- 19 home address, and the name of the person whose disclosure statement was examined or
- 20 copied.
- 21
- 22 c. An employee who has a statement on file is entitled, upon request, to be notified of the
- 23 name and home address of anyone inspecting their Financial Disclosure Statement.
- 24
- 25 d. The above disclosure shall be handled in accordance with Section II(F), "Disclosure or use
- 26 of confidential information." Namely, an employee's home address must be redacted from
- 27 a statement that is made available for examination or copying, if the person has identified
- 28 it as their home address.

29

30 **2. Retention Requirements**

- 31
- 32 a. Any person who is required to file a report, statement, or record under this Code of Ethics,
- 33 must retain each account, bill, receipt, book, paper, or other document necessary to
- 34 substantiate the filing. Any person who is required to file a report, statement, or record
- 35 under this Code, must retain each account, bill, receipt, book, paper, or other document
- 36 necessary to substantiate the filing.
- 37
- 38 b. The person must retain the document for three years after:
- 39
- 40 i. The date the report, statement, or record was filed; or
- 41
- 42 ii. If the report, statement, or record is not filed, the date the report, statement, or record
- 43 was required to be filed.

- 1 c. All Financial Disclosure Statements filed pursuant to Section II(A)(2)(a-b) shall be
2 maintained by the Executive Director, and those filed pursuant to Section II(A)(2)(c) shall
3 be maintained by the respective Department Heads with whom they have filed.
4
- 5 d. The Executive Director and the Department Heads shall maintain records of the Financial
6 Disclosure for three years, at which time they shall be sent to the Commission’s Archives
7 and Records Office for retention, pursuant to the State-Approved Records Retention and
8 Disposition Schedule.
9

10 **D. Financial Disclosure Requirements for Commissioners**

11 Commissioners and individuals applying to be a Commissioner should refer to §§5-824 and 5-825
12 of the General Provisions Article of the Code of Maryland for Financial Disclosure requirements.
13

14

15 **III. DELEGATION OF AUTHORITY**

- 16
- 17 A. A Department Head may designate, in writing, a representative to implement any of the provisions
18 of this Practice.
19
- 20 B. A Department Head may withdraw their designation at any time, which shall also be in writing.
21
22

23 **IV. ETHICS OFFICERS AND DIRECTING CONCERNS**

24 There shall be a Commission-wide ethics officer(s) appointed by the General Counsel who is an
25 attorney in the General Counsel’s Office, and who shall have the authority to: (i) advise employees
26 confidentially on the requirements of the Code of Ethics; and (ii) if needed, investigate known or
27 suspected violations, and take appropriate action. The Ethics Officer shall:
28

- 29 A. Serve as a point of contact for employees regarding inquiries and concerns of conflicts of interest.
30 This includes providing advice and preparing verbal and written responses and guidance regarding
31 the Code of Ethics, and related policies, rules, and regulations. Employees are also encouraged to
32 seek advice from their immediate supervisor and chain of command, provided such staff are not
33 the subject of the inquiry or suspected violation. Note: Pursuant to Administrative Practice 3-31,
34 *Fraud, Waste, and Abuse*, employees are required to report any suspected or known fraud, waste,
35 or abuse, and are provided several reporting options, including: (i) the Department Head
36 responsible for the program in which the fraud, waste, or abuse is suspected; (ii) the Office of the
37 Inspector Generals; (iii) Park Police; and (iv) the Executive Director. See: Practice 3-31, for more
38 information.
39
- 40 B. After consultation with the General Counsel, refer matters to the appropriate internal and/or
41 external authorities, where warranted, including but not limited to the Executive Director,
42 Commission, Park Police, County Police, and state and federal authorities.
43

- 1 C. Preparation of an annual report on ethics to address the number and types of inquiries, violations,
2 and corrective measures.

3
4
5 **V. REQUIRED TRAINING**

- 6
7 A. Subject to Subsection V(B), immediately below, all employees are required to receive ethics
8 training each calendar year to be provided by the agency's Ethics Officer(s). Note: Commissioners
9 who attend the training offered by the State of Maryland Ethics Commission satisfy this
10 requirement and may elect to take the Commission's ethics training.
11
12 B. Seasonal/Intermittent employees may attend the ethics training provided by the Ethics Officer(s)
13 and will receive orientation on the Code of Ethics as part of their onboarding process.
14
15 C. The Ethics Officer(s) is responsible for developing and updating training materials, with input and
16 assistance from the Corporate Policy Office.

17
18
19 **VI. VIOLATIONS**

- 20
21 A. Employees who violate Administrative Practice, 2-24, *Code of Ethics*, may be subject to
22 disciplinary action, up to and including termination.
23
24 B. The Commission may refer a violation for criminal investigation and prosecution.
25
26 C. In the case of unauthorized use of Commission resources by an employee, or other loss or damage
27 to the Commission occasioned by the violation, the Commission may recover any loss or damages
28 from the employee through direct repayment by the employee, payroll deduction, or other legal
29 action.
30
31 D. Failure to comply with the requirements of the Code of Ethics due to a lack of knowledge or
32 misinterpretation of the rules and regulations of this Policy or any other applicable Practice(s)
33 cannot be used as an excuse to violate this Code.
34
35 E. An employee shall be provided an opportunity to explain any conflict of interest or appearance of
36 conflict of interest and any other apparent violations of this Practice.

37
38
39 **VII. RESPONSIBILITIES**

- 40
41 A. **All Employees** are responsible for:
42
43 1. Complying with the Code of Ethics.

- 1 2. Avoiding taking any actions that violate or that may give the appearance of violating the Code.
- 2
- 3 3. Seeking advice, when needed, and reporting any suspected or known ethics violations,
- 4 pursuant to Section IV(Ethics Officer(s) And Directing Concerns).
- 5
- 6 4. Seeking approval to engage in any non-Commission employment utilizing the *Request to*
- 7 *Participate in Non-Commission Employment Form* (Appendix A).
- 8
- 9 5. Submitting a Financial Disclosure Statement, if designated to do so by this Practice or the
- 10 respective Department Head.
- 11
- 12 6. Completing the required ethics training.
- 13
- 14 7. Fully cooperating with investigations of potential violations of the Code of Ethics.
- 15

16 **B. Supervisors** are responsible for:

- 17
- 18 1. Reviewing the non-Commission employment of employees under their supervision, annually
- 19 during the performance review, to determine if the non-Commission employment has not
- 20 diminished, interfered with, or detracted from the employee's job duties.
- 21
- 22 2. Responding to inquiries on ethics issues they receive from employees they supervise and
- 23 seeking further guidance and/or assistance from the Ethics Officer(s), as needed.
- 24
- 25 3. Reporting suspected and known violations of this Code of Ethics, as appropriate, pursuant to
- 26 Section V(Inquiries and Concerns).
- 27
- 28 4. Ensuring employees under their supervision complete the annual ethics training course.
- 29

30 **C. Department Heads** are responsible for:

- 31
- 32 1. Approving/disapproving non-Commission employment requests, in a timely manner, utilizing
- 33 the appropriate form submitted by the employee.
- 34
- 35 2. Ensuring that all employees under their supervision who are required to submit annual
- 36 Financial Disclosure Statements (FDS) do so, and reporting annually to the Executive Director
- 37 those employees who submitted as well as those who did not submit an FDS.
- 38
- 39 3. Ensuring all staff under their authority receive the required ethics training annually.
- 40
- 41
- 42
- 43

1 **D. The Ethics Officer(s)** is responsible for:

- 2
- 3 1. Serving as a point of contact for ethics inquiries and complaints; as well as, providing responses
- 4 and guidance.
- 5
- 6 2. Referring matters to the appropriate internal and/or external authorities, where warranted, as
- 7 appropriate.
- 8
- 9 3. Facilitating the required annual training on ethics for Commission employees. This includes
- 10 developing training and ancillary material the Ethics Officer(s) determine are necessary to
- 11 promote compliance with this Code, with the support of the Corporate Policy Office.
- 12
- 13 4. Preparing an annual report that contains information on conflict of interest issues and
- 14 regulations during the previous calendar year.
- 15
- 16

17 **E. The General Counsel** is responsible for:

- 18
- 19 1. Appointing one or more Ethics Officers to be the point of contact for inquiries, advice, training,
- 20 and investigation/resolution of ethics-related issues . The General Counsel may also delegate
- 21 to others in the Office of the General Counsel certain responsibilities to ensure compliance
- 22 with the Code of Ethics and to assist the Ethics Officer(s), as necessary.
- 23
- 24 2. Reviewing and approving the annual ethics report(s) prepared by the Ethics Officer(s).
- 25

26 **F. The Executive Director** is responsible for:

- 27
- 28 1. Receiving information regarding Department Head authorizations for employees in the
- 29 respective departments to solicit gifts from external parties.
- 30
- 31 2. Approving/disapproving, in writing, requests for soliciting voluntary contributions for a
- 32 charitable drive for an external party.
- 33
- 34 3. Maintaining records of Financial Disclosure Statements for designated positions required to
- 35 file with the Executive Director, for three years, and making them available for public
- 36 inspection in accordance Section I(G)(Disclosure or Use of Confidential Information) by
- 37 ensuring employees' home addresses are not disclosed, when a property is identified as an
- 38 employee's home address.
- 39

40 **APPENDICES**

- 41 A. Request to Participate in Non-Commission Employment Form
- 42 B. Financial Disclosure Statement Instructions & Form



The Maryland-National Capital Park and Planning Commission
 Office of the Chief Information Officer
 6611 Kenilworth Avenue, Suite 403
 Riverdale, Maryland 20737
<http://www.mncppc.org> • T. (301) 454-1010

TO: Commissioners

FROM: Mazen Chilet, Chief Information Officer *Chilet*

DATE: 04/17/2024

SUBJECT: Chief Information Officer Report – 4th Quarter- 2023 – Open Session

Update on the Enterprise Resource Planning (ERP): Project Mosaic's Status and Next Steps

Brief (ERP) Background

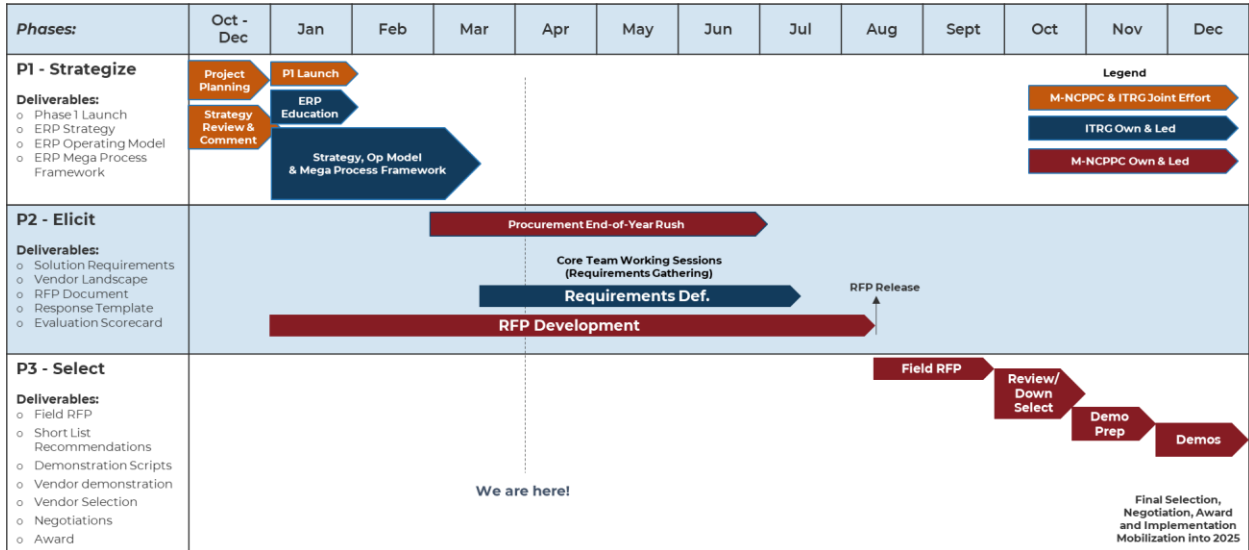
The Commission had its first Enterprise Resource Planning (ERP) implemented in 2011 for finance and human resources. In 2017, the system was nearing the end of vendor support, and the Commission needed to upgrade the system to ensure it had all the support, software patches, and other compliance updates. In 2022, the vendor notified us that the support for the current ERP version would end in April 2026. Our vendor later notified us that support for the current solution would be extended to December 2030.

The Commission completed its ERP Gap Analysis in mid-December 2021. In January 2023, the Chief Information Officer (CIO) presented the findings and recommended two viable options: 1) Upgrading the current Infor/Lawson to the newest Infor version or 2) Replacing the current system. After careful consideration, the Commission decided to pursue an open solicitation process for the optimal ERP solution.

Note:

Info-Tech Research Group, headquartered in London, Ontario, Canada, is working with M-NCPPC to gather data and develop the Request for Proposal for the ERP.

Project Approach and Schedule



Project Phases

Phase I: Strategize: Launch and framework for the requirements gathering process.

Timeline:

January 3, 2024: Launch

March 15, 2024: Completed

Phase II: Elicit: Solution requirements, vendor landscape, RFP document, response template, and evaluation scorecard.

Timeline:

March 18, 2024: Develop and present Requirements Gathering 101 to all stakeholders.

April 16, 2024 – May 09, 2024: Requirements Gathering sessions.

- Record to Report (Finance): April 16, 17, 19
- Forecast to Budget (Budget): April 22, 23
- Procure to Pay (Procurement): April 24, 25
- Hire to Retire (Human Resources): April 29, 30; May 1
- Acquire to Dispose (Asset/Warehouse Mgt): May 6, 7
- Technology/Integration Services/Non-Functional: May 9

May 16, 2024: Info Tech writes Requirements Gathering Sessions summary report and sends it to the Commission for review.

May 16, 2024 – June 17, 2024: We anticipate at least two rounds of review and feedback between Info-Tech and the Commission before the Commission's final approval.

Phase III: Select: Field RFP responses, short list recommendations, vendor demonstration and selection, negotiations, and award

Timeline: TBD

Next Steps

Our team meets with Procurement this week to determine the RFP evaluation committee make-up, including details about the number of members, non-disclosure agreements (NDAs), meeting attendance, roles, vendor proposal reviews and demonstrations, timeline, and more.

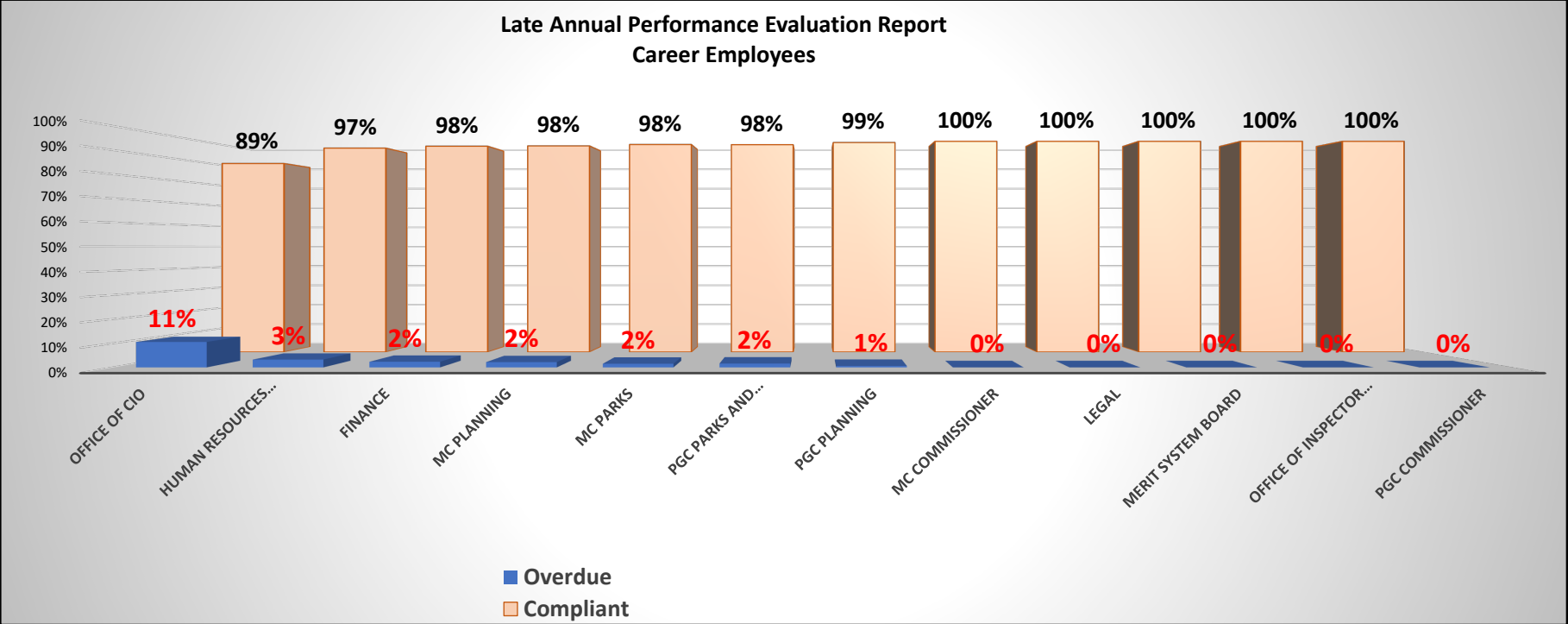
End of Report

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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF MARCH 2024**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Feb-24	Mar-24	Feb-24	Mar-24	Feb-24	Mar-24	Feb-24	Mar-24
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	1	0	0	1	1	1	2
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	2	0	0	0	0	1	2
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	0	0	0	0	0	0	0	1
PRINCE GEORGE'S PLANNING	0	1	0	0	0	0	2	1
PRINCE GEORGE'S PARKS & RECREATION	11	13	0	2	1	1	11	15
MONTGOMERY COUNTY PARKS	11	11	0	0	0	0	10	11
MONTGOMERY COUNTY PLANNING	2	2	0	1	1	0	3	3
DEPARTMENT TOTAL BY DAYS LATE	25	30	0	3	3	2		
COMMISSION-WIDE TOTAL							28	35

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data as of March 31, 2023

Employee Count Department	Evaluation Status		Total Employees
	Compliant	Overdue	
Finance	42	1	43
Human Resources and Mgt	60	2	62
Legal	25		25
MC Commissioner	3		3
MC Parks	711	11	722
MC Planning	130	3	133
Merit System Board	1		1
Office of CIO	16	2	18
Office of Inspector General	6		6
PGC Commissioner	9		9
PGC Parks and Recreation	1,048	15	1,063
PGC Planning	173	1	174
Total Employees	2,224	35	2,259



Reply to:

Debra S. Borden, General Counsel
Office of the General Counsel
6611 Kenilworth Avenue, Suite 200-201
Riverdale, Maryland 20737
Phone: 301-454-1670 • Fax: 301-454-1674

April 1, 2024

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Debra S. Borden
General Counsel
RE: Litigation Report for March 2024 – FY 2024

Please find the attached litigation report we have prepared for your meeting scheduled for Wednesday, April 17, 2024. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

Table of Contents – March 2024, Fiscal Year 2024 Report

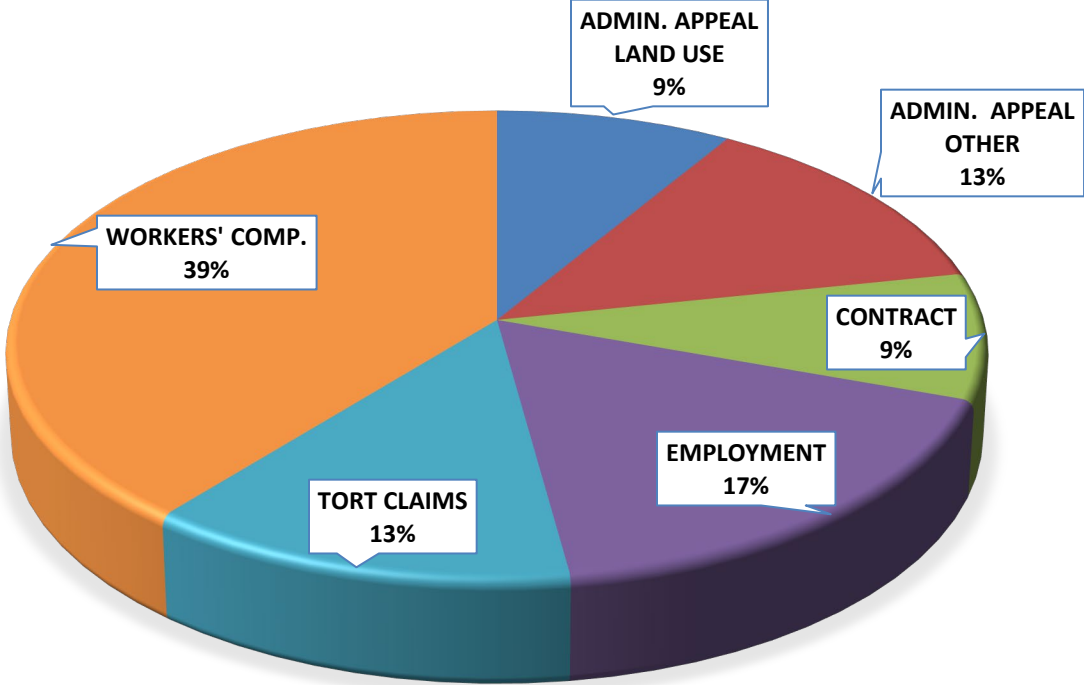
Composition of Pending Litigation Page 01
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March 2024
Composition of Pending Litigation

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	APPELLATE COURT OF MARYLAND	SUPREME COURT OF MARYLAND	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	1	1					2
ADMIN APPEAL: OTHER	3						3
BANKRUPTCY							0
CIVIL ENFORCEMENT							0
CONTRACT DISPUTE	2						2
DEBT COLLECTION							0
EMPLOYMENT DISPUTE	3			1			4
LAND USE DISPUTE							0
MISCELLANEOUS							0
PROPERTY DISPUTE							0
TORT CLAIM	3						3
WORKERS' COMPENSATION	9						9
PER FORUM TOTALS	21	1		1			23

OVERVIEW OF PENDING LITIGATION



March 2024 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2024			
	Pending Feb. 2024	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	2			4	4	6	2
Admin Appeal: Other (AAO)	3			2			3
Bankruptcy (B)	0						0
Civil Enforcement (CE)	0						0
Contract Disputes (CD)	1	1		2	1	1	2
Debt Collection (D)	1		1	2		2	0
Employment Disputes (ED)	4			3	6	4	4
Land Use Disputes (LD)	0			1		1	0
Miscellaneous (M)	0			1	1	3	0
Property Disputes (PD)	1		1		1	1	0
Tort Claims (T)	2	1		2	3	2	3
Workers' Compensation (WC)	9			6	9	3	9
TOTALS	23	2	2	23	25	23	23

**INDEX OF YTD NEW CASES
(7/1/2023 TO 6/30/24)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Wright v. Commission	MC	Misc.	Mar.
Mays v. Commission, et al.	Charles	ED	July
Wallace v. Commission, et al.	PG	ED	July
Celey v. Commission	PG	ED	July
In the Matter of Pocahontas Drive Homeowners	MC	AALU	July
Fennell v. Commission	PG	ED	Aug.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
Carolyn Gray v. Commission, et al.	PG	PD	Oct.
Paige Industrial Services, Inc. v. Commission	MC	AAO	Nov.
In the Matter of Jeanne Kavinski	PG	WC	Nov.
Spriggs v. Brown	PG	Tort	Jan.
Weisman v. Commission, et al.	MC	ED	Jan.
In the Matter of Forest Grove Citizens Association, et al.	MC	AALU	Jan.
GEICO v. Commission, et al.	MC	Tort	Mar.
Commission v. Chen	MC	CD	Mar.

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Brij Bhargava, et al. v. Prince George's County Public Schools Proposed Southern K-8 Middle School, et al.	PG	AALU	May
Friends of Ten Mile Creek v. Montgomery County Planning Board	MC	AALU	Aug.

**INDEX OF YTD RESOLVED CASES
(7/1/2023 TO 6/30/2024)**

<u>A. Trial Court Cases Resolved</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
English-Figaro v. Planning Board of Prince George's County	PG	AALU	June
Fairwood Community Association, Inc. v. Prince George's County Planning Board	PG	AALU	July
Citizen Association of Kenwood, Inc. v. Commission	MC	LUD	Aug.
In the Matter of James Montville	PG	WC	Aug.
Wilmington Savings Fund Society FSB v. Burke, et al.	PG	Misc.	Aug.
Commission v. Faulk	PG	DC	Aug.
Deakins v. Commission, et al.	MC	ED	Sept.
Troublefield v. Prince George's County, et al.	PG	Tort	Oct.
In the Matter of Kenneth Rogers	PG	WC	Nov.
Wright v. Commission	MC	Misc.	Dec.
In the Matter of Pocahontas Drive Homeowners	MC	AALU	Jan.
Fennell v. Commission	PG	ED	Jan.
Izadjoo v. Commission	MC	ED	Jan.
Commission v. Lindsey	PG	D	Feb.
Carolyn Gray v. Commission, et al.	PG	PD	Feb.

<u>B. Appellate Court Cases Resolved</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
In the Matter of Friends of Ten Mile Creek, et al.	MC	AALU	July
In the Matter of Friends of Ten Mile Creek, et al.	MC	AALU	Oct.
Evans v. Commission, et. al.	MC	ED	Nov.
In the Matter of HMF Paving Contractors Inc.	MC	CD	Jan.
Wolf, et al. v. Planning Board of Prince George's County	PG	AALU	Jan.

	Disposition of FY24 Closed Cases Sorted by Department	
CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Fennell v. Maryland-National Capital Park and Planning Commission	Fennell filed suit arising out of her termination from employment related to her COVID vaccination status.	01/25/2024 – Case settled and dismissed. Order approving the parties’ stipulation of dismissal with prejudice.
Montgomery County Department of Parks		
Deakins v. Commission, et al.	Complaint by former employee relating to Commission’s COVID-19 vaccination mandate. Complaint alleged disability discrimination and unreasonable failure to accommodate	09/25/2023 – Case settled and dismissed.
In the Matter of HMF Paving Contractors Inc.	Appeal of decision affirming CCRC decision denying HMF’s demand that an allowance be made, and additional monies be paid by the Commission to HMF for construction at Greenbriar Local Park.	01/05/2024 – Mandate of Court. Case Voluntarily Dismissed. Parties settled.
Izadjoo v. Commission	Former Montgomery Parks employee alleging employment discrimination	01/26/2024 - Case settled.
Montgomery County Park Police		
Evans v. Commission, et al.	Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.	11/21/2023 - Order of Court affirming decision of the District Court

Montgomery County Planning Board		
Citizen Association of Kenwood, Inc. v. Maryland-National Park and Planning Commission	Complaint to prevent implementation of road diet project for Little Falls Parkway in Montgomery County.	08/01/2023 - Voluntary Dismissal Without Prejudice
In the Matter of Friends of Ten Mile Creek, et al.	Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	07/18/2023 – Judgment of the Circuit Court for Montgomery County affirmed.
In the Matter of Friends of Ten Mile Creek, et al.	Petitioner seeks appeal of Decision of the Appeal's Court of Maryland affirming the Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	10/24/2023 – Petition denied.
Gwen Wright v. Maryland-National Park and Planning Commission	Plaintiff sought to enforce a request under the Maryland Public Information Act.	12/29/2023 – Settlement reached and stipulation of Dismissal without Prejudice
In the Matter of Pocahontas Drive Homeowners	Petitioners sought Judicial Review of the Montgomery County Planning Department's approval of Forest Conservation Act Exemption 4203166E to Davis Airport.	01/23/2024 - Decision of the Montgomery County Planning Department reversed.
Prince George's County Department of Parks and Recreation		
In the Matter of James Montville	Claimant sought judicial review of Workers' Compensation Commission decision dated October 3, 2022, which determined that he has a 12% permanent partial disability. Claimant was seeking an award that was much higher.	08/10/2023 - Case remanded to Workers' Compensation Commission for approval of agreement.
Commission v. Faulk	Subrogation action to recover losses for damage(s) to Commission property	08/28/2023 - Judgment in favor of the Commission for \$3,546.13.
Wilmington Savings Fund Society FSB v. Burke, et al.	Lawsuit to quiet title to deed of trust and extinguish the lien and debt associated with that deed, establishing that Plaintiff's deed is in full force and effect and has first priority over the Commission's lien on property owned by Tomel Burke, judgment Debtor.	08/30/2023 - Judgment by Consent against the Commission in favor of the Plaintiff

Troublefield v. Prince George's County, et al.	Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena.	10/13/2023 – Case settled and dismissed.
In the Matter of Kenneth Rogers	Claimant sought judicial review of Workers' Compensation Commission decision dated March 30, 2023, which determined that the Claimant did not suffer from a serious disability.	10/19/2023 – Case settled and remanded to Workers' Compensation Commission for approval of agreement.
Commission v. Lindsey	Action to recover damage(s) to Commission property.	02/20/2024 – Affidavit Judgment in favor of the Commission for \$966.21 plus costs and post-judgment interest.
Carolyn Gray v. Commission, et al.	Plaintiff alleged the Commission caused damage to her property.	02/21/2024 – Commission Voluntarily Dismissed from the case.
Prince George's County Planning Board		
English-Figaro v. Planning Board of Prince George's County	Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.	06/01/2023 Case voluntarily dismissed with prejudice.
Fairwood Community Association, Inc. v. Prince George's County Planning Board	Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.	07/27/2023 - Case voluntarily dismissed without prejudice.
Wolf, et al. v. Planning Board of Prince George's County	Appeal of decision affirming the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).	01/25/2024 - Decision of Planning Board Affirmed.
Prince George's Park Police		
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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Build A Barn, LLC

Case No. D-06-CV-23-013209 (CD)

Lead Counsel: Johnson
Other Counsel:

Abstract: Breach of Contract matter to recover funds expended for sheds that were never received.

Status: Judgment awarded in favor of the Commission for \$9,218.50 plus costs.

Docket:

05/11/2023	Complaint filed
08/18/2023	Defendant served
11/29/2023	Hearing
12/13/2023	Affidavit judgment denied
12/26/2023	Motion to Alter or Amend filed
01/17/2024	Supplement Regarding Motion to Alter or Amend
02/07/2024	Order of Court granting Motion to Amend and entering judgment in favor of the Commission.
03/04/2024	Judgment entered by clerk for \$9,279.50.

Commission v. Chen

Case No. D-06-CV-24-011000 (CD)

Lead Counsel: Johnson
Other Counsel: Thornton

Abstract: Breach of Contract matter to recover funds for rental of recreational fields.

Status: In discovery.

Docket:

03/08/2024	Complaint filed
03/14/2024	Affidavit of Service
03/25/2024	Notice of Intent to Defend and Entry of Appearance filed on behalf of Defendant, Chen
05/22/2024	Trial set

GEICO v. Gaither, et al.
Case No. D-06-CV-24-010139 (Tort)

Lead Counsel: Thornton
Other Counsel:

Abstract: Subrogation matter against the Commission and a Commission employee arising out of a February 2021 motor vehicle accident.

Status: Case dismissed. Claim paid previously.

Docket:

02/22/2024	Complaint filed
03/14/2024	Voluntary Dismissal

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Matters

CIRCUIT COURT FOR CHARLES COUNTY, MARYLAND

BETH MAYS V. MARYLAND-NATIONAL PARK AND PLANNING COMMISSION, ET AL.

Case No. C-08-CV-23-000516 (ED)

Lead Counsel: Ticer
Other Counsel: Rupert

Abstract: Employee terminated from the Commission for her COVID vaccination status has brought suit alleging several employment-related claims, such as religious and genetic discrimination, retaliation, and wrongful discharge

Status: Alternative Dispute Resolution Conference set for April. In discovery.

Docket:

07/03/2023	Complaint filed
07/12/2023	Commission served
08/07/2023	Commission's Motion to Dismiss filed
08/21/2023	Consent Stipulation to Extend time for Plaintiff to Respond to Motion to Dismiss
09/05/2023	Response in Opposition to Motion to Dismiss
09/05/2023	Amended Complaint
09/13/2023	Order to Extend time
09/20/2023	Motion to Dismiss Amended Complaint
10/05/2023	Response in Opposition to Motion to Dismiss
10/16/2023	Reply to Plaintiff's Opposition to Motion to Dismiss
12/20/2023	Motion to Dismiss granted in part and denied in part. Counts 5-9 dismissed. All parties except for the Commission dismissed.

01/11/2024	Order of Court dismissing defendants, Christine Fanning, Thomas Baden, and the Prince George's County Planning Board. Counts V, VII, VIII and IX of Complaint are also dismissed.
02/09/2024	Answer to Amended Complaint filed
02/27/2024	Scheduling Order issued
03/08/2024	Order for ADR Conference
10/31/2024	Pre-Trial Conference
11/18/2024	Trial

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

In the Matter of Forest Grove Citizens Association, et al.

Case No. C-15-CV-24-000505 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Petitioners seeks Judicial Review of the Montgomery County Planning Department's decision regarding 9801 Georgia Avenue Sketch Plan 320230020.

Status: Motion to Dismiss Pending.

Docket:

01/30/2024	Petition for Administrative Mandamus
02/09/2024	Response to Petition for Administrative Mandamus
02/26/2024	Response to Petition for Administrative Mandamus
02/26/2024	Motion to Dismiss Administrative Mandamus
03/08/2024	Response to Co-Respondent's Motion to Dismiss

In the Matter of Joshua P. Scully

Case No. C-15-CV-23-002546 (WC)

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Order finding that claimant at maximum medical improvement and denying right shoulder surgery.

Status: Case remanded to Workers' Compensation Commission.

Docket:

06/27/2023	Petition for Judicial Review filed
12/01/2023	Pretrial status hearing
03/18/2024	Case settled and to be remanded to WCC
03/27/2024	Order of the Court remanding matter to WCC for approval of resolution reached between the parties.

Paige Industrial Services, Inc. v. The Maryland-National Park and Planning Commission

Case No. C-15-CV-23-004219 (AAO)

Lead Counsel: Rupert
Other Counsel: Mills (CCRC)

Abstract: Judicial review of the decision of the administrative agency (CCRC). Contractor's claim for additional payments for construction at Rock Creek Maintenance Yard.

Status: Appeal filed.

Docket:

11/10/2023	Petition for Judicial Review
11/30/2023	Scheduling and Briefing Order of Court issued
12/08/2023	Notice of Intent to Participate filed by Commission
01/17/2024	Order Granting Extension of Time
03/12/2024	Administrative Record received

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Tiffany Celey v. Maryland-National Capital Park and Planning Commission

Case No. C-16-CV-23-003168 (ED)

Lead Counsel: Ticer
Other Counsel: Johnson; Rupert

Abstract: Defendant is alleging discrimination based upon race, sex, retaliation, and disability.

Status: In discovery.

Docket:

07/12/2023	Complaint filed
09/26/2023	Summons reissued
12/28/2023	Complaint received from SDAT via certified mail.
01/03/2024	Answer filed
02/14/2024	Stipulation Order Regarding Confidentiality of Discovery Material filed
02/28/2024	Order of Court regarding Confidentiality of Discovery Material

In the Matter of William Dickerson
Case No. C-16-CV-23-001402 (AAO)

Lead Counsel: Gates (Groom Law Group)
Other Counsel:

Abstract: Claimant seeks judicial review of Employees Retirement System (“ERS”) decision dated February 21, 2023, which denied a reconsideration of the COLA calculation.

Status: Hearing date set.

Docket:

03/28/2023	Petition for Judicial Review filed
04/05/2023	ERS served
04/25/2023	Administrative Record received
05/26/2023	Stipulation for Extension of Time for Petition to File Opening Memorandum
06/20/2023	Petitioner’s Memorandum of Law in Support of Petition for Judicial Review
06/29/2023	Stipulation for Extension of Time for Respondent to File Answering Memorandum
06/30/2023	Order Granting Extension of Time
07/31/2023	Response to Petitioner’s Memorandum
08/12/2023	Reply Memorandum
05/01/2024	Oral Argument set

In the Matter of Danielle Jones-Dawson
Case No. C-16-CV-22-000675 (AAO)

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant seeks judicial review of Merit Board decision (October 20, 2022) denying claimant’s appeal of her termination due to non-compliance with Notice 21-07, COVID-19 Vaccination Requirements.

Status: Hearing date set.

Docket:

11/20/2022	Petition for Judicial Review filed
11/29/2022	Response to Petition for Judicial Review
02/08/2023	Memorandum for Petitioner
03/09/2023	Commission’s Answering Memorandum
11/20/2023	Motion for Continuance
01/29/2024	Hearing reset to 05/02/2024
05/02/2024	Hearing set.

In the Matter of Jeanne Kavinski

Case No. C-16-CV-23-001821, C-16-CV--23-001826, C-16-CV-23-001827 (WC)

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant filed the same issues in three claims with overlapping body parts seeking authorization for treatment and causal relationship of a new injury. In addition, the Commission contested whether a compensable injury occurred in a new claim (D/A:4/28/2021). The Commission was successful in defending the authorization for treatment and against the new claim. The claimant has appealed the determination in all three claims.

Status: Mediation set.

Docket:

04/18/2023	Petition for Judicial Review filed
05/02/2023	Response to Petition for Judicial Review filed in all cases
05/02/2023	Commission's Designation of Experts filed in case C-16-CV-23-001827
06/27/2023	Order of the Court. Cases C-16-CV23-001821 and C-16-CV-23-001826 are consolidated. Case C-16-CV-23-001821 to serve as the lead case.
08/29/2023	Scheduling Order issued in C-16-CV-23-001827
05/06/2024	Mediation set
07/02/2024	Trial in case C-16-CV-23-001827

In the Matter of Jeanne Kavinsky

Case No. C-16-CV-23-004139 (WC) – Lead case

Consolidated with C-16-CV-23-004296, C-16-CV-23-004297, C-16-CV-23-004298, C-16-CV-23-004975

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant sought a finding that treatment to her left ankle, to include surgery, and associated indemnity benefits were causally related to any of the subject claims; all treatment and related benefits were denied. Claimant also sought a finding of permanent disability related to head injuries; the Commission found no permanent disability. Claimant has appealed all findings.

Status: Mediation set.

Docket:

09/08/2023	Petition for Judicial Review filed
09/29/2023	Response to Petition for Judicial Review
09/29/2023	Expert Designation
01/03/2024	Consent Motion to Consolidate Cases
01/23/2024	Motion to Consolidate Granted
06/10/2024	Mediation set
08/13/2024	Trial

Simmons v. Commission, et al.
Case No. C-16-CV-23-000873 (Tort)

Lead Counsel: Thornton
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained while attending Therapeutic Recreations Programs, Kids' Care After-School Program at Cedar Heights Community Center.

Status: In discovery.

Docket:

02/24/2023	Complaint filed
02/28/2023	Commission served
03/28/2023	Motion to Dismiss filed.
03/30/2023	Prince George's County's Motion to Dismiss
04/14/2023	Stipulation of Dismissal as to Defendants Prince George's County and Commission
04/20/2023	Answer of Defendant Chatman
05/09/2023	Scheduling Order issued
06/05/2023	Order Granting Plaintiff's Consent Motion to Extend Time to Respond to Motion to Dismiss
08/21/2023	Line to Correct Misnomer, Entry of Appearance and Notice of Discovery filed
02/02/2024	Plaintiff's Expert Designation
03/05/2024	Defendant's Expert Designation
03/05/2024	ADR Order. Case did not settle
05/06/2024	Trial

Alicia Spriggs v. Thomas W. Brown
Case No. C-16-CV-23-003019 (Tort)

Lead Counsel: Thornton
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained in a motor vehicle accident.

Status: Case settled. Agreement pending

Docket:

06/30/2023	Complaint filed
01/03/2024	Commission served
01/10/2024	Answer to Complaint and Request for Jury Trial
02/23/2024	Plaintiff's Expert Witness Designation filed
03/21/2024	Line regarding settlement filed.

Rakiya-Rae Wallace v. Commission, et al. v. Commission, et al.
Case No. C-16-CV-23-003055 (ED)

Lead Counsel: Ticer
Other Counsel: Johnson

Abstract: Employee terminated from the Commission for her COVID vaccination status has brought suit alleging several employment-related claims, such as religious and genetic discrimination, retaliation, and wrongful discharge

Status: Hearing held. The Judge has requested briefs from each party on an issue raised. Decision to be rendered without additional hearing.

Docket:

07/03/2023	Complaint filed
07/12/2023	Commission served
08/07/2023	Motion to Dismiss and Supporting Memorandum
08/21/2023	Consent Stipulation to Extend Time to Respond to Motion to Dismiss
09/05/2023	Response in Opposition to Defendants' Motion to Dismiss
09/05/2023	Amended Complaint
09/18/2023	Order of Court. Motion to Dismiss Denied as Moot
09/22/2023	Motion to Dismiss Amended Complaint
10/06/2023	Response in Opposition to Dismiss Amended Complaint
10/18/2023	Reply to Opposition to Motion to Dismiss
02/16/2024	Motion to Stay and/or Modify Scheduling Order
02/27/2024	Order of Court striking scheduling order issued on 10/12/2023.
03/28/2024	Motion for Postponement of Hearing on Defendants' Motion to Dismiss
03/29/2024	Hearing held. Order of Court – Motion to Postpone hearing on Motion to Dismiss granted. Parties to brief issue raised. Decision to be made without further hearing.

APPELLATE COURT OF MARYLAND

Brij Bhargava, et al. v. Prince George's County Public Schools
Proposed Southern K-8 Middle School

Case No. ACM REG – 0659-2023 (AALU)
(Originally filed under CAL21-13945 in Prince George's County)

Lead Counsel: Warner
Other Counsel:

Abstract: Appeal of decision affirming the Prince George's County Planning Board's decision to affirm the Planning Director's approval of a tree conservation plan, a revision of that tree conservation plan, and variances to the Woodland Conservation Ordinance that allowed removal of specimen trees.

Status: Oral argument reset.

Docket:

05/31/2023	Appeal filed
06/27/2023	Order to Proceed
08/25/2023	Briefing Notice
08/30/2023	Joint Stipulation to Modify Briefing Schedule
10/11/2023	Record Extract
10/13/2023	Appellant Brief
12/01/2023	Appellees Brief filed
12/21/2023	Reply Brief
01/25/2024	Scheduling Notice
03/12/2024	Oral argument reset for June.

SUPREME COURT OF MARYLAND

No Pending Matters

U.S. DISTRICT COURT OF MARYLAND

Weisman v. Commission, et al.

1:24-cv-00009 GLR (ED)

Lead Counsel: Ticer
Other Counsel: Thornton

Abstract: Plaintiff, a former police sergeant, filed a complaint against the Commission and the Montgomery County Chief of Police, alleging a hostile work environment due to discrimination based on sex, sexual orientation, and religion.

Status: Motion to Dismiss pending.

Docket:

01/03/2024	Complaint filed
01/05/2024	Commission served
01/22/2024	Motion to Dismiss filed by Commission
02/05/2024	Opposition to Motion to Dismiss
02/16/2024	Reply to Opposition to Motion to Dismiss

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

No Pending Matters