

**Town of Riverdale Park**  
**Ethics Commission Meeting Minutes**  
**December 15, 2020**  
**7:15 p.m.**

**In Attendance**

John Wells, Chair  
Corey Beauford  
April Engram, Alternate  
Andrea Huberty

Frederick Sussman, Town Attorney  
Jessica Barnes, Town Clerk

Mayor Alan Thompson administered the Oath of Office to April Engram, Alternate.

Mr. Wells called the meeting to order at 7: 18 p.m.

**Roll Call**

1. Agenda Approval

Mr. Beauford made a motion to approve the December 15, 2020 Ethics Commission agenda. The motion was seconded by Ms. Huberty. Vote: 3-0 (Favorable)

2. Approval of Minutes: June 17, 2020

Mr. Beauford made a motion to approve the Ethics Commission minutes from the June 17, 2020 meeting as submitted. The motion was seconded by Ms. Huberty. Vote: 3-0 (Favorable)

**Unfinished Business**

1. Review of status of CY 2019 Financial Disclosure Statements

Town Attorney Fred Sussman provided an overview of the CY 2019 Financial Disclosure Statements submitted since the June 17<sup>th</sup> meeting. Town Attorney Sussman reported that the Financial Disclosure Statements submitted by CMs Faulx, Henry, and Richardson were complete and acceptable.

2. Financial Disclosure for Municipal Police Officers

Mr. Wells provided an overview and timeline of the topic of Financial Disclosure Statements for police officers.

Town Attorney Sussman provided the Commission with an update on the results of the outreach to the Maryland Municipal League regarding the filing of Financial Disclosure statements by police officers. Town Attorney Sussman clarified that the Opinion of the Attorney General did not state that Financial Disclosure Statements could not be required however, a blanket requirement of Financial Disclosure Statements for all police officers (whether they had purchasing or procurement responsibilities or not) was not permitted. Town Attorney Sussman stated that the Commission had some latitude in requiring Financial Disclosure Statements and the Office of the Attorney General had published guidance with regard to which employees or officials should be required to file Financial Disclosure Statements primarily based on the employee's duties and responsibilities.

Town Attorney Sussman stated that the Commission had required the Chief and Assistant Chief of Police to complete long forms and allowed the Lieutenants, as a compromise, to complete the short form last year.

Mr. Wells stated that he was not opposed to having the Lieutenants complete the long forms, but the Lieutenants had pushed back on the basis of the Law Enforcement Officers Bill of Rights (LEOBR). Town Attorney Sussman stated that the Commission would not need to seek action from the State for a requirement based on the duties and responsibilities of the employee. Town Attorney Sussman stated that the disclosure of financial information can be required for the investigation of potential conflicts of interest.

Town Attorney Sussman stated that an analysis of the procurement duties and responsibilities could be conducted in order to make a final determination. Mr. Wells asked if the Chief of Police or Assistant Chief of Police should be invited to the next Ethics Commission Meeting to discuss procurement practices. There were no objections.

Ms. Engram asked if the Lieutenants were opposed to completing the short forms as well. Town Attorney Sussman stated that the Lieutenant was opposed to the long form but did complete the short form without objections. Ms. Engram stated that she agreed that it may be time to bring in the Chief or Assistant Chief of Police to get greater clarity regarding who is involved in the procurement process.

Town Clerk Barnes discussed the initial request from the Town Manager with regard to the expansion of filing of Financial Disclosure Forms.

Town Attorney Sussman stated that the Commission could request the job descriptions for the Assistant Chief of Police, Lieutenants, and Sergeants to determine who should complete the Financial Disclosure Forms.

Town Attorney Sussman discussed the sections of the Financial Disclosure Form that could be redacted.

Mr. Wells requested that the Chief or Assistant Chief of Police be invited to the next Ethics Commission meeting to discuss procurement responsibilities. Town Clerk Barnes stated that the request would be made to the Town Manager. There were no objections.

### 3. Additional Financial Disclosure Filers (§ 32-2 Applicability)

The Ethics Commission discussed § 32-2 Applicability of the Town Code as it related to the Board of Code Appeals and whether a short form or long form should be required.

Ms. Engram asked for clarity regarding the matters that would be considered by the Board of Code Appeals. Town Clerk Barnes provided an overview.

Mr. Wells asked if the short form would be adequate. Town Clerk Barnes reviewed the types of information required for the short form as well as the long form. Mr. Beauford stated that it was his position that, at the very least, a short form should be required. Ms. Engram discussed the possibility of creating a form that contained aspects of both the long form and the short form.

Town Clerk Barnes recommended that a list of vendors that the Town does business with be included with the Financial Disclosure Statements to help determine potential conflicts of interest. Mr. Wells and Ms. Engram liked the idea of including a vendor list with Financial Disclosure Statements and perhaps amending the short form to include a question regarding Town vendors.

Ms. Huberty made a motion to approve the use of short forms for CY 2020 for the Board of Code Appeals. The motion was seconded by Mr. Beauford. Vote: 3-0 (Favorable)

## Hearings

No hearings were scheduled for the December 15<sup>th</sup> Ethics Commission meeting.

## New Business

1. CY 2020 Financial Disclosure Statements- Long form, Short form, Candidates for Elective Office
  - a. Notary requirement
  - b. Electronic distribution
  - c. Electronic submission provisions

Town Clerk Barnes discussed the need to create a more contactless process due to COVID-19. Town Clerk Barnes requested that the Commission consider whether to continue to require that Financial Disclosure Forms be notarized. Town Attorney Sussman stated that the Code did not require that Financial Disclosure Statements be notarized.

The Commission discussed whether Financial Disclosure Statements needed to be notarized or if it could be removed from the CY 2020 Financial Disclosure Statements.

Ms. Engram stated that electronic forms would be easier to complete and Mr. Wells stated that the Financial Disclosure Statements would also be easier to make redactions to if needed.

Ms. Huberty stated that since the Code did not require the forms to be notarized, it was her position that it should not be included on the Financial Disclosure Statements. Mr. Beauford agreed.

Ms. Huberty made a motion to remove the notary lines from the CY 2020 Financial Disclosure Statement (long form). The motion was seconded by Mr. Beauford. Vote: 3-0 (Favorable)

Ms. Huberty made a motion to remove notary lines from the CY 2020 Financial Disclosure Statement (short form and candidate form). The motion was seconded by Mr. Beauford. Vote: 3-0 (Favorable)

There was a consensus of the Commission to distribute the CY2020 Financial Disclosure Statements electronically.

There were no objections to receiving the forms electronically. Ms. Engram asked if there was a safe way to receive the Financial Disclosure Statements. Town Clerk Barnes discussed the process for receiving and reviewing Financial Disclosure Statements through the [ethics@riverdaleparkmd.gov](mailto:ethics@riverdaleparkmd.gov) e-mail address. Town Attorney Sussman stated that there would not be a requirement to file electronically and filers would also have the opportunity to file by mail or in person, if needed. Town Attorney Sussman asked if there should be any required standards for electronic signatures. Ms. Engram stated that there should be an official electronic signature or verified signature on the Financial Disclosure Statements. Town Clerk Barnes recommended a scanned signature for the first year and to consider additional options for subsequent years.

Mr. Beauford made a motion to authorize the Town Clerk to develop a process for accepting electronic filings including verified signatures for the CY 2020 Financial Disclosure Statements. The motion was seconded by Ms. Huberty. Vote: 3-0 (Favorable)

## **Other Business**

Mr. Wells, Ms. Huberty, and Mr. Beauford welcomed Ms. Engram to the team and stated that they looked forward to working with her in the future.

## **Next Meeting**

The next Ethics Commission meeting was scheduled for January 12<sup>th</sup> at 7:15 p.m. Town Clerk Barnes stated that the Ethics Commission would also need to meet on April 8<sup>th</sup> to review Financial Disclosure Statements submitted by candidates for elective office.

## **Adjournment**

Mr. Beauford made a motion to adjourn the meeting at 8:35 p.m. The motion was seconded by Ms. Huberty. Vote: 3-0 (Favorable)