

**ETHICS COMMISSION**  
Meeting Minutes  
*September 27, 2016 ~ 5:30 p.m.*

**ATTENDEES:**

Philip Dorsey, Esq., Chairman  
Christopher Jeys, Member *(by conference call while in Australia)*  
Terry Bonnevier, Member

**APPROVAL OF MINUTES**

Chairman Dorsey entertained a motion to approve the April 19, 2016 meeting minutes.

**Member Bonnevier moved to approve the minutes as presented; Member Jeys seconded, motion passed unanimously.**

**OLD BUSINESS**

Complaint Form

The Complaint Form has been posted, in draft form, on the Town website along with a link to the Ethics Code in the Municipal Code online since April 2016.

Ms. Dimsey presented the form to the members for approval.

Member Bonnevier suggested that we change the title of the form from Complaint to Complaint/Advisory Opinion, additionally in the notes on the second page we would like to add reference to the Maryland State Government Code Annex 15-405. Complaints – Disposition.

Chairman Dorsey noted that the Complaint Form does need to be modified to reflect both Complaint and Advisory Opinion and needs to include proper language as to the difference.

Member Bonnevier asked is 20 days was a typical time frame for a response?

Chairman Dorsey responded that we can always request additional time if necessary.

**NEW BUSINESS**

Ethics Disclosure Statement Application

Chairman Dorsey stated that the members are required to do a final review of the Ethics Disclosure Statements filed by the Council Members and Employees in April. Ms. Dimsey worked with the Council Members and Employees whose statements required corrections or clarification. The Ethics Commission Members are required to sign off on final approval of the statements.

The members then reviewed and provided signature approval of each Ethics Statement Application. Member Jeys reviewed the statements after receiving them by email, he signed his approval, then scanned and sent each signed cover page to Ms. Dimsey. Ms. Dimsey printed out and attached to each statement with the signed forms from Chairman Dorsey and Member Bonnevier.



They then handed them over to Ms. Dimsey to be filed and kept confidential.

Chairman Dorsey stated that the next order of business was the signing of the Annual Certification Submittal Form as required by the State of Maryland State Ethics Commission which is due each year by October 1, 2016 to confirm they approved the submitted Ethics Statement Applications.

Chairman Dorsey signed the certification asked Ms. Dimsey to mail it certified return receipt by the requested deadline date of October 1, 2016.

### Complaint

Chairman Dorsey stated that we have received our first Complaint filed by Councilmember Roberts.

Members Bonnevier and Jeys reviewed the complaint and looked to Chairman Dorsey for discussion.

Chairman Dorsey explained that first, an advisory opinion versus a complaint are two different things.

Here is how they differentiate:

If you are considering whether you can do something or not then you can request an advisory opinion before the action or particular deed.

If the deed or action already occurred, then it would be considered a complaint, as a complaint happens after the deed has been done. A Complaint cannot be prospective it has to be retrospective because it has to go back to the act that was committed.

So we will address this as a complaint and not as an advisory opinion because the action has already occurred.

*But for future issues, we should include guidance in our form as to when an advisory opinion is warranted before the act versus a complaint after the act. Also, as discussed earlier, our form should reflect both Complaint and Advisory Opinion.*

### DECISION

Under Maryland State Ethics Law 5-405 (B) 1 states:

*(b) Finding of no violation. If the Ethics Commission determines that the respondent has not violated this title, the Ethics Commission shall:*

- (1) Dismiss the complaints in a signed order; and*
- (2) Promptly send a copy of the order to the complainant and the respondent.*

After reviewing the complaint which asked for an advisory opinion, the facts and researching the issue, the Ethics Commission has determined that this is to be treated as a complaint as the voting in question had already occurred.

**It was also determined that Council Member Jay Mattingly was following proper Ethic Law procedures and therefore the committee has dismissed the complaint.**

Ms. Dimsey will prepare a draft statement for review by Chairman Dorsey and the Members and once finalized, the Complainant and the Respondent will be notified.

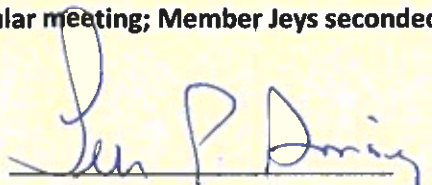
**ADJOURNMENT**

Members discussed the next meeting date of November 8th which presented conflicts for each of the members. It was determined that Ms. Dimsey will coordinate a conference call sometime in mid-November to ensure the committee meets the required four meeting dates for the calendar year.

**Chairman Dorsey stated that the next meeting date will be coordinated by Ms. Dimsey and entertained a motion to adjourn.**

**Member Bonnevier moved to adjourn the regular meeting; Member Jeys seconded; motion passed; meeting was adjourned at 6:15 p.m.**

  
Philip Dorsey, Chairman

  
Teri P. Dimsey, Recording Secretary

  
Terry Bonnevier, Vice Chairman

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Christopher Jeys, Secretary