



City of Rockville Ethics Commission

Minutes

Webex Virtual Meeting

Meeting No. 20-8

Wednesday, September 16, 2020 at 6:30 PM

Commissioners Present: Eugene Thirolf, Kris Dighe, Kevin Jenkins, Karyne Akhtar, Jaime Espinosa, Janice Frankle

City Staff: Marlaine White
Wei Liu

- I. Convene
- II. Approval of Agenda
Chair Thirolf asked that a motion be made to approve the agenda. Commissioner Dighe moved that the agenda be approved. The motion was seconded by Commissioner Jenkins and passed unanimously (5-0).
- III. Approval of Minutes
Minutes from August 19, 2020 - Chair Thirolf requested a motion be made to approve the minutes from August 19, 2020. Commissioner Espinosa and Commissioner Jenkins noted minor typos to be corrected. Commissioner Dighe moved to approve the minutes as amended. The motion was seconded by Commissioner Jenkins and passed unanimously (5-0).
- IV. Old/New Business
 - Future Meeting Dates: October 14, 2020; November 18, 2020 – Commissioner Espinosa recommended waiting to schedule a December meeting because the November meeting is already scheduled for mid/late November, and to determine if a December meeting is warranted.
 - Discussion of the Updated List of Filed Financial Disclosure Statements – Chair Thirolf asked if a filer resigns or is not re-elected, is he or she obligated to file a financial disclosure statement. Staff responded that a filer who resigns or is not re-elected must still file a financial disclosure statement for the time he or she is employed or holding office during the relevant filing year. Chair Thirolf agreed. Staff will verify contacts of previous employees and elected officials that must file a financial disclosure statement for 2019 and send out reminder emails to those filers. Chair Thirolf asked that Staff confirm that a former Ethics

Commissioner was required to file a financial disclosure statement for 2019. Chair Thirolf asked whether a telephone call or letter to delinquent filers would be more efficient. Staff suggested an informal email sent first to delinquent filers. Chair Thirolf recommended that if delinquent filers do not respond to the informal email within a week, the more formal reminder letter (after it is approved by the Commission) should be sent.

- Discussion of Commission Review of Filed Financial Disclosure Statements - Chair Thirolf recalled that the Commission's original plan for reviewing the statements was to begin with a sample set of statements and review the sample set at a meeting to get a consensus on a system for reviewing all the forms. Chair Thirolf believes that given the current COVID-19 context, that approach is no longer practical. Chair Thirolf asked if the Commission was still interested in the original approach. Commissioner Espinosa stated that at the previous meeting Commissioner Jenkins raised the question of how to review the statements electronically without violating any privacy issues. Commissioner Jenkins agreed. Chair Thirolf asked if the Commission could go into the City Clerk's Office to review the statements. Commissioner Espinosa asked Staff if such an in-person review is possible if City Hall remains closed to the public. Staff indicated that City Hall remains closed to the public and that the understanding is to limit the presence of City Staff as much as possible. Because the City Clerk's Office currently only accepts and maintains hard copies of the financial disclosure statements, Staff will ask the City Clerk what options, if any, would be available to the Commission to come to City Hall to review the statements in person. Chair Thirolf suggested that if at least some of the Commissioners could come in to review the statements in person, the statements would be divided up evenly to expedite review. Staff will ask the City Clerk if a small subset of Commissioners can perform the review. Commissioner Espinosa suggested doing a dry run review of one financial disclosure statement by webex screen share. Chair Thirolf and Commissioner Jenkins asked if that screen sharing would create privacy issues for the filer. Commissioner Akhtar asked if a closed session would be appropriate for such review. Staff indicated that the Commission would have difficulty justifying the need to meet in closed session to review a financial disclosure statement because the statements are public documents and the review of such would not fall into any exception to the Open Meetings Act. Staff stated the State Ethics Commission General Counsel ("SEGC") was consulted regarding the privacy issues previously raised by Commissioner Jenkins. The SEGC stated the State requires its filers to electronically file financial disclosure statements, and the State Commission would support the City adopting an electronic platform, but there is not currently a drive by the State for localities to adopt an electronic filing and viewing system. The SEGC suggested a fillable pdf that can be scanned and emailed. The SEGC stated that the State Commission's view on information contained in the financial disclosure statements is that the statements are public records and the information contained is not protected. The SEGC indicated that the State attempts to preempt filers from providing more information than required by the form questions because once the statement is submitted it cannot be changed and the State will not change any statement. Also, all the financial disclosure statements filed by State filers can be viewed electronically by the public by signing up for an account on the State website. Given the State Commission's stance on these matters it is highly unlikely the State Commission would support

the more protective privacy measures previously discussed by the Commission. The Commission further discussed financial disclosure statements as public records. Regarding the current method for review of financial disclosure statements by the public, Staff indicated that when a request to view a statement is made, the requester's name and address are recorded and the filer is informed that the statement is being reviewed. Staff suggested reviewing a blank form to determine the Commission's review process. Commissioner Espinosa indicated that he would volunteer to have the Commission use his financial disclosure statement as the practice form. Chair Thirolf reiterated his concern over the statements viewed by the public without a record of who has requested to view the statement.

- Discussion of Draft Filing Reminder Letter – Chair Thirolf asked if there were any revisions to the draft filing reminder letter. Commissioner Espinosa suggested several edits. Staff indicated that the change will be made and update the letter from last year's form.
- Chair Thirolf inquired if the Commission's letter to the Mayor and Council regarding expansion of the Commission membership had been sent to the Mayor and Council. Staff indicated that the letter would be sent as soon as it is executed.

V. Adjournment

A motion to adjourn the meeting was made by Commissioner Jenkins. The motion was seconded by Commissioner Akhtar and passed unanimously (5-0).