



City of Rockville Ethics Commission

Minutes

Webex Virtual Meeting

Meeting No. 20-9

Monday, September 28, 2020 at 6:30 PM

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

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 Espinosa moved that the agenda be approved. The motion was seconded by Commissioner Dighe and passed unanimously (5-0).
- III. Old/New Business
 - Discussion of Annual Certification of City Ethics Code to the State Ethics Commission – Commissioner Dighe moved that the Commission certify to the State Ethics Commission that the City’s Ethics Code is in compliance with the State Ethics Law. The motion was seconded by Commissioner Akhtar and passed unanimously (5-0). Chair Thirolf asked that the letter be sent to the State Commission. Staff indicated that the formal letter will be signed by the Acting City Attorney and submitted.
 - Chair Thirolf raised the issue of a former Commissioner’s inquiry as to whether the former Commissioner had to file a financial disclosure statement since they no longer serve as a Commissioner and only served for a small portion of 2019. Commissioner Jenkins asked if the Commission has the authority to waive the filing requirement. Chair Thirolf stated that his opinion is that the Commission has discretion to waive the filing requirement under the Ethics Ordinance. Staff read Section 16-80 to the Commission for reference. Commissioner Espinosa indicated that his understanding of the City’s Ethics Ordinance is that the Commission has full discretion as to whether to waive a fine under the Ordinance, and suggested that the Commission not waive the filing requirement, but waive the fine if a filer does not comply. Chair Thirolf agreed with the recommendation and interpretation of the Ordinance, and the Commission should

not waive the filing requirement. Staff indicated that Commissioner Espinosa's approach is likely the optimal approach in the COVID-19 context. Commissioner Jenkins commented that the Commission should inform the former Commissioner that the Commission will not impose a fine, but that the former Commissioner is not in compliance with the City's filing requirements and must disclose that where appropriate. Chair Thirolf agreed. Commissioner Jenkins also suggested that the Commission may wish to amend the Code to address this type of situation. Chair Thirolf agreed that should be raised at a future meeting, and that at this time the Commission should not depart from past practice. Commissioner Espinosa asked Staff to inquire with the City Clerk's Office whether the former Commissioner served as a hold over after the formal term expired.

IV. Adjournment

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