

**Prince George's County
Office of Ethics and Accountability and
Board of Ethics**

Annual Report

INCLUSIVE OF CALENDAR YEAR 2018 & FISCAL YEAR 2019

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Message from the Executive Director

Robin Barnes-Shell, Esq.

I am excited to provide the fifth annual report for the Office of Ethics and Accountability. The Office remains committed to promoting trust in County government and providing an important service to the public and to the County. The Office of Ethics and Accountability is always looking for ways in which we can better achieve its mission of providing increased accountability and oversight in the operations of the County government by identifying fraud, abuse, and illegal acts as well as support the Board of Ethics. In accordance with the agency's enabling statute, the Office of Ethics and Accountability's investigations, inspections and reviews were evaluated via a quality assurance review which is available on the County's website.

As the Office of Ethics and Accountability conducts investigations and operations reviews, twenty-three (23) recommendations to promote a culture of integrity and efficiency public trust were provided to Executive Leadership. This is a 130% increase in recommendations, compared to 10 recommendations in FY 2018. The Office of Ethics and Accountability has made a total of fifty-four (54) recommendations since Fiscal Year 2016, resulting in significant policy development and organizational change.

During the 2019 fiscal period, there were thirteen (13) substantiated complaints, of which eleven (11) related to ethics violations that were referred to the Board of Ethics; one (1) investigated by the Office under the category of fraud, waste, abuse and/or illegal activity, and one (1) finding of operational noncompliance. Eight (8) ethics complaints remain under investigation and will carry-over into FY 2020 as Board referrals.

Following a robust mandatory ethics training campaign that concluded in June, 2018, the FY 2019 period included an additional 719 officials and employees who completed mandatory ethics training via online or in-person training. In FY 2020, the Office will resume a new biennial compliance training cycle affecting all County employees. Additionally, we continued oversight of secondary employment requests to ensure compliance with the County's Code of Ethics and launched an education campaign to help County employees to stay abreast of ethics issues in government. We firmly believe these functions will benefit the public and County government.

I sincerely appreciate the opportunity to serve and provide increased accountability and oversight in the operations of Prince George's County government.

Sincerely,

Robin Barnes-Shell
Executive Director

Mission

The mission of the Office of Ethics and Accountability is to promote public trust in County government through:

- Providing comprehensive intake, processing, investigations, management, and adjudication of allegations of waste, fraud, abuse and illegal acts in County government.
- Promoting disclosure of the outside business and monetary interests of County government employees/officials and real-time notice of lobbying activity directed towards County government.
- Providing training, technical assistance and public education necessary to ensure County government services are delivered with integrity and in accordance with the standards of professional conduct identified within the ethics code.

Purpose

The Office of Ethics and Accountability provides increased accountability and oversight in the operations of the County government by identifying fraud, waste, abuse, and illegal acts. Prince George's County Code § 2-299. It also provides support to the Prince George's County Board of Ethics in the exercise of its authority to interpret the County Code of Ethics in order to promote public trust in County government by ensuring impartiality of the employees and elected officials. Prince George's County Code § 2-292.

The Office of Ethics and Accountability's two main functions are best described as investigative of County operations and administrative in its support to the Board of Ethics. Investigations are initiated in several ways: (1) through the PGCEthics Hotline, (2) directly to the Office, (3) via media, or (4) by other means. After an initial investigation by the Office of Ethics and Accountability, a matter may eventually be referred to law enforcement, an appropriate agency, or the Board of Ethics. Administratively, the Office of Ethics and Accountability oversees Financial Disclosure Statement submissions and lobbyists' registrations and reports; renders ethics advice to individuals governed by the Ethics Code; maintains compliance with the Open Meetings Act for the Board of Ethics; and provides ethics training to County officials, employees and lobbyists.

Office of Ethics and Accountability Staff

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Message from the Board Chair

Cassandra Burckhalter

In accordance with Section 2- 292(a)(6) of the Prince George’s County Code, the Board of Ethics is required to provide an annual report of its activities to the County Executive and County Council. I am pleased to provide the 2019 Annual Report of the Board of Ethics.

I am excited to report, Calendar Year 2018 & Fiscal Year 2019, included the continuation of the County’s global mandatory ethics training for employees and Elected Officials (officials). Through the amazing efforts of the Office of Ethics and Accountability, several agencies received in-person customized and on-line ethics training; which included 719 employees completing the mandatory ethics training.

Throughout the year, the Board of Ethics and Office of Ethics and Accountability staff, continues to receive and respond to a large number of requests for ethics advice, regarding, but not limited to, conflicts of interest, gifts, secondary employment, and post-employment matters.

The Office of Ethics and Accountability also continues to investigate several complaints alleging violations of the Ethics Code. Some of the complaints has resulted in legal counsel issuing 104 informal opinions.

To ensure compliance with the County’s Code of Ethics, during the Financial Disclosure Statement filing season, the Office of Ethics and Accountability staff provided assistance and legal advice on electronic filings to several officials, employees, volunteer commissioners and board members. To date, staff have received and processed over 1,100 Financial Disclosures Statements and over 180 lobbyist registration forms and reports.

While this has been a fulfilling year, there is still work to be done. The Board of Ethics will continue to render advisory opinions to officials and the employees of the County as well as to all questions arising under the Code of Ethics; receive complaints and authorize, when applicable, the conduct of investigations in connection with the Code of Ethics.

I look forward to continuing to serve the County and promoting public trust in its officials and employees.

Sincerely,

Cassandra Burckhalter
Chair

Purpose of the Board of Ethics

The Code was enacted to guard against improper influence and even the appearance of improper influence by County officials, employees and appointees to boards and commissions. To ensure impartiality and independent judgment, the Ethics Code requires designated individuals to disclose their financial affairs, and it sets standards for their business conduct. The Board of Ethics is the advisory body responsible for interpreting the Ethics Code and advising those subject to it. The Board of Ethics also serves as the body to hear and determine ethics complaints and violations.

Members of the Board of Ethics

The Board of Ethics currently consists of four members. Members must be residents of Prince George's County and no more than three members may be of the same political party. Robin Barnes-Shell serves as the Executive Director to the Board of Ethics in addition to serving as the Executive Director to the Office of Ethics and Accountability. The Board of Ethics selected Cassandra Burckhalter to serve as Chair through December 31, 2019. The remaining members are as follows: Judge Covette Rooney, Member; Curtis Eugene, Member; and Sharon Theodore-Lewis, Esq., Member.

Meetings of the Board of Ethics

All regular meetings were held in the Offices of Ethics and Accountability, in the Largo Government Center located at 9201 Basil Court, Suite 155, Largo, Maryland 20774. As required, advance notice of meetings and the possibility of closed sessions were posted on the County's website. All decisions of the Board of Ethics are reflected in the minutes of the monthly meetings and are available on the County's website.

Generally, agenda topics included establishing procedures for the Board of Ethics, consideration of formal requests for advisory opinions on the application of Ethics Code, and review of investigation reports related to alleged violations of the County's Ethics Code, many of which include recommendations to Executive Leadership in the County. The Board has submitted proposed legislation to the County Council for revisions to the County's Ethics Code disclosure requirements as part of the requirements to align with the State's Ethics Laws and to promote public trust in County government.

The Board of Ethics met nine (9) times during the 2018 calendar year. A notice of the meetings appeared on the County's website. The Board of Ethics conducted closed sessions to discuss advisory opinion requests, exemption requests and Board investigation referrals. The Board of Ethics conducted open meetings for all other actions.

Charter §1002 Waivers

The Board of Ethics did not receive any requests for Section 1002 waivers in the calendar year of 2018. Section 1002 of the Charter provides that the Board of Ethics may authorize any County employee to own stock or maintain a business, which engages in business with the County subject to the Board of Ethics' determination that the employee's involvement does not violate the public trust, and that there is full disclosure of all pertinent facts.

Board of Ethics Referrals

The Board of Ethics is empowered with authority to determine violations of the County’s Ethics Code. The Board of Ethics reviews all complaints of alleged violations, conducts fact findings and hearings, and determines if an Ethics Code violation has occurred. Investigations of ethics violations completed by the Office of Ethics and Accountability are referred to the Board of Ethics for a determination of violations. Some complaints may be determined by the Board of Ethics in the following fiscal year upon completion of investigations. During the 2019 Fiscal Year, the Board received thirty-seven (37) referrals of alleged ethics violations of which eleven (11) were substantiated (partially or completely) through investigations by the Office of Ethics and Accountability.

Enforcement Activities

The Board of Ethics is empowered to impose fines and other penalties as warranted and to seek judicial enforcement of its sanctions. The Board of Ethics did not seek judicial enforcement but did impose late filing fees for delinquent filing of Financial Disclosure Statements and Lobbyists Annual Reports during the 2018 calendar year.

Proposed Legislative Changes

Periodically, certain provisions in the Prince George’s County Code will require revisions to comply with statutory changes made by the State Ethics Commission or to clarify interpretation to ensure compliance. Any proposed amendments to the Prince George’s County Code of Ethics embodied in legislative proposals require approval by the State Ethics Commission in addition to an enactment by the County Council.

Ethics Training

Following a robust ethics training campaign in 2017 which impacted over 6,158 officials and employees, an additional 719 individuals were trained via online or in-person in FY19. Beginning January 1st, 2020 and ending June 30th, 2020, the Office will resume a new biennial training compliance cycle affecting all County employees as well as assess training compliance across all agencies. Training types include the following: (1) Online training at County facilities; (2) On-site ethics trainings provided at the request of various agencies; (3) PGCethics Training, which is an hour-long ethics course for employees and officials offered monthly at the RMS Building in Largo; (4) New Employee Orientation Program training offered in collaboration with the Office of Human Resources Management for all new County employees; and (5) Ethics special topics provided at agency events or upon request.

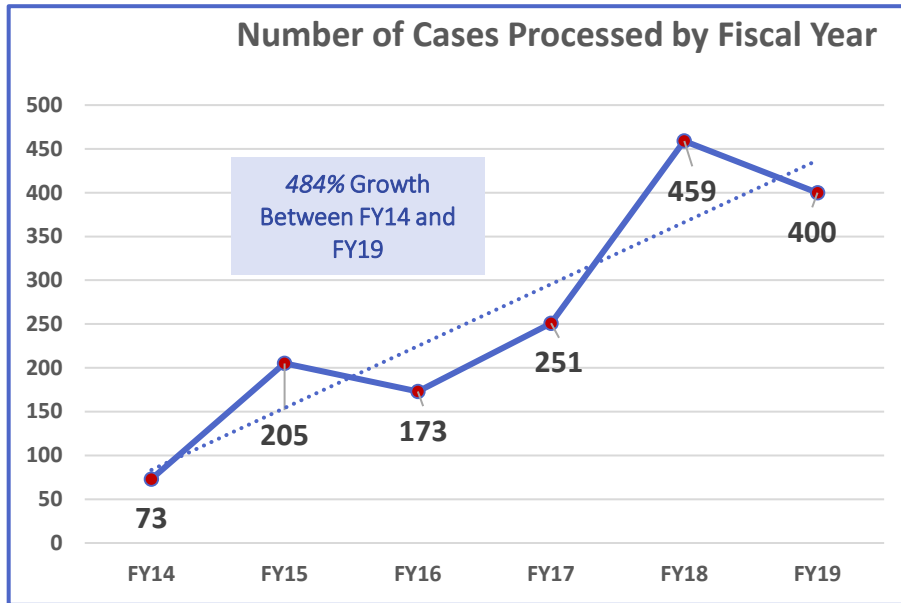


***Upcoming Training Compliance Period**
Jan 1st, 2020 – June 30th, 2020

FY 2019 Key Accomplishments

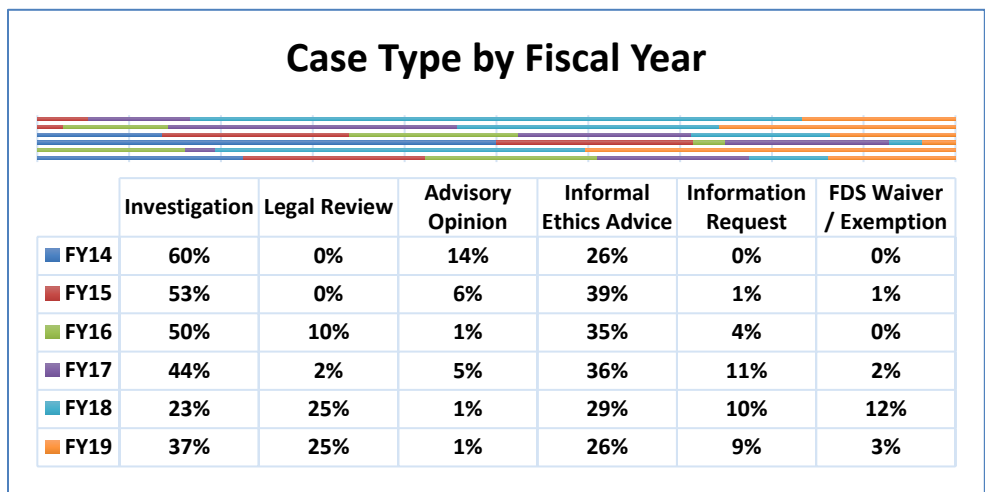
The Office of Ethics and Accountability (OEA) achieved the following key milestones:

- The Office of Ethics and Accountability processed 400 requests for the following case types: investigations, legal reviews, advisory opinions, ethics advice, information provision, and financial disclosure fee waivers - largely received electronically (*Advisory Opinions, Informal Ethics Advice and Investigations are listed on the County's website*).

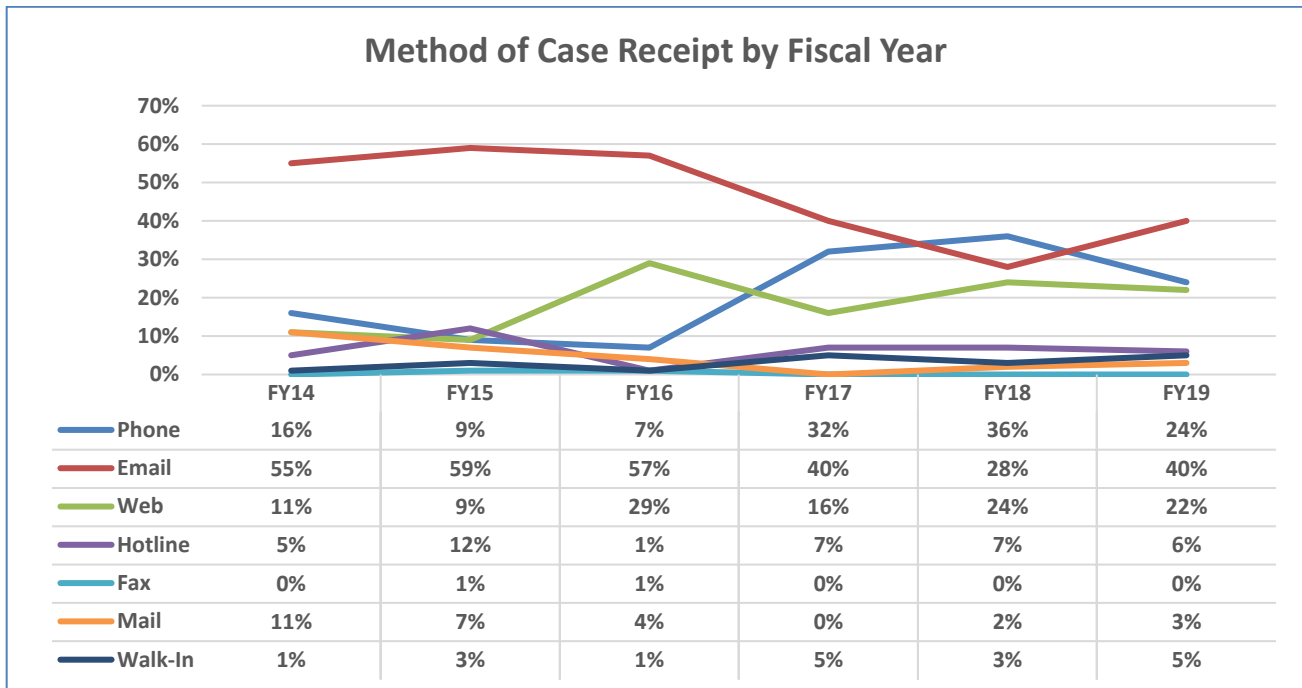


The Office has seen a 484% increase in cases since its establishment in FY 2014. Of the matters investigated solely or jointly by the Office of Ethics and Accountability, 13 cases were substantiated with appropriate actions taken by agencies to address the identified ethics or operational concerns. The Office of Ethics and Accountability continues to

provide ethics advice, rendering over 104 opinions to officials, employees and lobbyists. During FY 2019, 37% of the cases involved investigations and 26% required rendering ethics advice. Legal reviews constituted another 25% of the Office's efforts, which entailed, in part, review of the County and State legislation that impacted ethics laws. The Office of Ethics and Accountability also provided administrative support to the Board of Ethics in rendering Advisory Opinions in the interpretation of permissible activities under the County's

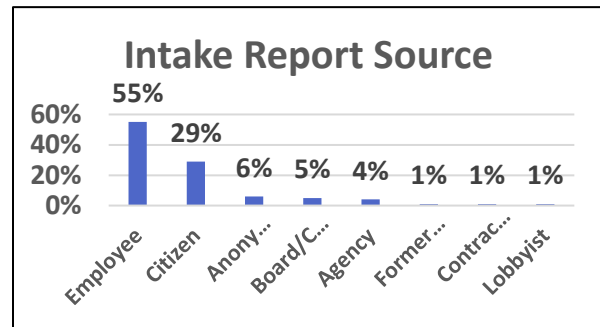


Ethics Code. The majority of cases received by the Office of Ethics and Accountability are filed electronically, using the County's Web-Portal, the hotline, which allows reporters to file complaints anonymously, or via email directly to the Office. There has been over a 43% increase in use of email to notify the Office of complaints or to request ethics advice.



- The Office of Ethics and Accountability initiated an online payment system for late fees and fines due from designated filers of Financial Disclosure Statements and lobbyists. This electronic payment enhancement provides convenience to those designated filers who have been assessed fees as a result of filing their disclosure statements and reports after the mandated filing dates mandated by the County's Ethics Code.
- The Office of Ethics and Accountability expanded its Schedule A - real property audit originally piloted in FY 2018, to all designated filers. In its role of providing oversight and review of the collection of Financial Disclosure Statements from designated filers in accordance with the County's Ethics Code, the Office of Ethics and Accountability processed over 1,100 Financial Disclosure Statements. This expansion identifies filing errors related to disclosure of owned and rented real property interests, not only for the initial piloted filers, but for all officials and employees required to disclose real property interests. For FY 2020, the Office of Ethics and Accountability will expand financial disclosure audits. The office will examine all elected and appointed officials' financial disclosures related to Schedule E (business entities employed with County) & Schedule H (other sources of income) to determine any conflicts pertaining to secondary employment. The office will continue its review of all Financial Disclosure Statements of active County employees and officials for omissions and errors in reporting.

- The Office of Ethics and Accountability continues to partner with agencies to broaden its global ethics training initiatives, and through training, bring awareness to officials and employees on the importance of reporting ethics violations and instances of fraud, waste, abuse, illegal acts and noncompliance with County policies. Through these efforts, employees are reporting certain activities and requesting ethics advice, with 55% of the complainants or requestors for services consisting of County employees.



- As a result of investigations and operational reviews, the Office of Ethics and Accountability provided twenty-three (23) recommendations to Executive Leadership to affect process improvement(s) throughout County government and promote efficiency and accountability as follows (a table of the recommendations can be found on the County's website):
 - Enhanced method for tracking procurements. As a result of conducting an operational review of a major County contract, the Office of Ethics and Accountability identified an overpayment of \$41,656 to a County subcontractor providing staff augmentation to the Department of Public Works and Transportation (DPWT), which was reported to Executive Leadership for recoupment. As part of the recommendations, the agency has instituted a review process for task orders to ensure accuracy of contract rates as well as training and policy guidance for proper contract administration.
 - Improved monitoring of County vehicle utilization through implementation of policy in the Revenue Authority and the Department of Permitting, Inspections and Enforcement. These policies provide written guidance for employees regarding the use of County vehicles during breaks and lunch to avoid the appearance of abuse of County resources and limit the potential liability of the County when County vehicles are operated for personal use.
 - Adherence to the County's Fraternalization policy through reassignment of employees where there was a chain of conflict in DPWT, and the institution of safeguards to address the appearance of a conflict of interest in the Department of the Environment. DPWT has taken additional measures, implementing an agency directive and training to reiterate the County's policy and requirements to notify management in the event a conflict arises.
 - Adherence to the County's timecard management through correct use of electronic time system codes, tracking of paid time off, and appropriate documentation of employee telework and alternative work schedules by agencies.
 - Compliance with the County's secondary employment policy by requiring employees engaging in employment and business activities outside of their County employment to request and obtain approval from their appointing authorities in accordance with Administrative Procedure 152 and the County's Ethics Code.

- Development of agency policy and standard operating procedure for procurement related presentations by vendors to DPWT to avoid appearances of conflicts of interests under the County's Ethics code or other procurement related conflicts and maintain integrity and transparency in the procurement of goods and services for County government.
- Establishment of a work group to evaluate hiring practices and review policies and budget utilization for temporary staffing services to ensure adequate controls and monitoring safeguards are put into place globally by all County agencies.
- Transparency in the hiring process through agency collaboration with the Office of Human Resources Management (OHRM) to ensure interview questions, tests and procedures are confidential, fair and reviewed by OHRM along with training for the Human Resources community and managers addressing an array of topics related to reported personnel matters.
- Compliance with County's Ethics Code related to receipt of prohibited gifts from vendors doing business with the County to reduce undue influence and build trust with the County's procurement practices. Agency now seeks guidance via ethics advice before engaging in certain activities with County vendors.

Major Objectives for Fiscal Year 2020

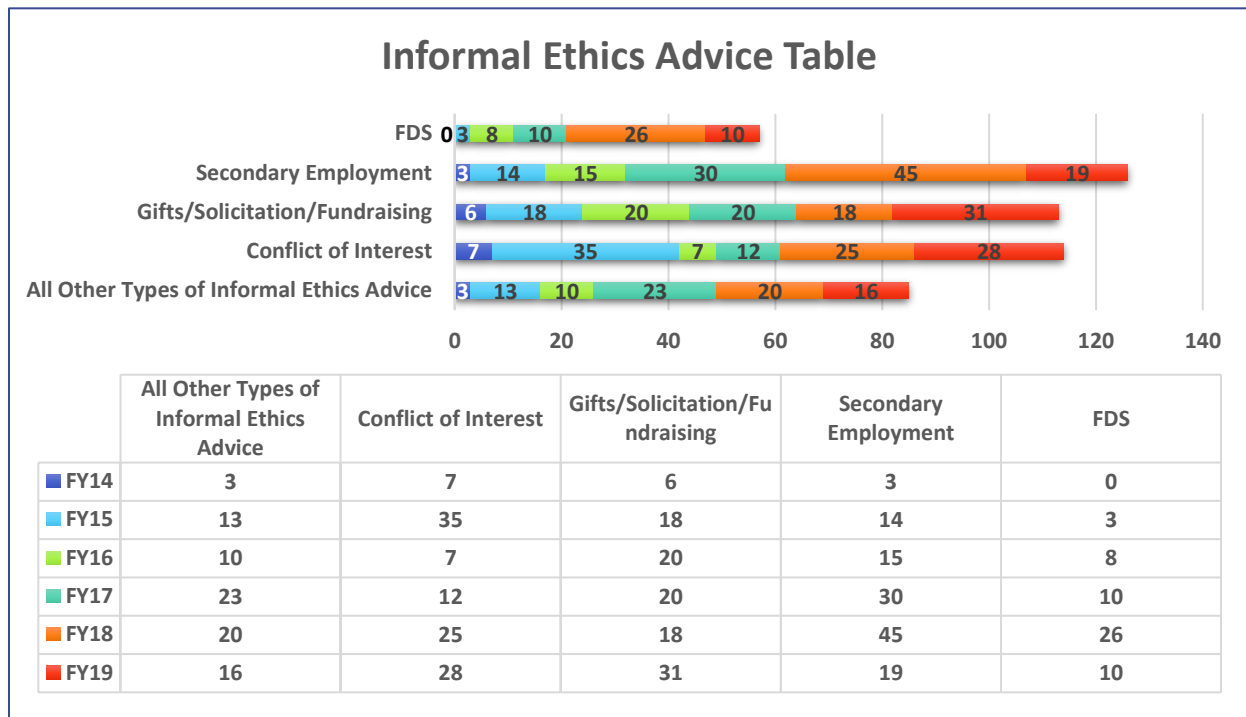
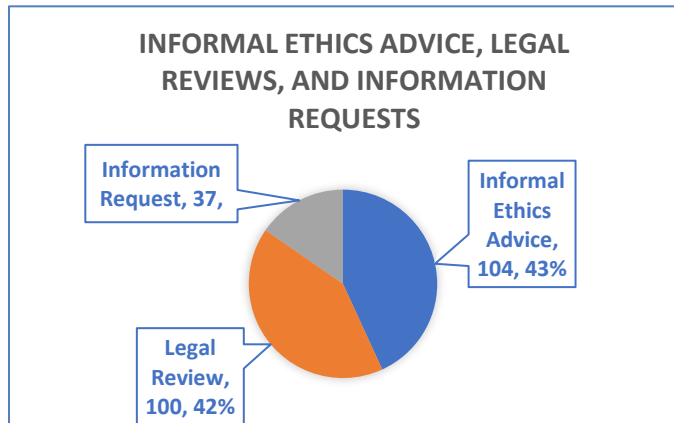
The Office of Ethics and Accountability will continue to focus on establishing processes to govern its core services of investigations, evaluation of County operations, collection of Financial Disclosure Statements for employees and officials, collection of registrations and annual reports for lobbyists, and provision of ethics training and advice to include the following:

- Developing policies and procedures based on current legal precedents and interpretations of County and State ethics law for the Board of Ethics to assist with referrals to the Board of allegations of Code of Ethics violations.
- Expansion of global ethics educational campaigns via use of online and face-to-face training, newsletters and email to promote awareness of and compliance with the County's Code of Ethics and Office of Ethics and Accountability Code.
- Collaborating with the County's Boards and Commissions and Executive and Council Leadership to provide enhanced training opportunities to maximize comprehension of the County's Code of Ethics requirements by appointed officials.
- Promoting awareness of and compliance with the County's Administrative Procedure on secondary employment, assisting agency's with review of employees' requests for employment outside of County government and referring certain requests that require waivers to the Board of Ethics for review and approval.

- Enhancing analytical review of cases, compliance evaluations of disclosure statements and reporting of operational reviews in accordance with the Office and Ethics and Accountability Code and the County's Ethics Code.
- Aligning the County's Code of Ethics with State Law and requesting County legislative amendments accordingly. House Bill 879, enacted during the 2017 Legislative sessions made multiple modifications to the State Ethics Law related to disclosures that require local governments to amend their disclosure requirements to comply with the States Ethics Law. The proposed amendments have been sent to County Government for reviews and approval.
- Expansion of audit of Financial Disclosure Statements to ensure proper completion of required disclosure information.
- Enhancement of the Office of Ethics and Accountability's web portal to facilitate the reporting of complaints of ethics violations, illegal acts, and the compliance with submitting financial disclosure for designated employees, officials and lobbyists.

Ethics Advice by the Office of Ethics and Accountability

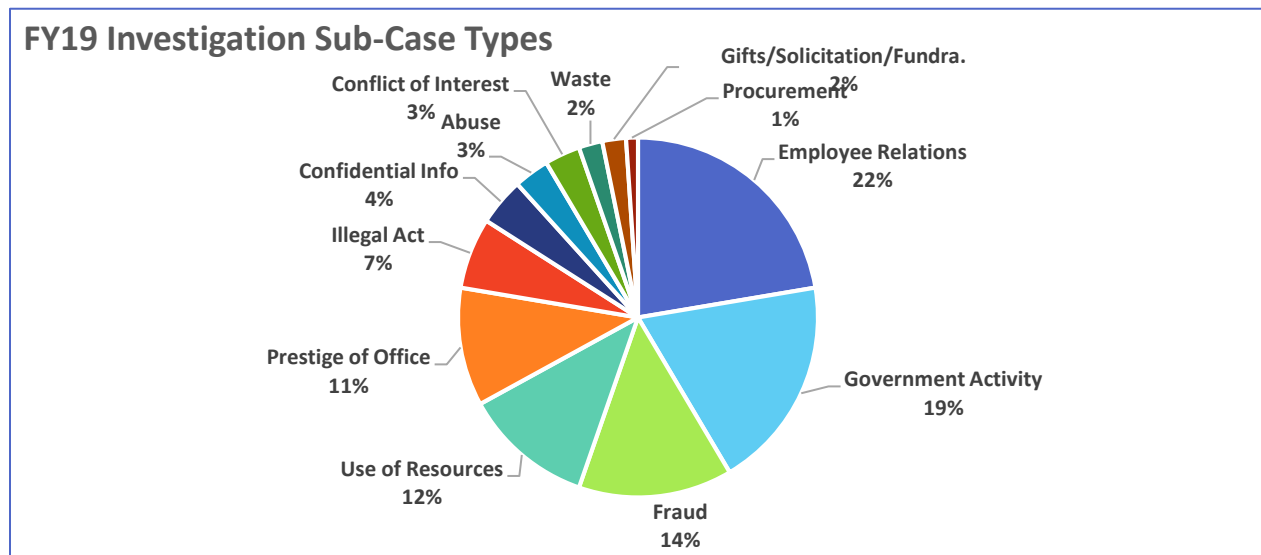
The Office of Ethics and Accountability provides support to the Board of Ethics in accordance with the Code of Ethics and Accountability, Section 2-303. The Office's Legal Counsel provides written and verbal advice to County officials, employees, agencies and the public who seek advice regarding the application of the County's Code of Ethics. The Office of Ethics and Accountability received a combined total of two hundred and forty-one (241) requests for Informal Ethics Advice, Legal Reviews or Information Requests in Fiscal Year 2019. One-Hundred (100) involved legal reviews; thirty-seven (37) involved requests for information; and one-hundred & four (104) involved informal ethics advice. Of informal ethics advice, twenty-eight (28) involved conflicts of interest; thirty-one (31) involved gifts/solicitation/fundraising; eight (8) involved post-employment inquiries; eighteen (18) involved



secondary employment; three (3) involved misuse of county resources; one (1) involved lobbying; one (1) involved political activity; three (3) involved employee relations; and eleven (11) involved Financial Disclosure Statements. Several of the opinions contained multiple issues.

FY 2019 Investigations

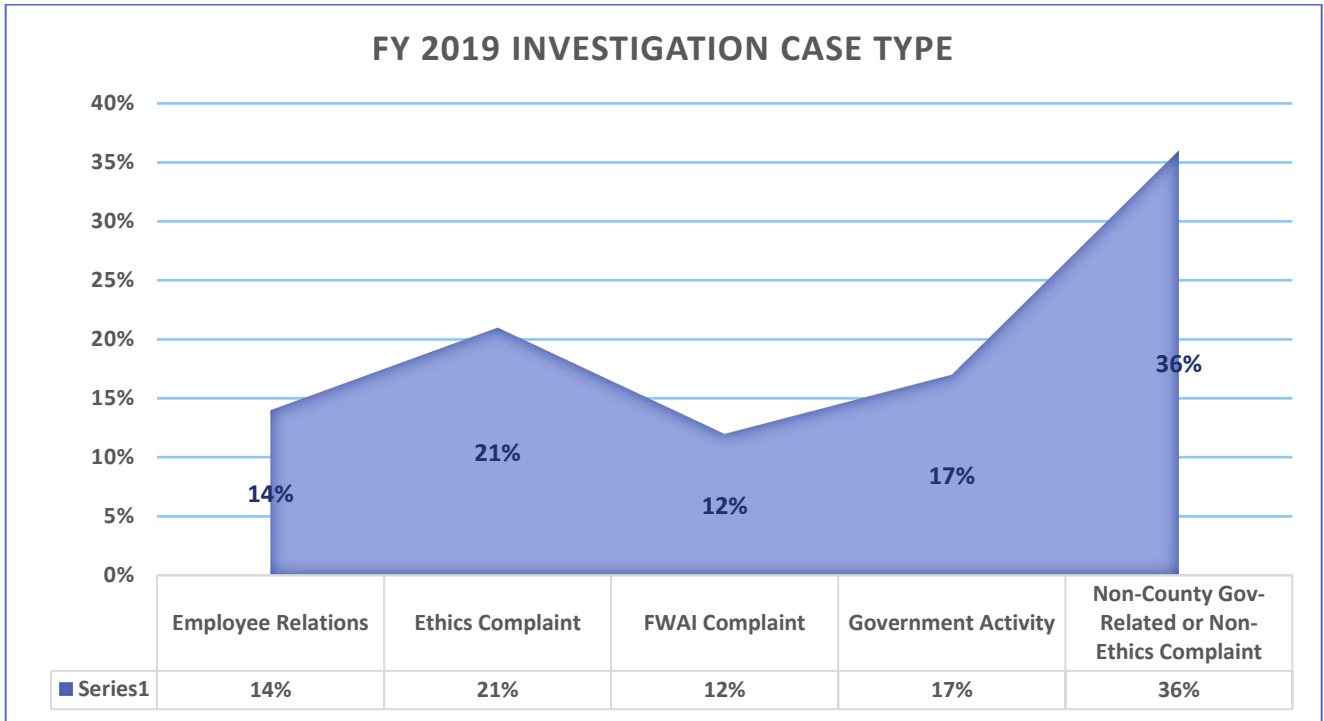
The Office of Ethics and Accountability is authorized pursuant to the County's Ethics and Accountability Code, Section 2-303 to conduct criminal, civil and administrative investigations; to provide information and evidence that relates to criminal acts to appropriate law enforcement officials; to initiate reviews of operations of County government as deemed appropriate; to investigate complaints from any source or upon its own initiative concerning alleged fraud, waste, abuse and service deficiencies; and to conduct joint investigations and projects with the Office of Audits and Investigations as well as other oversight, public safety or law enforcement agencies. During FY 2019, 22% of the complaints involved employee relations, 19% involved concerns with



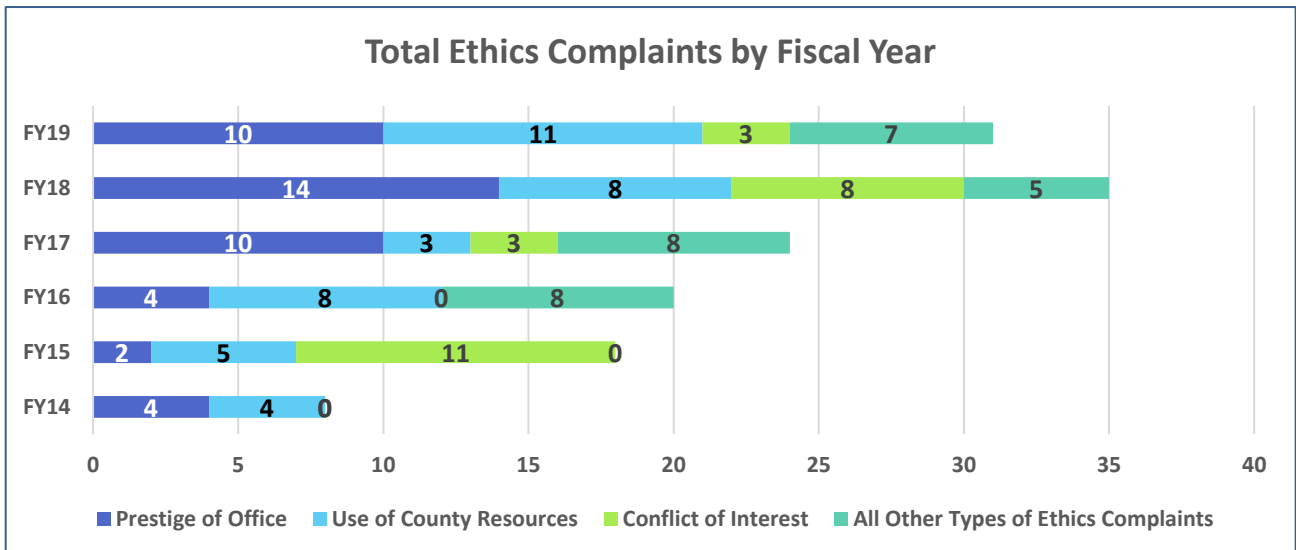
government activities, 14% alleged fraud, and 12% and 11% alleged issues with use of County resources and use of prestige of office, respectively. Although allegations may be unsubstantiated, many of the investigations may result in the issuance of recommendations to Executive and Legislative Leadership to address appearances of conflicts of interests, policy gaps, and operational deficiencies.

The Office of Ethics and Accountability does not prosecute criminal conduct. However, criminal conduct discovered by the Office of Ethics and Accountability during its investigation of a complaint or tip is referred to the appropriate prosecuting authority in accordance with the County's Ethics and Accountability Code. Moreover, the Office of Ethics and Accountability does not administer personnel matters or seek to resolve personnel conflicts that have existing procedures in place to address. The following charts and table provide data analytics and a list of the complaints or allegations reported to OEA during the 2019 fiscal period.

In FY2019, the Office of Ethics & Accountability investigated and/or referred 147 investigation cases. Investigations comprised 37% of all case types, and the below chart displays additional details related to investigation outcomes. Most investigations handled by the Office are related to Ethics Complaints or other Government Activity and are supervised by the Compliance Officer with advice from OEA's Legal Counsel.



The below chart is specific to Ethics Complaints which comprised 21% of all FY2019 investigations. Of the 9 types of prohibited Conflict of Interests listed in the Code of Ethics, Prestige of Office (33%) and Use of County Resources (37%) were the most commonly investigated complaints.



Lobbyists Disclosure and Annual Reports

The review of the Lobbyists' Disclosure and Annual Report Forms for the 2018 calendar year was conducted by the Office of Ethics and Accountability's Legal Counsel and showed fifty-one (51) registered lobbyists and one hundred and seventy (170) reports were filed and completed. These reports are located on the County's website.

A list of lobbyists registered with the Office of Ethics and Accountability in calendar year 2018 and their clients can be found on the County's website.

The following is the summary of Lobbyists' Annual Reports for filed with the Board of Ethics for Calendar Year 2018. Total expenditures for 2018 lobbying activities was \$1,222,467.99. The summary of sub-categories on the 2018 Lobbyists' Reports are as follows:

Lobbying Activities	Total Expenditures
Total compensation paid to the lobbyist not including expenses reported under (B) through (I) below, salaries, compensations, or reimbursed expenses of the staff of the lobbyist:	\$1,220,579.77
Office expenses of the lobbyist not reported in (A):	\$1,875.32
Professional and technical research and assistance not reported in (A):	\$0
Publications which expressly encourage persons to communicate with Prince George's County officials or employees:	\$0
Fees and expenses paid to witnesses:	\$0
Meals and beverages for Prince George's County Officials or employees or their spouses or dependent children:	\$0
Special events in which all members of the Council or standing committee are invited:	\$0
Expenses for food, lodging, entertainment of officials or employees for a meeting which was given in return for participation in a panel or speaking engagement at the meeting:	\$0
Other gifts to or for officials or employees or their spouses or their dependent children:	\$0
Other expenses:	\$12.90

Subtotal of A through F:	\$1,222,455.09
Subtotal of G through J:	\$12.90
Grand Total:	\$1,222,467.99