



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

ANNUAL REPORT

Calendar Year 2019 & Fiscal Year 2020



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MESSAGE FROM THE EXECUTIVE DIRECTOR

Robin Barnes-Shell, Esq.

I am excited to provide this annual report for the Office of Ethics and Accountability in conjunction with the Board of Ethics. 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 to better achieve our 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.

As a result of the Office of Ethics and Accountability's investigations, operations reviews and other activities, thirty-nine (39) recommendations were provided to Executive Leadership to promote a culture of integrity, efficiency and public trust. This is a (70%) increase in recommendations compared to twenty-three (23) recommendations in Fiscal Year 2019. The Office of Ethics and Accountability has made a total of ninety-three (93) recommendations since Fiscal Year 2016, resulting in significant policy development and organizational change.

During Fiscal Year 2020, there were six (6) substantiated complaints of which three (3) related to ethics violations that were referred to the Board of Ethics and three (3) related to a finding of operational noncompliance. Two (2) additional complaints, including one (1) ethics complaint, remain under investigation and will carry over into Fiscal Year 2021.

This year, the Office of Ethics & Accountability launched a new County-wide biennial ethics training compliance period affecting over (5,500) employees, officials, and board and commission members. The Office provided in-person ethics training to (88) individuals and online ethics training to (2,761) individuals. The 2020 compliance period was affected by reduced governmental operations related to COVID-19 and has since been extended into 2021. Additionally, we continue 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

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 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 pursuant to 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 in accordance with 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 2020 Annual Report of the Board of Ethics.

I am excited to report, Calendar Year 2019 & Fiscal Year 2020, included the continuation of the County's global mandatory ethics training for employees and Elected Officials (officials). The Office of Ethics and Accountability, successfully collaborated with the Office of Human Resources Management, to develop a new training module that will allow County employees to complete training using the County's new online learning module system.

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 continues to investigate several complaints alleging violations of the Ethics Code. Some of the complaints have resulted in the issuance of recommendations to improve County policies and procedures.

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 nearly (1,200) Financial Disclosures Statements as well as (189) lobbyist registration forms and (221) annual reports.

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,

A handwritten signature in black ink that reads "Cassandra Burckhalter". The signature is written in a cursive, flowing style.

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, 2020. 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 ten (10) times during the 2019 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 2019. 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 2020 Fiscal Year, the Board received seventeen (17) referrals of alleged ethics violations of which three (3) 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 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.

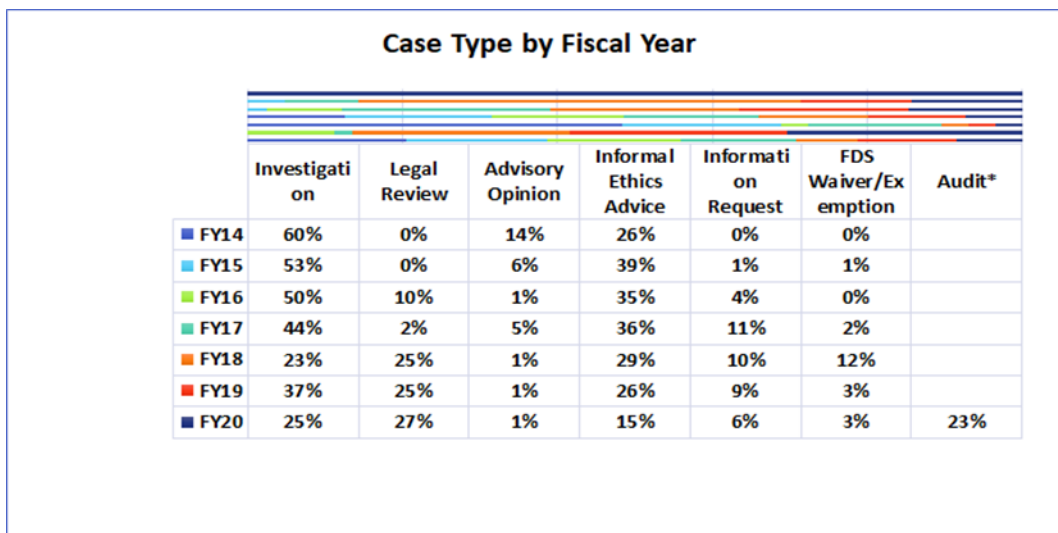
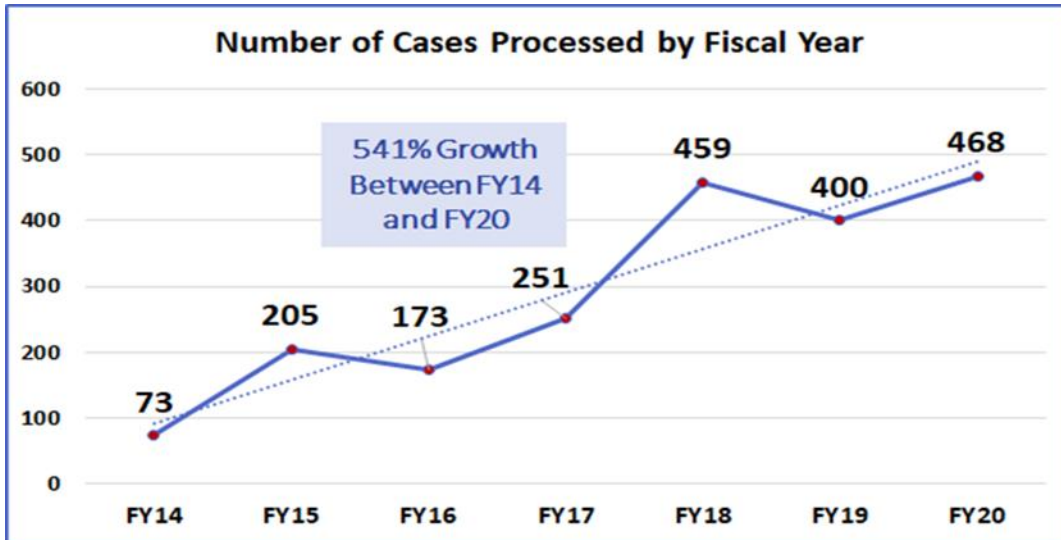
Ethics Training

The County-wide biennial ethics training compliance period governs (5,500) employees, officials, and board and commission members who participate in mandatory ethics training. The Office provided in-person ethics training to (88) individuals and online ethics training to (2,761) individuals. The 2020 compliance period was affected by reduced governmental operations related to COVID-19 and has since been extended into 2021. Training types include online training, now offered through the County's Learning Management System (LMS) platform, which allows the Office of Human Resources Management to track employee compliance; on-site ethics trainings provided at the request of various agencies; and virtual online workshops (replaced on-site trainings during the Coronavirus pandemic).



FY2020 Key Accomplishments

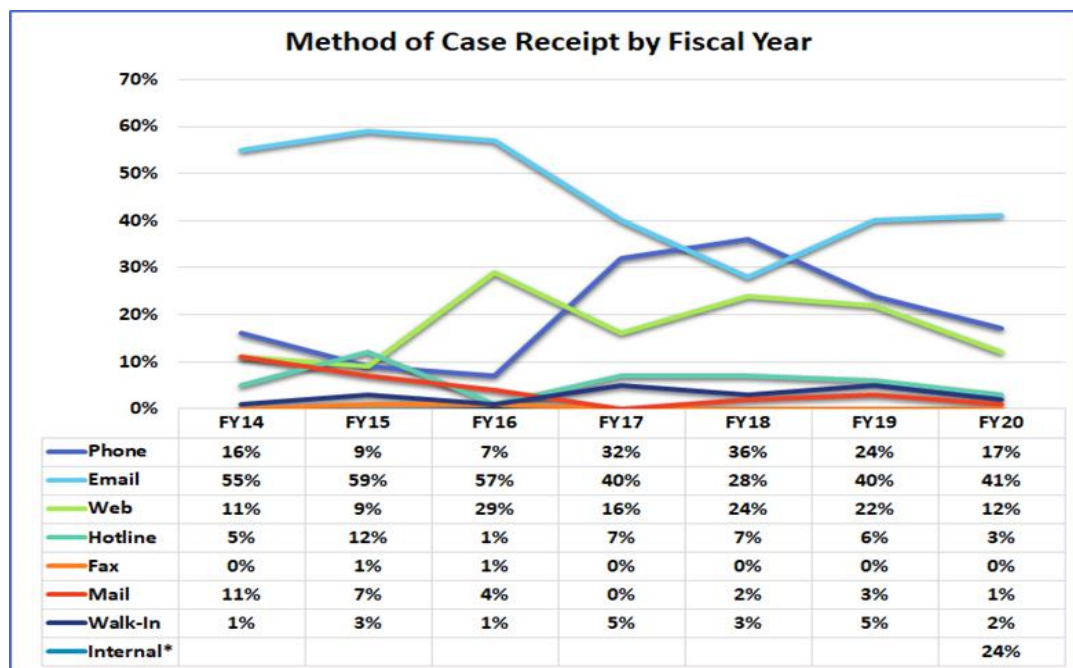
The Office of Ethics and Accountability (OEA) achieved the following key milestones:



The Office of Ethics and Accountability processed (468) requests for the following case types in Fiscal Year 2020: investigations, audits, legal reviews, advisory opinions, informal ethics advice, information provision, and financial disclosure exemptions or fee waivers - largely received electronically (Advisory Opinions, Informal Ethics Advice and Investigations are listed on the County's website). The Audit category was newly added to Fiscal Year 2020 data tracking, and therefore omitted in prior years. The Office has seen a (541%) increase in cases since its establishment in Fiscal Year 2014. Of the complaints investigated solely or jointly by the Office of Ethics and Accountability, six (6) cases were substantiated with appropriate actions taken by agencies to address the identified ethics violations or operational concerns.

The Office of Ethics and Accountability continues to provide ethics advice, rendering (69) informal opinions and (4) formal advisory opinions to officials, employees and lobbyists. During Fiscal Year 2020, (25%) of the cases involved investigations and (15%) required rendering informal ethics advice. Legal reviews constituted another (27%) 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.

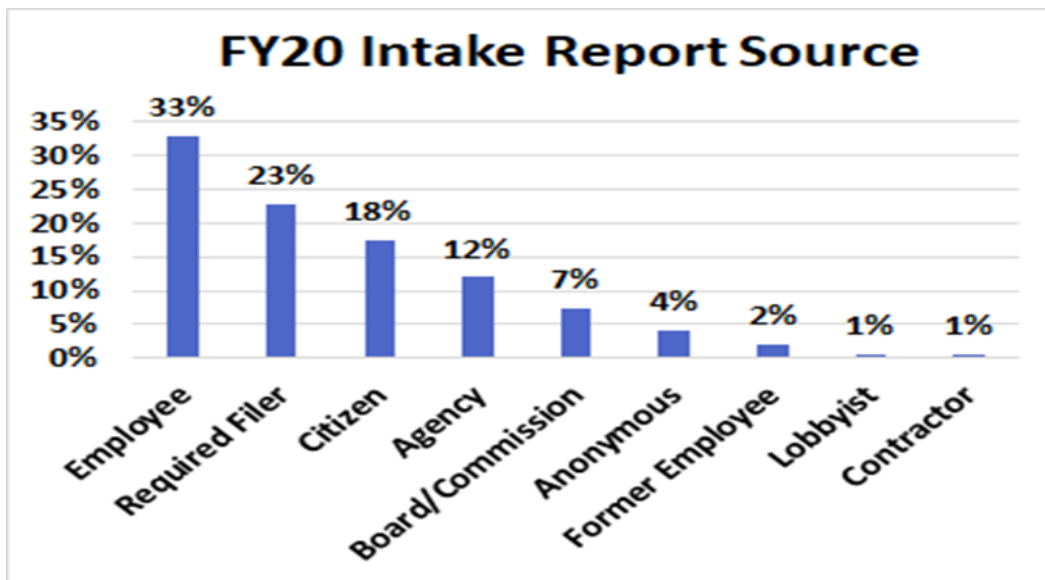
The majority of cases received by the Office of Ethics and Accountability are filed electronically, using the County's Web-Portal, the hotline, which allows reporters to file complaints anonymously, or via email directly to the Office. In addition, the Office initiated (24%) of all cases which were primarily related to findings from annual audits of financial disclosure statements. This category, Internal, is newly added for FY20 data tracking and therefore omitted in prior years.



The Office of Ethics and Accountability continues to utilize 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.

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 nearly (1,200) Financial Disclosure Statements. The Office of Ethics and Accountability continued its Schedule A - real property audit originally piloted in FY 2018, to all designated filers. This audit 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. In addition, the Office of Ethics and Accountability expanded financial disclosure audits to 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. FY 2020 audit findings of errors or omissions were discovered and corrected in more than (100) Financial Disclosure Statements.



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 or other support which comprises (33%) of all sources of case intake.

As a result of investigations and operational reviews, the Office of Ethics and Accountability provided thirty-nine (39) 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):

Discontinuance of courtesy interviews in the Department of Permitting, Inspections and Enforcement. The practice of courtesy interviews should be reviewed in consultation with OHRM and OOL to ensure compliance with applicable Personnel Laws.

Improved communication of written components of interviews. The Department of Permitting,

Inspections and Enforcement review the practice of how exams are administered during the hiring process, in consultation with the Office of Human Resources. Consideration should be given to have either the HR liaison or applicable manager administering the written exam.

OHRM review, for approval, all trainings and training material that agencies intend to provide summer interns during their employment, to include guidance on materials disseminated to youth under the age of eighteen as part of its Partner Handbook.

Establish, in consultation with OHRM, an agency policy that prohibits employees from soliciting personal opportunities under the agency's program while on County time, and using any information related to program clients for personal.

Development of an agency standard operating procedure for OCS's use of the Purchasing Card in compliance with the Purchasing Card Program Manual.

OCS, in consultation with the OOL, review the practicality of permitting public entities to use County conference rooms and ensure safeguards are created to protect the County and its interest. The review should also include revising AP 607.

OCS develop a detailed policy that governs the use of County conference rooms by private entities that outlines the approval process and ensure all requirements detailed in AP 607 are met.

HRC, in consultation with its attorney, implement policies and procedures addressing permissible political activities of its Commissioners.

Major Objectives for Fiscal Year 2021

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.
- 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.

- 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.
- Provide comprehensive intake, processing, investigation, management, adjudication, analysis, reporting of allegations of waste, fraud, abuse and illegal acts in County government and make necessary recommendations to executive and legislative officials to promote efficiency and accountability in County government.

Recommendations and Actions Taken

In Fiscal Year 2020, the Office of Ethics and Accountability provided thirty-nine (39) recommendations to Executive Management in response to the specified investigations and operations reviews conducted in FY 2020. Twenty-one of the recommendations affected fee waivers, legislative reviews and legal reviews related to conflict of interests. Actions taken in response to recommendations in FY 2020 are also provided in the table below and include significant changes undertaken by agencies affected through the development of appropriate policies and, in some instances, reorganization of business practices to align with best practices and efficient use of County resources.

FY 2019 Recommendations

1. AGENCY: Department of Permitting, Inspections and Enforcement (DPIE)

ALLEGATION: Case #19-0180e - Employees in management positions used their positions (prestige of office) to provide a candidate for promotion answers to interview questions and to family members at the agency preference in gaining interviews for agency positions.

DISPOSITION: Unsubstantiated

RCOMMENDATIONS: Director of DPIE review the practice of "courtesy interviews" in consultation with Office of Human Resources Management (OHRM) and the Office of Law (OOL) to ensure compliance with applicable Personnel Laws.

ACTION(S) TAKEN or RESPONSE(S): OHRM recommended that DPIE discontinue the practice of courtesy interviews.

2. AGENCY: Department of Permitting, Inspections and Enforcement (DPIE)

ALLEGATION: Case #19-0236e - An employee in management used employee's authority (prestige of office) to circumvent the County's hiring process by hiring unqualified engineers.

DISPOSITION: Unsubstantiated

RECOMMENDATIONS:

1) Director of DPIE ensure that position openings requiring a written component, whether writing sample or exam, be noted in the job announcement. Approval to include a written component to the hiring process should be obtained from the Director, in consultation with OHRM.

2) Director of DPIE review the practice of how exams are administered during the hiring process. Consideration should be given to requiring the agency HR liaison or manager to administer written.

ACTION(S) TAKEN or RESPONSE(S):

1) DPIE will consult with OHRM when the DPIE Director approves of the written component for a position.

2) DPIE will review the practice of how exams are administered during the hiring process. Consideration to be given which will have either the agency HR liaison or applicable manager to administer written exams associated with hiring process. The exams will be reviewed by subject matter experts to ensure accuracy in grading.

3. AGENCY: Department of Permitting, Inspections and Enforcement (DPIE)

ALLEGATION: Case #19-0276e - Management used their authority (prestige of office) to direct the approval and issuance of permits for the Broccoli City Festival outside of the normal permitting process.

DISPOSITION: Unsubstantiated

RECOMMENDATIONS: Director of DPIE, in consultation with the Fire Department and Police Department, develop a written procedure outlining a process of how to address special events that fail to obtain Temporary Use and Occupancy permit, to ensure compliance with County law. This procedure should include tracking of non-compliance and actions for follow up when organizers are noncompliant.

ACTION(S) TAKEN or RESPONSE(S): DPIE in conjunction with PGPD and Fire/EMS are working with the OOL to revise the Use and Occupancy policy

4. AGENCY: Department of Permitting, Inspections and Enforcement (DPIE)

ALLEGATION: Case #19-0355e - An employee manipulated an employee's work times in the County's electronic time management system without authorization.

DISPOSITION: Substantiated

RECOMMENDATIONS: DPIE Director conduct an internal investigation into the employee whose timecard was altered in the electronic time management system by a former administrative aide.

ACTION(S) TAKEN RESPONSE(S): DPIE issued a written counseling to the employee whose timecard was altered without approval. The employee's supervisor was issued a

written reprimand for allowing the employee to circumvent the normal process of leave approval.

5. AGENCY: Office of Information Technology (OIT) and Board of Elections (BOE)

ALLEGATION: Case #20-0033e - Confidential information consisting of the personal identifiable information of County employees (past and present) was disclosed or used for economic benefit when stored unsecured on the County's shared electronic storage drives.

DISPOSITION: Unsubstantiated; Matter referred to State of Maryland Ethics Commission

RECOMMENDATIONS:

1) Executive Leadership is encouraged to host a mandatory meeting with all agency and department heads during which each Director/Executive Director is informed of the County's policies related to using and storing employee records and personnel files. Each agency/department should be instructed to create an internal policy in consultation with the Office of Law and the Office of Human Resources Management.

2) Consult with the Office of Law to discuss: a) Whether or not the County is required under State Laws to take any actions regarding the disclosure of the Personal Identifiable Information of County employees and officials, past and current; b) What, if any, potential liabilities to the County may have been caused by the disclosure; and c) Notify the more than 25,000 County employees affected by the data security breach.

3) Direct the Office of Information Technology to create and implement a written policy on using restricted folders for the creation and storage of Personal Identifiable Information and share the policy with all Office of Information Technology staff, including contractors and other temporary employees. It is encouraged that the OIT require its staff to sign a written acknowledgement of receipt of the new policy.

4) Consult with OHRM Director regarding alternative methods to provide information to Board of Elections and Office of Information Technology that does not compromise the Personal Identifiable Information of all County employees [past and current].

5) Direct OHRM Director to review the actions of OHRM employee, to determine whether her actions violated the County Employee's Bill of Rights, Section 16-238, Use of Social Security Numbers and what if any personnel or other appropriate actions should be taken pursuant to Section 16-243 of the subtitle.

6) Review with Office of Information Technology the actions of the contract employees in the disclosure of County employees' Personal Identifiable Information and discuss whether there has been any violation of OIT's various security policies or other County policies and to determine what if any personnel or other appropriate actions should be taken.

7) The Board of Elections is not subject to the County's Ethics Code. Accordingly, a referral has been made to the State Ethics Commission to review the actions of the Board of Elections staff members referenced above, to determine whether an ethics violation has occurred under State Ethics Laws.

ACTION(S) TAKEN or RESPONSE(S):

3) OIT is working to update County IT Security Policy by September 2020; the new policy will include legislation regarding cyber security. OIT will implement a new IT responsibility form for both County employees and contractors to sign that addresses their responsibility regarding IT tasks to include appropriate handling of data.

6) OIT will be adding new language to the upcoming Request for Proposals regarding firms' responsibility when they are doing IT work for the county. OIT has hired a new manager over applications development who will develop new operational protocols.

7) Maryland State Ethics Commission determined the matter did not raise any issues regarding the Maryland's Public Ethics Law.

6. AGENCY: Health Department

ALLEGATION: Case #20-0043 - Health Department conducted a drug prevention seminar and distributed educational materials to the Summer Youth Employment (SYEP) Interns without parental approval.

DISPOSITION: Unsubstantiated - Agency Compliant with County Policies

RECOMMENDATIONS:

1) OHRM review, for approval, all trainings and training materials that agencies and entities intend to provide to summer interns during their employment with the County.

2) OHRM include guidance on materials disseminated to youth under the age of eighteen as part of its Partner Handbook.

ACTION(S) TAKEN/RESPONSE(S): OHRM will implement a review process for training materials being provided to underage youth in the SYEP as part of its Partner Handbook.

7. AGENCY: Department of Housing and Community Development (DHCD)

ALLEGATION: Case #20-0107e - An employee used employee's position (prestige of office) with the agency to obtain personal housing for self while assisting housing voucher holders.

DISPOSITION: Substantiated

RECOMMENDATIONS:

1) The Director of DHCD, in coordination with OHRM determine the appropriate personnel actions to be taken related to the employee's prohibited actions under the County's Ethics Code.

2) The Director of DHCD, in consultation with OOL and/or OHRM develop an agency policy that prohibits employees from soliciting personal opportunities under the agency's program while on County work time and from using information related to program clients for their personal gain.

ACTION(S) TAKEN/RESPONSE(S):

1) The involved employee received corrective discipline.

2) The agency will develop an internal policy that prohibits the noted conduct.

8. AGENCY: Soil Conservation District

ALLEGATION: Case #20-0152 - County employee requested a formal opinion from the Board of Ethics as to whether the employee may be actively involved with the decision making of the sale of personal property to a developer that does business with the County

DISPOSITION: Legal Review

RECOMMENDATIONS: Employee is prohibited from actively engaging in the sale and participating in any matter involving the developer without identifying to the Board appropriate safeguards within 30 days of the opinion provided.

ACTION(S) TAKEN/RESPONSE(S): BOE approved the following safeguards regarding the employee's sale of personal property and granted the waiver request:

1) Any matters before the District will be handled under the District's established standard operating procedures except you will not be involved with providing any decision making or technical advice to the Developer as it pertains to the plans submitted for review nor will you provide technical assistance regarding soil and water conservation.

2) When situations arise that warrant your input, opinion or executive decision, employee shall recuse self and refer the request to the Prince George's Soil Conservation District's Board of Supervisors (Board).

3) Any correspondence requiring employee's signature shall be signed by a Board member.

9. AGENCY: Department of Family Services (DFS)

ALLEGATION: Case #20-0171- Employee's involvement on board noted in audit requires approval of secondary employment

DISPOSITION: Legal Review - Secondary Employment

RECOMMENDATIONS: The employee's direct report instruct employee to submit a secondary employment request in compliance with Administrative Procedure 152.

ACTION(S) TAKEN/RESPONSE(S): The employee's request to work secondary employment was denied by the Deputy Chief Administrative Officer.

10. AGENCY: Health Department

ALLEGATION: Case #20-0179e - Health Officer's position on a board of a company that was conducting business with the County is a conflict of interest.

DISPOSITION: Unsubstantiated

RECOMMENDATIONS:

1) Deputy Chief Administrative Officer in consultation with OOL, review the Health Officer's affiliation with companies that conduct business with the County and evaluate the Health Officer's future role in matters between the County and those entities.

2) Office of Central Services and the OOL review the County's policy of oversight of grant spending and determine if the current process provides adequate oversight.

ACTION(S) TAKEN/RESPONSE(S):

1) The Health Officer resigned from the Board.

2) OCS is proposing the change regarding grant spending in the revised Procurement Law.

11. AGENCY: Office of Central Services (OCS)

ALLEGATION: Case #20-0186 - OCS misused the County's Purchasing Card by using it to purchase office furniture from non-County vendors.

DISPOSITION: Non-Compliance

RECOMMENDATIONS: As the County agency that manages the Purchasing Card Program and establishes procedures that all agencies are required to adhere to, it is vital that OCS comports to its own guidelines, namely the requirement for an agency specific SOP. It is therefore OEA's recommendation that the Director of OCS implement an agency specific standard operating procedure (SOP) for the agency's use of the Purchasing Cards in compliance with the Purchasing Card Program Manual FY20

ACTION(S) TAKEN/RESPONSE(S): Pending

12. AGENCY: Office of Central Services (OCS)

ALLEGATION: Case #20-0187 - Complaint alleged that OCS failed to follow County procedure when filling an administrative specialist position.

DISPOSITION: Compliance

RECOMMENDATIONS: The Director of OCS ensure that staff are consistent with documenting information utilized during the interview process. In particular, the Human Resource managers and staff will ensure that panel members properly and consistently document the performance of each candidate interviewed.

ACTION(S) TAKEN/RESPONSE(S): Pending

13. AGENCY: Department of Public Works and Transportation (DPW&T)

ALLEGATION: Case #20-0295 - A former Associate Director incorrectly approved administrative leave for an investigator and permitted an administrative aide to work an excessive amount of overtime.

DISPOSITION: Non-Compliance

RECOMMENDATIONS: Director of DPW&T, in consultation with OHRM, review the administrative leave that was authorized to determine if the leave can be amended to reflect the appropriate categorization.

ACTION(S) TAKEN/RESPONSE(S): DPWT acknowledged the leave was approved in error. DPW&T will ensure that the County polices regarding Administrative Leave related to bereavement are followed. The Employee granted Administrative Leave in error will be held harmless, as the leave was approved through the employee's chain of command.

14. AGENCY: Department of Family Services (DFS)

ALLEGATION: Case #20-0302 - Determine whether commission members of newly formed commission are required to file Financial Disclosure Statements under the County's Ethics Code.

DISPOSITION: FDS Review - Exemption from filing based on functionality test

RECOMMENDATIONS: The Office of Ethics and Accountability recommended exempting the Commission for Fathers, Men and Boys from the requirement to file a Financial Disclosure Statement based on the functions of the commission.

ACTION(S) TAKEN/RESPONSE(S): Board of Ethics met on February 28, 2020, and voted to exempt its members from filing.

15. AGENCY: Office of Central Services (OCS)

ALLEGATION: Case #20-0324 - Executive Director of the Supplier Development and Diversity Division issued conditional (temporary) business certifications for entities that do not meet the requirements stipulated in the Procurement Regulations.

DISPOSITION: Compliance

RECOMMENDATIONS: OEA recommends that the Director of OCS (Purchasing Agent) implement a written policy detailing the agency's practice of offering conditional certifications to businesses. The policy should clearly outline the process for requesting and granting conditional certifications as well as establish time limits for businesses to meet the requirements. To ensure adequate controls of the process, the Director of OCS should limit the number of times that a business can be granted a conditional certification. This written policy would provide direction to OCS staff pending the completion of the legislative process.

ACTION(S) TAKEN/RESPONSE(S): Agency introduced legislation to revise the procurement code to allow Director to issue conditional and temporary certifications.

16. AGENCY: Department of Permitting, Inspections and Enforcement (DPIE)

ALLEGATION: Case #20-0378e - An Associate Director with the Department of Permitting, Inspections and Enforcement (DPIE) was working unauthorized secondary employment.

DISPOSITION: Unsubstantiated

RECOMMENDATIONS:

1) Director of DPIE advise employee that if the employee's company becomes active, the employee, in accordance with the Ethics Code and Administrative Procedure 152, must obtain agency approval and submit said approval to the Office of Ethics and Accountability for review.

2) Director of DPIE advise employee that the business must be disclosed on the employee's Financial Disclosure Statement for 2019.

ACTION(S) TAKEN/RESPONSE(S): DCAO, standing in for the Director, met with the employee and formally instructed the employee to obtain agency approval if the business becomes active and to include the business information on the 2019 FDS.

17. AGENCY: Office of Central Services (OCS)

ALLEGATION: Case #20-0414 - A private business use of a County facility for non-County purposes without following County procedures for approval.

DISPOSITION: Non-Compliance

RECOMMENDATIONS:

1) Director of OCS, in consultation with the Office of Law, review the practicality of permitting public entities to use County conference rooms and ensure that safeguards are created to protect the County and its interests. The review should include revising Administrative Procedure 607 (AP 607).

2) Director of OCS develop a detailed agency policy that governs the use of County conference rooms by private entities. The policy should outline an approval process and should ensure that all requirements detailed in AP 607 are met. Further, the policy should include a tracking provision that details use of County conference rooms.

3) Director of OCS, in consultation with the Office of Law, review Uplift Maryland's past use of a County building's address, as its mailing address and take appropriate action to address any misuse of County information.

ACTION(S) TAKEN/RESPONSE(S): Pending

18. AGENCY: Human Relations Commission (HRC)

ALLEGATION: Case #20-0425 - A commissioner misused the commissioner's prestige of office by endorsing the sitting judges of Prince George's County in a YouTube video.

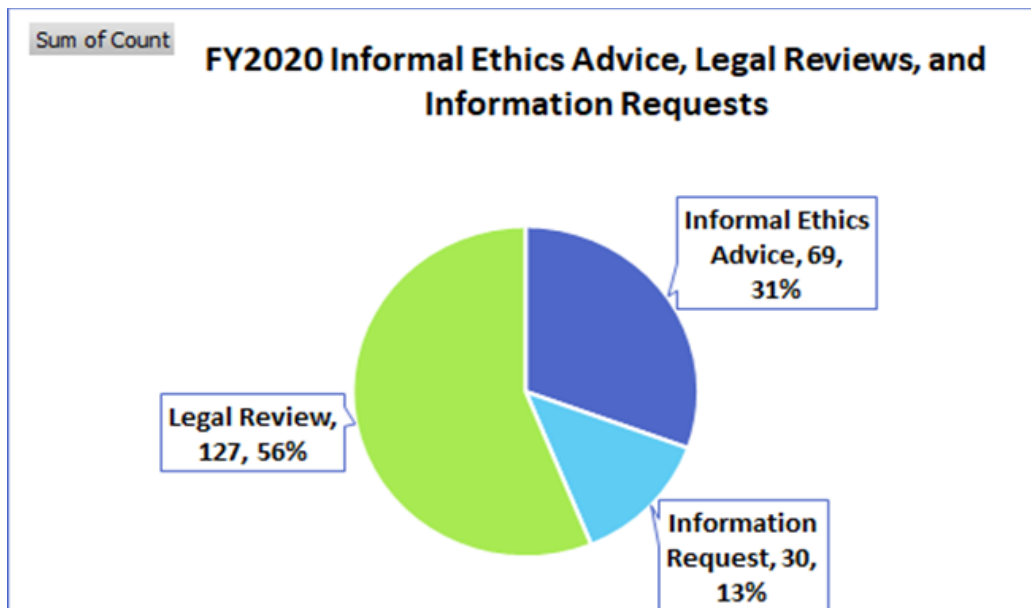
DISPOSITION: Unsubstantiated

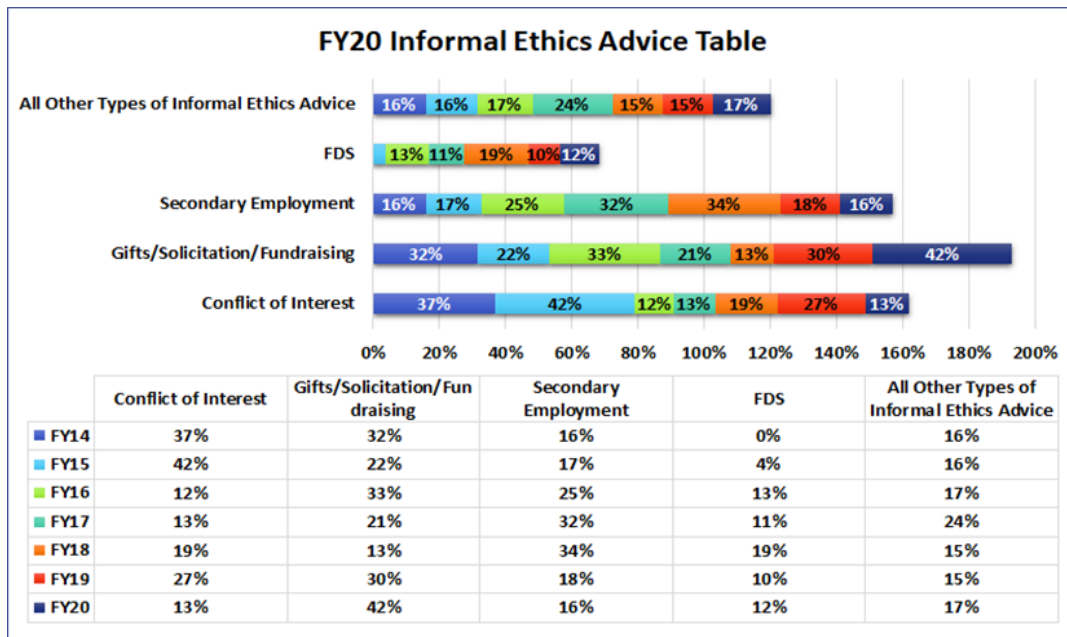
RECOMMENDATIONS: The Commission, in consultation with its attorney, implement policies and procedures addressing permissible political activities of its Commissioners.

ACTION(S) TAKEN/RESPONSE(S): HRC will adopt a standard operating procedure explaining the rights and prohibitions of HRC Commissioners with regards to political activity while employed by the County.

Ethics Advice by the Office of Ethics and Accountability

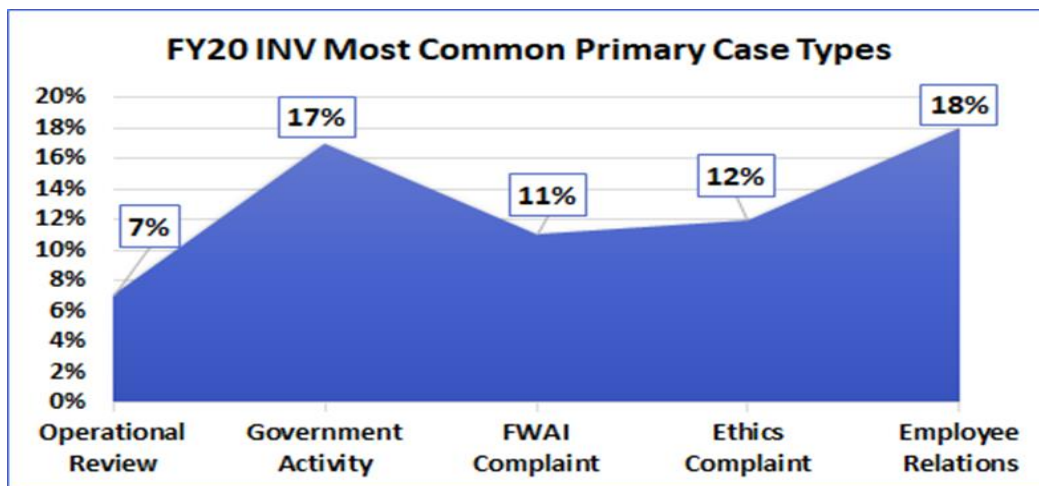
The Office of Ethics and Accountability provides support to the Board of Ethics in accordance with the Code of Ethics and Accountability, Section 2-303. The Office's Legal Counsel provides written and verbal advice to County officials, employees, agencies and the public who seek advice regarding the application of the County's Code of Ethics. The Office of Ethics and Accountability received a combined total of two hundred and twenty-six (226) requests for Informal Ethics Advice, Legal Reviews or Information Requests in FY 2020. One-hundred and twenty-seven (127) involved legal reviews; thirty (30) involved requests for information; and sixty-nine (69) involved informal ethics advice. Of informal ethics advice, nine (9) involved conflicts of interest; twenty-nine (29) involved gifts/solicitation/fundraising; eleven (11) involved secondary employment; and eight (8) involved Financial Disclosure Statements. Twelve (12) cases fall under the category of All Other Types of Informal Ethics Advice which includes advice pertaining to post-employment, political activity, prestige of office, lobbying, honorarium and other related matters.





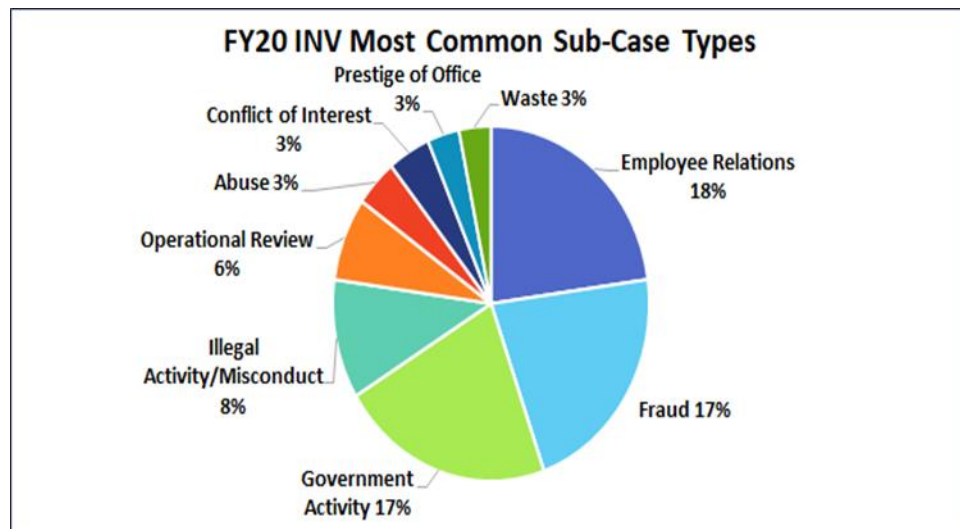
FY 2020 Investigations

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 2020, (7%) of all investigations involved review of County operations, (17%) involved concerns with government activities, (11%) involved alleged fraud, waste, abuse or illegal activity, (12%) involved alleged ethics violations, and (18%) involved employee relations matters. 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.

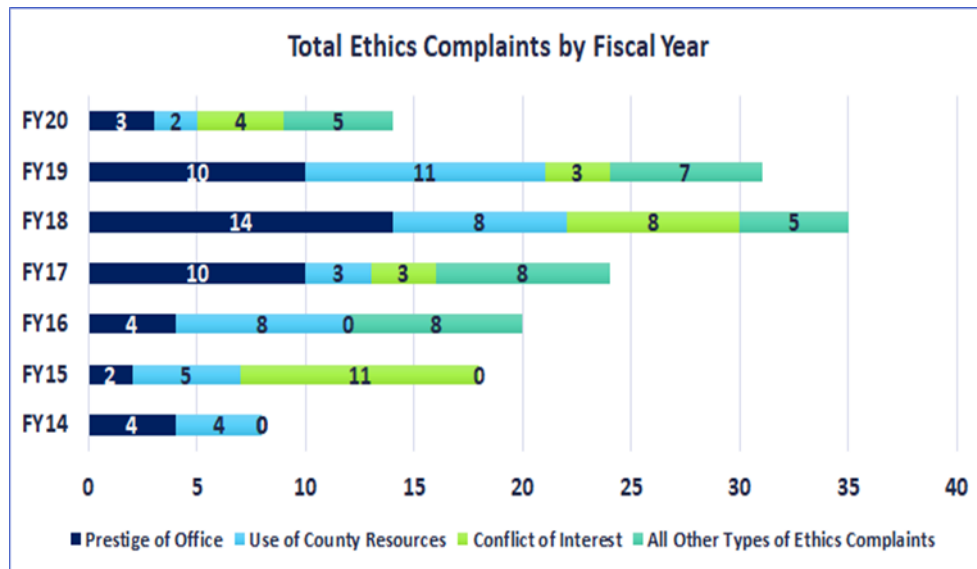


The Office of Ethics and Accountability does not prosecute criminal conduct. However, criminal conduct discovered by the Office of Ethics and Accountability during its investigation of a complaint or tip is referred to the appropriate prosecuting authority in accordance with the County's Ethics and Accountability 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 2020 fiscal period.

In FY2020, the Office of Ethics & Accountability investigated and/or referred (119) investigation cases. Investigations comprised (25%) 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. Additional categorization is used to segregate the matters under investigation and the chart below outlines Investigation Sub-Case types.



The below chart is specific to Ethics Complaints which comprised (20%) of all FY2020 investigations. Of the nine (9) types of Prohibited Conduct & Interests listed in the Code of Ethics, Conflict of Interest and Prestige of Office were the most commonly investigated complaints.



Lobbyists Disclosures and Annual Reports

The Office of Ethics & Accountability conducted a review of all Lobbyists' 2020 Registration & Disclosure Forms and 2019 Annual Report Forms. Our Office processed one-hundred and eighty-nine (189) registration forms from fifty-four (54) total registered lobbyists and two-hundred and twenty-one (221) reports for the 2019 calendar year were filed and completed. These reports are located on the County's website. Fifty-one (51) registered lobbyists remain active while three (3) lobbyists terminated activities.

A list of lobbyists registered with the Office of Ethics and Accountability in calendar year 2020 and their clients can be found on the County's website.

The following is the summary of Lobbyists' Annual Reports filed with the Board of Ethics for Calendar Year 2019. Total expenditures for 2019 lobbying activities was \$1,732,986.64. The summary of sub-categories on the 2019 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:	\$1,730,357.10
Office expenses of the lobbyist not reported in (A):	\$1,566.09
Professional and technical research and assistance not reported in (A):	\$1,060
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:	\$3.45
Subtotal of A through F:	\$1,732,983.19
Subtotal of G through J:	\$3.45
Grand Total:	\$1,732,986.64