



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

Annual Report

INCLUSIVE OF CALENDAR YEAR 2020 & FISCAL YEAR 2021

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MESSAGE FROM THE EXECUTIVE DIRECTOR

Robin Barnes-Shell, Esq.

It is with great pleasure I am providing this year's report for the Office of Ethics and Accountability in conjunction with the Board of Ethics. As we remain committed to promoting trust in County government, 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.

As a result of the Office of Ethics and Accountability's investigations, legal reviews and other activities, thirty (30) recommendations were provided to Executive Leadership to promote a culture of integrity, efficiency and public trust. The Office of Ethics and Accountability has made a total of one hundred twenty-three (123) recommendations since Fiscal Year 2016, resulting in significant policy development and organizational change.

During Fiscal Year 2021, there were three (3) substantiated complaints related to ethics violations that were referred to the Board of Ethics. Four (4) additional ethics complaints remain under investigation and will carry over into Fiscal Year 2022.

This year, the Office of Ethics & Accountability collaborated with the Office of Human Resources Management to transition ethics training materials onto the County's new Learning Management System, NEOGOV. The Office of Human Resources Management will oversee ethics training completion for all County employees along with other mandatory trainings; the Office of Ethics & Accountability will continue to monitor and provide ethics training to board and commission members using the online platform, E-Learning. The 2020 ethics training compliance period was extended into 2021 due to reduced governmental operations related to COVID-19; however, the Office provided Instructor led ethics training to approximately one hundred eighty-five (185) individuals and online ethics training to approximately four thousand one hundred and seven (4,107) individuals between January 1, 2020 and June 30, 2021.

The Office of Ethics & Accountability continued to provide administrative support to the Board of Ethics during the pandemic through the collection of financial disclosure statements from County officials and employees, the registration and reporting of lobbying activities, and the continuation of regular board meetings and hearings, which were conducted virtually.

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 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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Compliance Analyst	Jasmine Carter	jscarter@co.pg.md.us	(301) 883-5331
Investigator	Lamont Judd	lajudd@co.pg.md.us	(301) 883-3448
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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 2021 Annual Report of the Board of Ethics.

I am excited to report that Calendar Year 2020 and Fiscal Year 2021 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 continue 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 over one thousand (1,000) Financial Disclosures Statements as well as one hundred eighty-two (182) lobbyist registration forms and two hundred and seven (207) 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,



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 five (5) 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, 2021. The remaining members are as follows: Curtis Eugene, Member; Sharon Theodore-Lewis, Esq., Member, Charlene Gallion, Member, and Melanie Barr-Brooks, Member.

Meetings of the Board of Ethics

All regular meetings were either held virtually or in the Office 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 eight (8) times during the 2020 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 2021 Fiscal Year, the Board received six (6) referrals of alleged ethics violations of which three (3) were substantiated 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

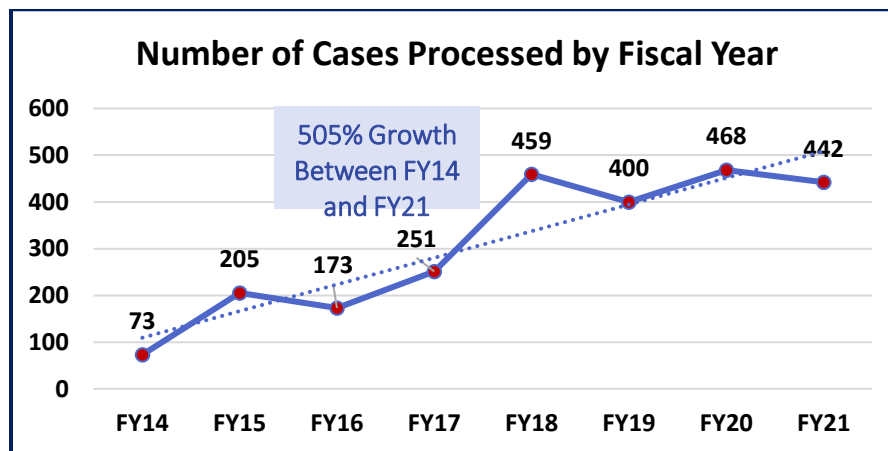
This year, the Office of Ethics & Accountability collaborated with the Office of Human Resources Management to transition ethics training materials onto the County's new Learning Management System, NEOGOV. The Office of Human Resources Management will oversee ethics training completion for all County employees along with other mandatory trainings; the Office of Ethics & Accountability will continue to monitor and provide ethics training to board and commission members using the online platform, E-Learning. The 2020 ethics training compliance period was extended into 2021 due to reduced governmental operations related to COVID-19; however, the Office provided Instructor led ethics training to approximately one hundred eighty-five (185) individuals and online ethics training to approximately four thousand one hundred and seven (4,107) individuals between January 1, 2020 and June 30, 2021. Ethics training is provided through new employee orientation materials, online Learning Management System training; Instructor led virtual online workshops; on-site agency trainings by agency request; and special ethics topics trainings.



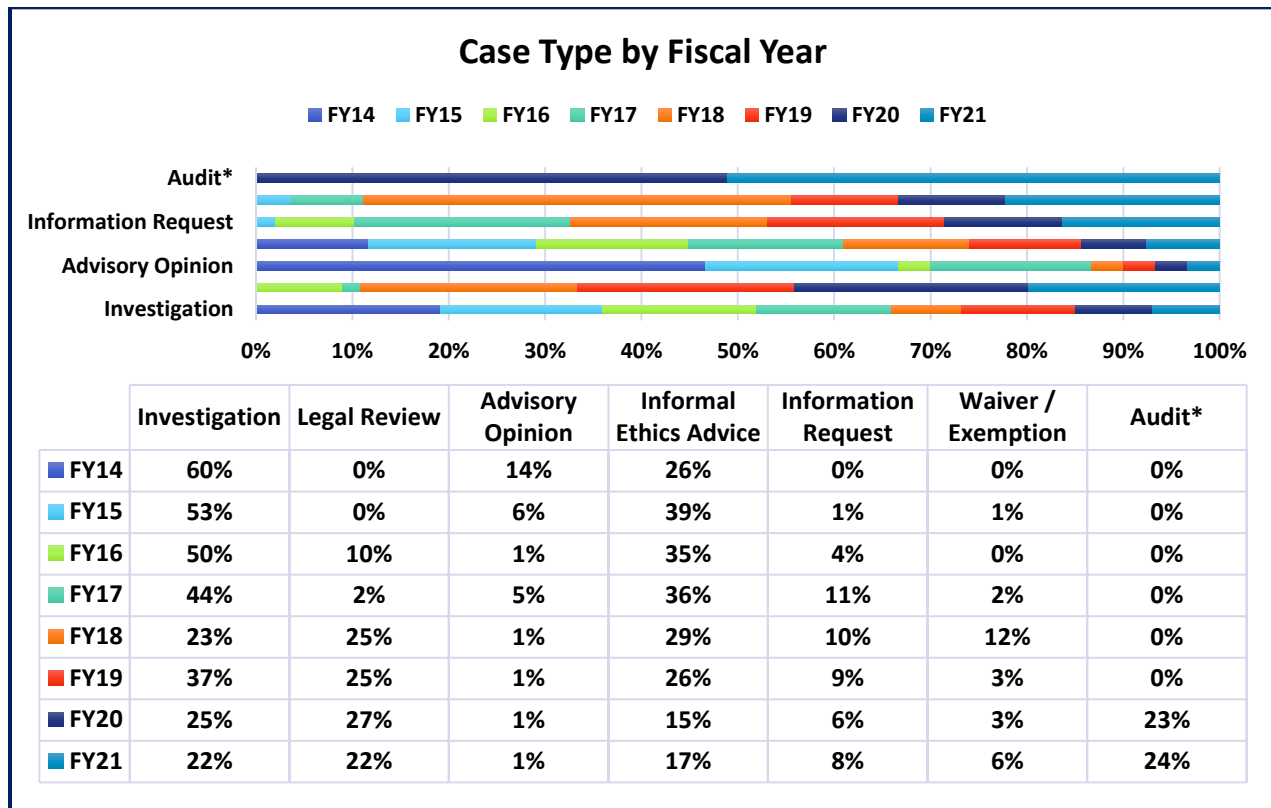
FY2021 Key Accomplishments

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

The Office of Ethics and Accountability processed four hundred and forty-two (442) requests for the following case types in Fiscal Year 2021: investigations, operations reviews, audits, legal reviews, advisory opinions, informal ethics advice, information provision, and financial disclosure exemptions or fee waivers – largely received electronically. The Office has seen a five hundred five percent (505%) increase in cases since its establishment in Fiscal Year 2014. Of the complaints investigated solely or jointly by the Office of Ethics and Accountability, three (3) cases were substantiated with appropriate actions taken by agencies to address the identified ethics violations. Information related to Advisory Opinions, Informal Ethics Advice and Investigations are provided on the County’s website. The Audit category which was omitted until Fiscal Year 2020 comprised the highest percentage of cases twenty four percent (24%) in Fiscal Year 2021.

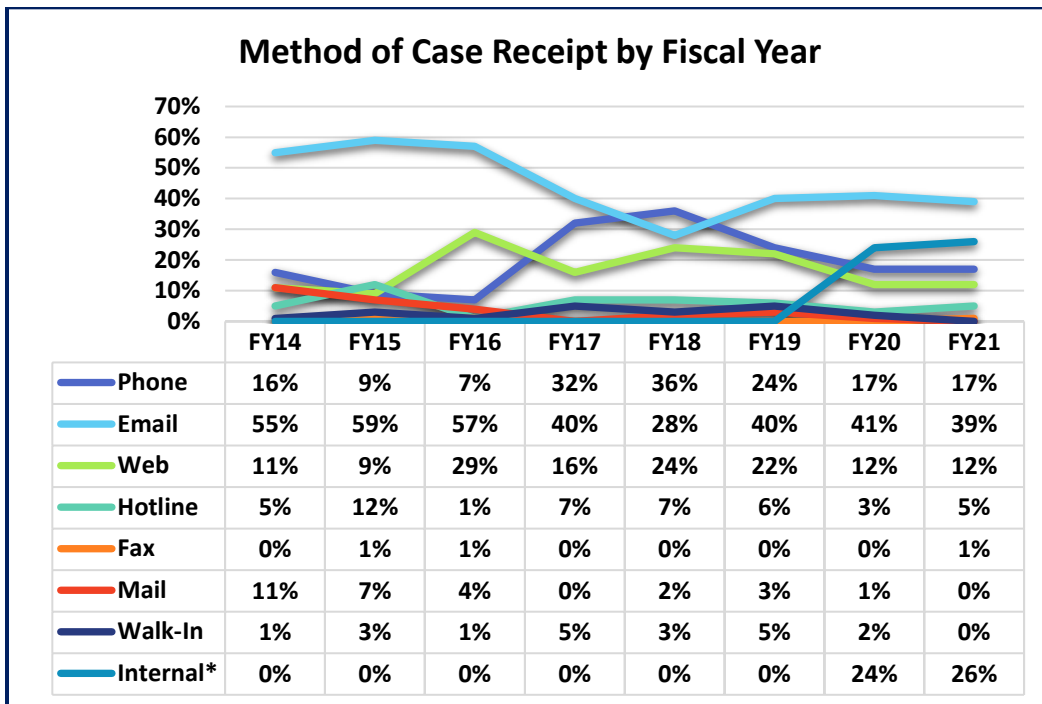


The Office of Ethics and Accountability continues to provide ethics advice, rendering seventy-six (76) informal opinions and three (3) formal advisory opinions to officials, employees and lobbyists. During Fiscal Year 2021, twenty-two percent (22%) of the cases involved investigations and seventeen percent (17%) involved the rendering of informal ethics advice. Legal reviews constituted another twenty two percent (22%) of the Office’s efforts, which entailed, in part, review of the County and State legislation that impacted ethics laws. Information Requests comprised eight percent (8%) of cases and Waivers or Exemptions comprised of six percent (6%) of cases. 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.

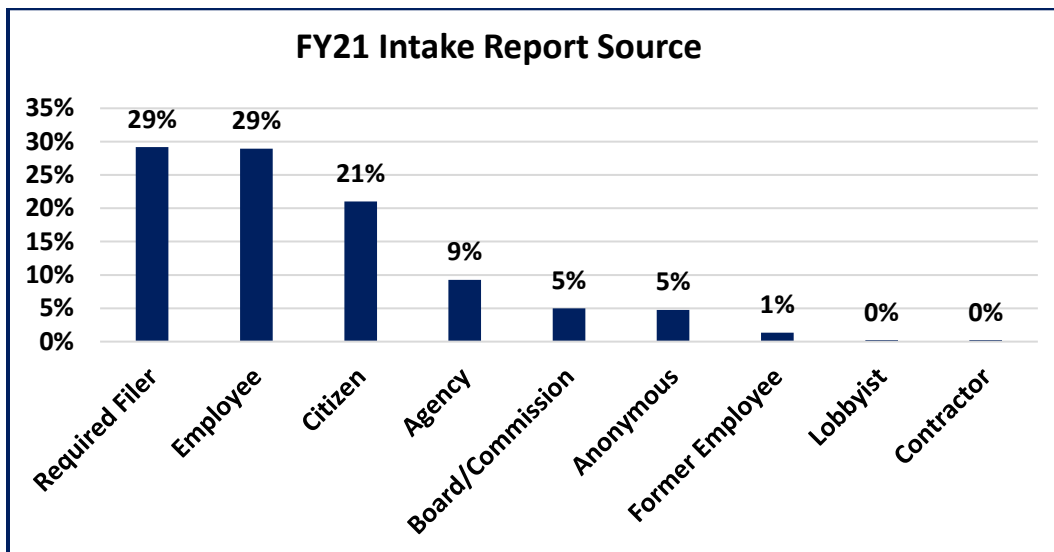


The majority of cases received by the Office of Ethics and Accountability in Fiscal Year 2021 were filed electronically; via email directly to the Office; through the County's Web-Portal; or through the hotline, which allows reporters to file complaints anonymously. In addition, the Office initiated twenty-six percent (26%) of all cases, which were primarily related to findings from annual audits of financial disclosure statements. This category (internal) was newly added for Fiscal Year 2020 data tracking and therefore was 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 over one thousand (1,000) Financial Disclosure Statements. The Office of Ethics and Accountability continued its Schedule A – real property audit originally piloted in FY2018, to all designated filers. This audit identifies filing errors related to disclosure of owned and rented real property interests for all officials and employees required to disclose real property interests. In addition, the Office of Ethics and Accountability audited the financial disclosure statements of all elected and appointed officials pertaining to Schedule E (business entities employed with County) & Schedule H (other sources of income) to determine any conflicts related to secondary employment. Fiscal Year 2021 audit findings of errors or omissions were discovered and corrected in more than one hundred and one (101) 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, County employees represent twenty-nine percent (29%) of all case intake sources for reporting certain activities or requesting support such as ethics advice and information provision. Another twenty nine percent (29%) of case intake sources are comprised of designated FDS filers who are subject to financial disclosure audits.



As a result of investigations, legal reviews, and other activities, the Office of Ethics and Accountability provided thirty (30) 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):

- To implement agency policies related to timekeeping and conduct periodic audits to ensure compliance with agency policy.
- To encourage prospective actions towards obtaining advisory opinions from the Board of Ethics wherever appropriate to address any potential conflicts of interest and ensure compliance with the Code of Ethics.
- To recommend internal agency efforts to investigate matters and offer agencies adequate time to address Ethics Code violations, such as determining the proper discipline.
- To recommend measures by Executive Management to ensure employee adherence to Administrative Procedure 152 (Outside Employment); to direct staff to complete a secondary employment requests with expediency; to investigate the matter further to ensure no conflicts of interest existed during other parts of the agency's processes; and to encourage Executive Management to determine whether additional violations of the County Code exist.

Major Objectives for Fiscal Year 2022

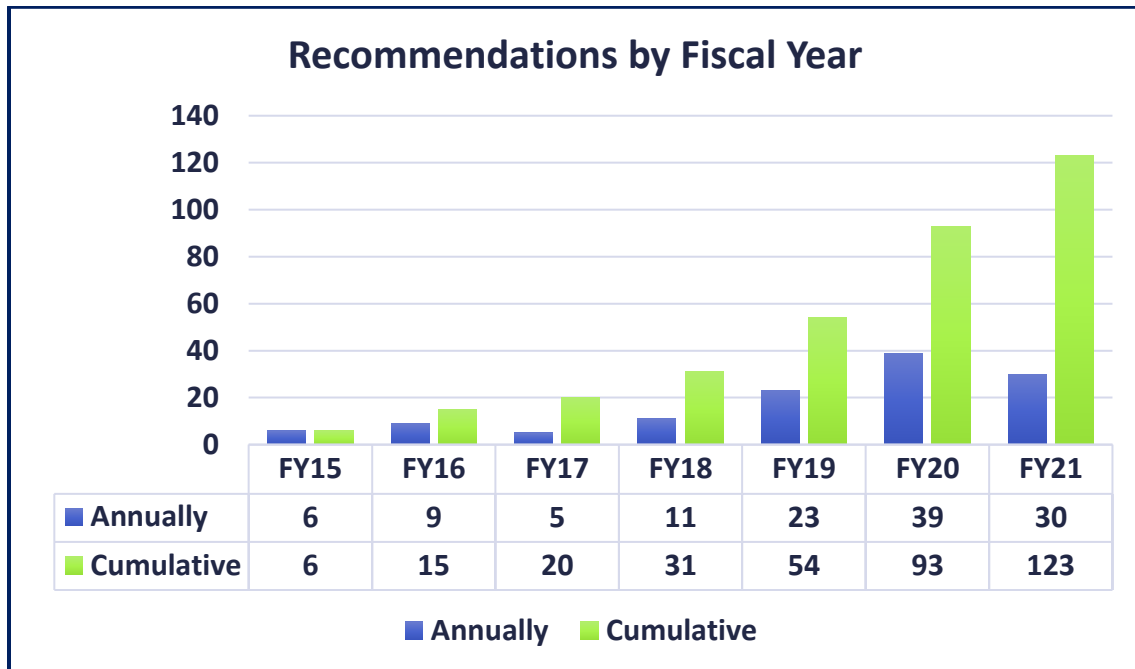
The Office of Ethics and Accountability will continue to focus on establishing processes to govern its core services of investigations, evaluation of County operations, collection of Financial Disclosure Statements for employees and officials, collection of registrations and annual reports for lobbyists, 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.
- Expanding 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 agencies 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.
- Expanding audit of Financial Disclosure Statements to ensure proper completion of required disclosure information.
- Enhancing 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.
- Providing 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 2021, the Office of Ethics and Accountability provided thirty (30) recommendations to Executive Management. Twenty-six (26) of the recommendations affected fee waivers or exemptions, legislative reviews, or legal reviews. Actions taken in response to recommendations in Fiscal Year 2021 are also provided in the table below.



FY 2021 Recommendations

1. **AGENCY:** Office of Homeland Security (OHS)

ALLEGATION: Case #20-0461e – OHS employee is not performing their duties while working overtime and is also entering incorrect work hours in the electronic time keeping system.

DISPOSITION: Unsubstantiated

RECOMMENDATIONS: Director of OHS create an agency policy and appropriate oversight for the use of overtime in the Audio Unit, to include sufficient measures to document employee work hours and legitimate business purposes to support the approved overtime.

ACTION(S) TAKEN or RESPONSE(S): OHS implemented a policy as of July 31, 2020 to address employee time keeping. OHS will conduct periodic audits of timecards to ensure compliance with the policy.

2. **AGENCY:** Fire Department (Fire/EMS)

ALLEGATION: Case #21-0251e – Volunteer Fire/EMS employee is conducting business with the County and creating a prohibited conflict of interest.

DISPOSITION: Outside Scope of the Board of Ethics

RECOMMENDATIONS: Although the Respondent is not a County employee, the individual is in the process of accepting a position on a County commission, which is governed by the County's Code of Ethics. Accordingly, the Respondent should be advised to obtain an advisory opinion from the Board of Ethics to address any potential conflicts of interest and ensure compliance with the Code of Ethics.

ACTION(S) TAKEN or RESPONSE(S): Respondent has not requested an advisory opinion to-date.

3. **AGENCY:** Office of Central Services (OCS)

ALLEGATION: Case #21-0259e – OCS employee circumvented County policy by contacting a developer and offering to assist with revising a development plan, previously denied by the County. Additionally, the employee used a personal email to solicit donations from a County vendor.

DISPOSITION: Substantiated

RECOMMENDATIONS: Because there was a reasonable basis to believe a violation of the County's Code of Ethics has occurred, the Agency was afforded adequate time to address the incident to determine the appropriate discipline.

ACTION(S) TAKEN or RESPONSE(S): OCS issued appropriate employee discipline to include directing the employee to complete ethics training.

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

ALLEGATION: Case #21-0282e – DPIE inspector is working unapproved secondary employment and used their position to attempt to have a fine for a violation reduced.

DISPOSITION: Substantiated

RECOMMENDATIONS:

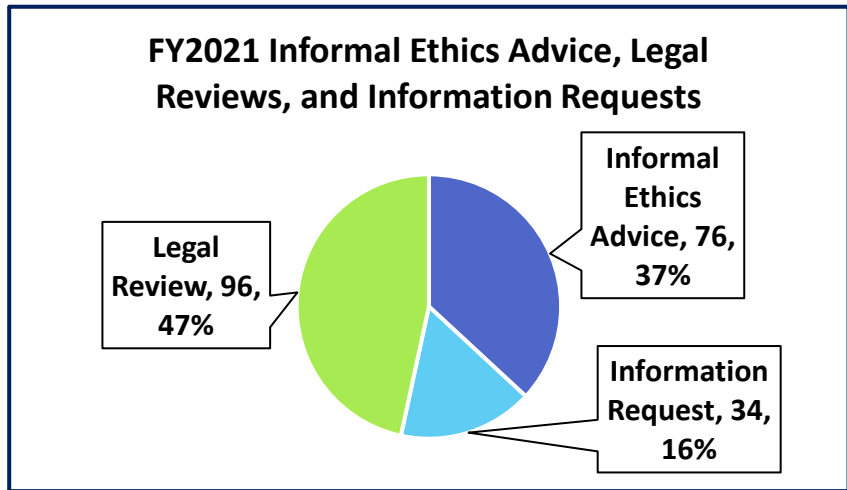
- 1) Respondent should be directed to complete a secondary employment request no later than ten (10) days from closeout of the matter.
- 2) Director should review all permits associated with the company where the employee works to determine whether respondent had any involvement during the permitting process involving the company.
- 3) Director should investigate the matter further to determine whether additional violations of the County Code exist.

ACTION(S) TAKEN or RESPONSE(S):

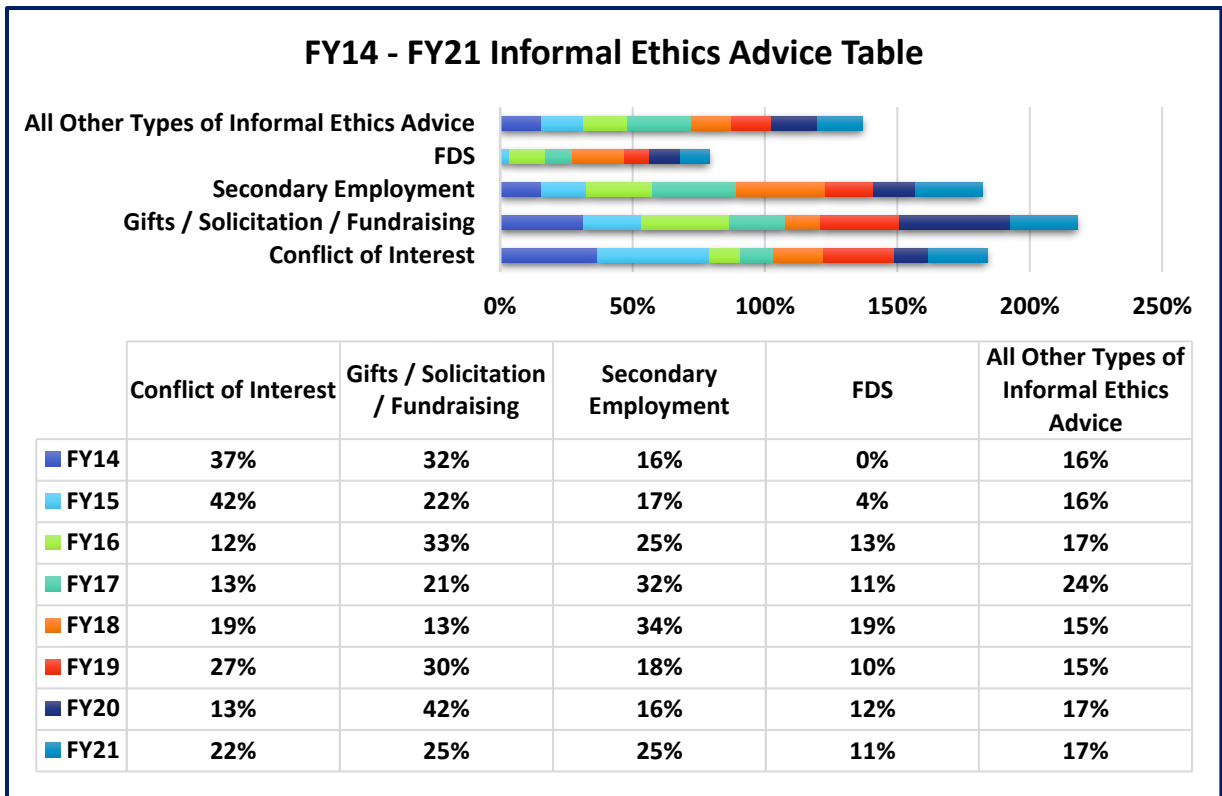
- 1) Respondent was directed to complete a secondary employment application, which was denied for conflicts of interest.
 - 2) DPIE completed an internal investigation of the inspector and discovered a conflict of interest.
 - 3) DPIE met with OHRM to review disciplinary actions.
-

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.

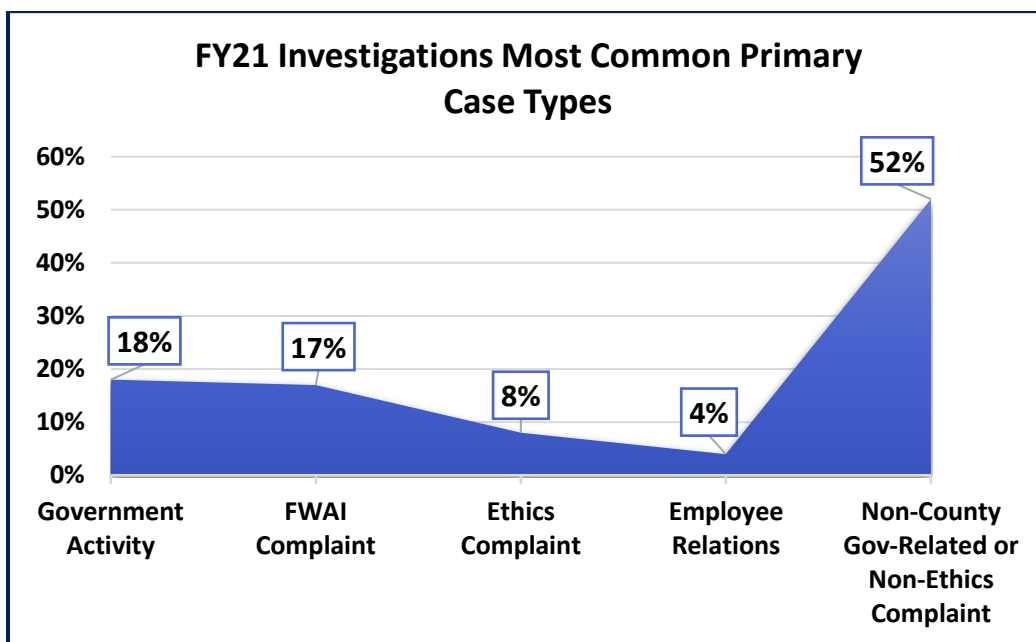


The Office of Ethics and Accountability received a combined total of two-hundred and six (206) requests for Informal Ethics Advice, Legal Reviews or Information Requests in Fiscal Year 2021. Ninety-six (96) involved legal reviews; thirty-four (34) involved requests for information; and seventy-six (76) involved informal ethics advice. Of informal ethics advice, seventeen (17) involved conflicts of interest; nineteen (19) involved gifts/solicitation/fundraising; nineteen (19) involved secondary employment; and eight (8) involved Financial Disclosure Statements. Thirteen (13) 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.



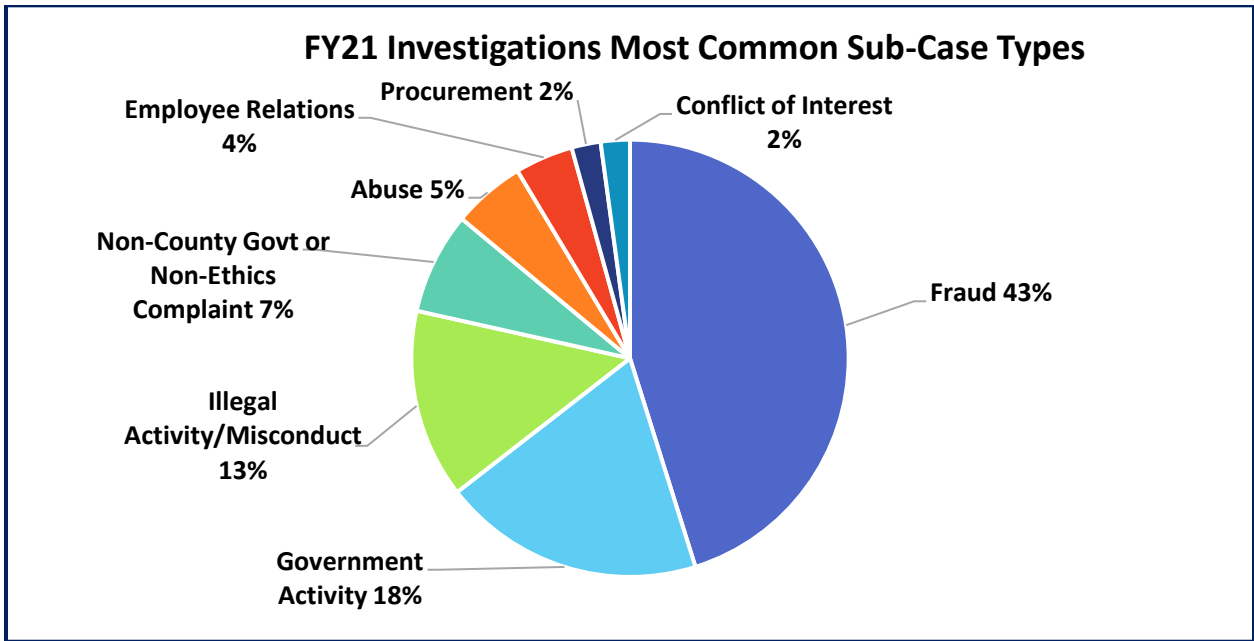
FY 2021 Investigations

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 Fiscal Year 2021, eighteen percent (18%) involved concerns with government activities, seventeen percent (17%) involved alleged fraud, waste, abuse or illegal activity, eight percent (8%) involved alleged ethics violations, and four percent (4%) 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.

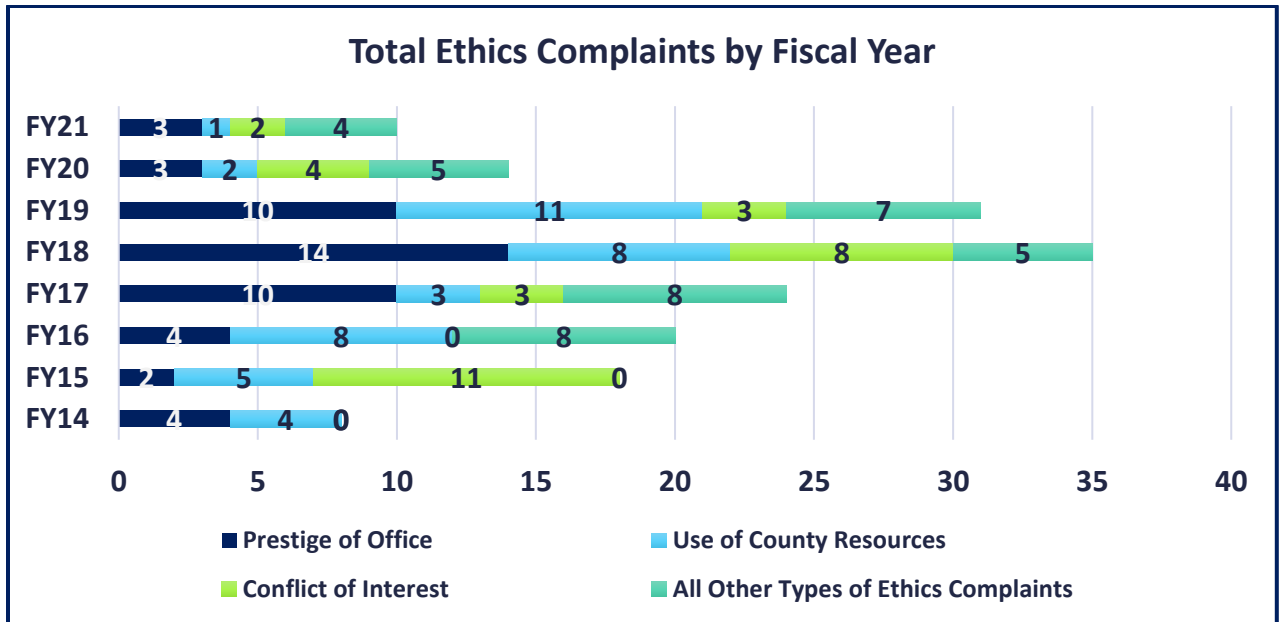


The Office of Ethics and Accountability does not prosecute criminal conduct. However, criminal conduct discovered by the Office of Ethics and Accountability during its investigation of a complaint or tip is referred to the appropriate prosecuting authority in accordance with the County's Ethics and Accountability 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 2021 fiscal period.

In Fiscal Year 2021, the Office of Ethics & Accountability investigated or referred ninety-eight (98) investigation cases. Investigations comprised twenty-two percent (22%) of all case types, and the below chart displays additional details related to investigation outcomes. Most investigations handled by the Office are related to Government Activity or Fraud, Waste, Abuse and Illegal Acts 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 eight percent (8%) of all FY2021 investigations. Of the nine (9) types of Prohibited Conduct & Interests listed in the Code of Ethics, Conflict of Interest, Prestige of Office and Procurement were the most commonly investigated complaints.



Lobbyists Disclosures and Annual Reports

The Office of Ethics & Accountability conducted a review of all Lobbyists' 2021 Registration & Disclosure Forms and 2020 Annual Report Forms. In 2021, our Office processed one-hundred and eighty-two (182) registration forms from fifty (50) total registered lobbyists and two-hundred and seven (207) reports for the 2020 calendar year were filed and completed. These reports are located on the County's website. Forty-eight (48) registered lobbyists remain active in 2021 while two (2) lobbyists terminated activities.

A list of lobbyists registered with the Office of Ethics and Accountability in calendar year 2021 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 2020. Total expenditures for 2020 lobbying activities were \$1,606,474.00. The summary of sub-categories on the 2020 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:	\$1,595,504.30
Office expenses of the lobbyist not reported in (A):	\$407.50
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:	\$10,500
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:	\$62.24
Subtotal of A through F:	\$1,606,411.76
Subtotal of G through J:	\$62.24
Grand Total:	\$1,606,474.00