
Frederick County Executive, Jan Gardner
12 E. Church St.
Frederick, MD 21701
18 May 2015

County Executive Gardner,

It is with mixed emotions that we tender our resignation from the Frederick County Ethics Commission, effective immediately. The emotional, purposefully-misleading and politicized reaction to the recent Ethics Opinion 15-01 is a driving factor in our decision.

As both citizens of Frederick County and volunteer members of the Ethics Commission, we would have expected our elected officials to support and respect the independent Ethics Commission process, reach out to the Commission to discuss the Opinion with civility, and work to minimize misinformation and innuendo.

As you know, the Ethics Task Force has been working for several months on this and other issues and intends to provide a recommendation as to how to enhance the Frederick County Ethics Ordinance. At no time was the Ethics Commission instructed to stop functioning and to the contrary, was given public feedback at a task force meeting that the deliberation process had historically been taking too long. As you also know, an advisory opinion of this nature is only relevant as applied to the ordinance in effect at the time. Should the ordinance be enhanced in the coming months, Opinion 15-01 becomes null and void. This is a fact that has not been accurately depicted to the citizens of Frederick County. Instead, it has been portrayed in your letter and media comments as some kind of "rush" to allow this Councilman some unencumbered ability to bid on contracts in the future, regardless of future changes to the ordinance. It has also been portrayed as having some correlation to the timing and work of the Task Force as if the Ethics Commission was supposed to stop performing their statutory duties while their work and the associated work to actually draft and implement the Task Force's recommendations play out. To our understanding, the Frederick County Government and its boards and commissions remain in function while the citizen Task Force assembles its thoughts and the legislative process takes place. It is significant to note that some of the Task Force's recommendations may never make it into actual law. We won't know until the process unfolds and our elected officials at the County level and the State Ethics Commission have an opportunity to weigh in. It is also disappointing that instead of picking up the phone and contacting the Ethics Commission to discuss the Opinion, our elected officials chose a media campaign of personal attacks and misinformation.

We are also struck by the startlingly different reactions to Opinions 14-05 versus 15-01. The Ethics Commission used the same logic when considering the prior Conflict of Interest opinion requests from two teachers on the new Council (Opinion 14-05). Despite an obvious appearance of conflict for the teachers and another council person who is the spouse of a teacher, we found that adequate controls were in place to sufficiently mitigate the risk of any actual conflict. We saw feedback from citizens who said they saw an obvious conflict in teachers voting on their salaries and funding to their schools and felt outraged that the Ethics Commission would allow these Council members to serve in both roles. Particularly because the BOE budget is 47% of the entire county operating budget and 62% of the capital budget. However, there was no outcry from our elected officials about "just the appearance" of a conflict being an adequate reason to produce an opinion that would limit the teachers' and spouse's role in the Council. But, when the same due diligence and logic was applied in Opinion 15-01, suddenly "just appearance" alone was enough and prompted extraordinarily offensive public inferences that the Ethics Commission is either incompetent or corrupt.

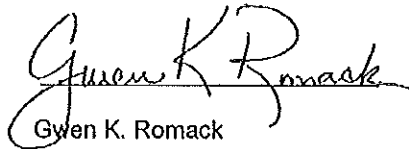
Frederick County Executive, Jan Gardner
12 E. Church St.
Frederick, MD 21701
18 May 2015

It has become apparent that the Ethics Commission will not be allowed to function independently and impartially as required by the statute. It has also become apparent that choosing to volunteer on the commission means being caught in the fray of the unrelenting sensationalized political-gamesmanship of Frederick County politics. We are disappointed that the members of the Ethics Commission are being bullied and the citizens of Frederick County are being misled in the name of political agenda. We stand proud that we remained a-political and did the right thing, even when not the easy thing, in the course of our duties.

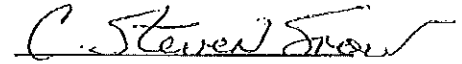
Regards,



Carl Benna



Gwen K. Romack



C. Steven Snow

Cc:

Frederick County Council President, Bud Otis

Sr. Assistant County Attorney, Linda Thall