

From Chapter 21 - Ethics

(f) Prestige of office.

(1) An official... may not intentionally use the prestige of office or public position: for the private gain of that official ... or the private gain of another. Use of the prestige of an office includes, but is not limited to:

(C) Using or attempting to use the official's or employee's official position improperly to unreasonably request, grant, or obtain in any manner any unlawful or unwarranted privileges, advantages, benefits or exemptions for the official or employee or another person; and

(D) Using, for immediate private financial gain or advantage, City time or the City's staff, facilities, equipment or supplies to secure privileges or exemptions for the official.

The complaint is made to raise review of the Administration's selective use of the Ethics Commission for political gain of the Mayor and his political allies as well as use of public funds for the detriment of political opposition (Councilmember Nash).

Political History

The actions of 2025 and 2026 warrant an investigation into the use of City funds, staff, and public commissions to achieve political purposes. Consider the following:

- Legal staff (and all staff) report to the Mayor,
- Ethics Commission members are selected and appointed by the Mayor, and;
- The Mayor has line-item discretion over spending and contracting.

During the summer months of 2025, candidates for County offices began to make themselves known. Councilmember Nash's husband Josh Bokee filed for County Council District 3. During this time other candidates were rumored to be running for the same County Council seat (among them, current candidate and business partner of Mayor O'Connor's wife, Tammy O'Connor: Natasha Valencia). City Councilmember Shackelford held a campaign event on June 6th and Mayor O'Connor and Natasha Valencia endorsed the Councilmember and spoke on his behalf. Ms. Valencia had also previously been appointed to serve on the Education and Planning Commissions.

Also at this time, on July 18, 2025, the City Council was provided information from Ms. Cathy Anderson via email relating to concerns she had regarding the seemingly inconsistent application of the ethics law and failure to investigate and consider her complaint. Ms. Anderson also testified in person in City Hall during a Council meeting. She specifically raised concerns about the lack of documentation regarding the complaint she had raised regarding the use of public funds for campaign purposes.

Ultimately, Councilmember Nash raised concerns about the timing of Ms. Anderson's complaint but deferred against taking action to investigate this claim against Mayor O'Connor, as additional action by Councilmember Nash may have been perceived to be politically motivated. Councilmember Nash had been unanimously elected as the City's first Council President and she was concerned that the Mayor and his staff would take punitive action against the Council.

In September 2025 and November 2025 there were City of Frederick citywide Primary and General elections, respectively. The Mayor faced a contested race in both elections while Councilmember Nash ran unopposed for her District 1 seat. Councilmember Nash later faced opposition for her leadership role as Council President.

In November 2025, Councilmember Derek Shackelford announced he was seeking the Council Presidency via Facebook video (Councilmember Nash was known to be also seeking a return to Council leadership for the 2025-2029 term). Councilmember Nash has been critical of some of Mayor O'Connor's policies (and those of his allies, Councilmembers Russell and Shackelford) and had contemplated challenging Mayor O'Connor in 2025 (which she ultimately did not). In the weeks leading up to the Inauguration, Councilmember Nash is targeted by O'Connor/Shackelford supporters (that include the Mayor's wife). Councilmember Nash does not respond to these attacks except with deescalation and requests for calm. Despite rampant misinformation regarding the Charter and laws surrounding election of the Council President, the Mayor and his staff do not take action and permit unfounded attacks against Councilmember Nash.

A complaint is filed in December against Councilmember Nash and the Administration/Ethics Commission decides to contract with an attorney to investigate her in a multi-month secret investigation.

In January, Mayor O'Connor and Councilmember Shackelford endorse and speak for Netasha Valencia at her campaign event (they were unaware that Councilmember Nash's husband was withdrawing from the race).

Use of Public Funds for Politically-Motivated Punishment

The decision to retain a contract attorney to a member of the City Council in December 2025 must be scrutinized. The Councilmember accused of wrongdoing and now facing investigation by a contract attorney was in political opposition to the Mayor at this time. Additionally, this seems to fall outside of any other normal process. While potentially permitted by law as the law does permit a designated investigator), this hiring raises questions that should be publicly disclosed:

- When was this attorney hired, who selected this attorney, has this attorney been previously hired, and if not, why was a contract attorney hired to investigate for this specific ethics investigation?
- Public-purpose test: Was the hiring reasonable or is it in fact primarily for personal, political, or retaliatory purposes against Councilmember Nash?

Questionable Public Documentation

The Commission website fails to list any meetings or meeting minutes separate from one March meeting in 2025 with one agenda item (to consider financial disclosures). Yet the Commission has disclosed at least two additional meetings (one in January 2026 and one in February 2026). The selective publication of Commission materials and opinions was raised by Ms. Anderson:

“In 2022, the decision against Katie Nash was fully documented. A multi-page ‘Opinion and Order’ was posted online, complete with findings, legal analysis, procedural history, and a cease-and-desist order under §21-4(f). It remains publicly accessible.

In contrast, my 2025 complaint against Mayor O’Connor—despite confirming that City resources were used to produce campaign material—was quietly dismissed.”

- Anderson email, “Request for Council Action on Ethics Complaint and Code Enforcement”, July 18, 2025

A review of why select materials are published should be undertaken and why this December 2025 complaint has been held in seemingly different posture: How have similar situations been handled previously by the city?

A records request was sent in to Legal on February 2nd and mysteriously within days a hearing was scheduled (the letter from the Ethics Commission was dated February 6th). The request requested the following records related to the investigation conducted on behalf of the City of Frederick Ethics Commission for the period of September 1, 2025 to February 2, 2026 but also requested that the request be interpreted as narrowly as possible. It included a request for

“emails and attachments sent to or from Leslie Powell or Leslie A. Powell or Jennifer Schnetzler, Legal Assistant to Leslie Powell, as well as city staff, Mayor Michael O’Connor, and Councilmembers Derek Shackelford and Kelly Russell with the following terms within the correspondence: Nash and ethics, Nash and investigation, and/or Nash and Powell”.

The City Attorney who reports directly to the Mayor denied the entire February 2nd request rather than simply redacting the portion that was not subject to the law (Councilmember Nash has since submitted an additional request). Shielding public information is another misuse of public resources for political purposes. While Ms. Nash will follow up with the Maryland Ombudsman, this wholesale refute of the request combined with the inconsistent posting of records to the City’s website must also be scrutinized.

Summary

Since a Mayor cannot typically order an ethics commission to open a case, he may have encouraged a political ally to file a formal complaint against the opposing councilmember, Councilmember Nash. The Mayor used his executive authority and role as the City Attorney’s direct manager to further this purpose. By hiring a private law firm as "special counsel" to conduct an "independent" investigation, a breach of public trust has occurred. How was this firm paid? Perhaps this firm was paid from a discretionary executive fund.

Even if the commission is technically independent, it often relies on the Mayor's office for its budget and staff. The Mayor can use this leverage to ensure the investigation remains open for months, creating a "cloud of suspicion" that damages the councilmember's reputation during her term. The timing of the December 2025 complaint perfectly coincided with a public leadership fight: if there was indeed impropriety in June 2025 from Councilmember Nash, why was the complaint filed in December?

Research into this matter has raised instances when Councilmembers sought legal remedy for First Amendment retaliation, arguing the investigation was launched specifically to punish them for their political speech (votes and public opposition). Any legal challenge is monstrously expensive for private citizens (without government funds) and the Mayor and his political allies have learned this from prior attacks on Councilmember Nash.