



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

April 3, 2024

Tara Jackson
Chief Administrative Officer
Prince George's County
Headquarters Building
1701 McCormick Drive
Largo, Maryland 20774

Richard S. Madaleno, Jr
Chief Administrative Officer
Montgomery County
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, Maryland 20850

Marlene Michaelson
Executive Director - Office of the County Council
Montgomery County Council
100 Maryland Avenue, 6th Floor
Rockville, Maryland 20850

Jennifer A. Jenkins
Administrator
Prince George's County Council
14741 Governor Oden Bowie Drive, Room 2027
Upper Marlboro, Maryland 20772-3050

RE: Conflict of Interest and Ethics Report

Dear Recipients:

The Maryland Code, General Provisions Article, Section 5-823, requires the Maryland-National Capital Park and Planning Commission (M-NCPPC) to submit a report, on or before April 30 each year, to the governing bodies of Prince George's County and Montgomery County on its conflict-of-interest issues and regulations during the previous calendar year. This letter complies with the reporting requirements and covers the period of January 2023 through December 2023.

I. Conflict of Interest Issues.

A. Financial Disclosure.

The Commission requires designated employees to complete and file financial disclosure affidavits annually utilizing “**Form 1**” promulgated by the Maryland State Ethics Commission. The designated employees submit these affidavits subject to the penalties of perjury. For convenient reference, our current financial disclosure regulations, [Commission Practice 2-24, Code of Ethics](#), and [a blank Form 1, may be found here](#).

During the reporting period, approximately 215 M-NCPPC employees were required to file financial disclosures. These employee disclosures are in addition to disclosures filed by our ten (10) Commissioners who file forms directly with the Maryland State Ethics Commission and respective County administrations. Thus, the number of people who filed represents 9% of the M-NCPPC’s 2023 career workforce of approximately 2,380 employees.

B. Conflict of Interest Inquiries and Issues.

During the reporting period, M-NCPPC fielded several disclosures and compliance inquiries regarding potential and actual conflicts of interest that were reported by the employees involved, their managers, or others. The inquiries/disclosures include the following scenarios (in no particular order):

- The Prince George’s County Planning Department requested advice about a Planner who wanted to engage in non-commission employment as a real estate agent. Ultimately, the Department was advised that the employee could work as a real estate agent in jurisdictions other than Prince George’s and Montgomery Counties and should avoid working as a real estate agent for any persons and/or entities with whom the employee may regularly come into contact because of their employment with the Commission.
- The Prince George’s County Planning Department sought advice concerning whether an Administrative Assistant III could engage in non-commission employment as the member of a music band that sometimes performs at Commission events. The Department was advised that if the employee is not involved with selecting, booking, or contracting entertainment for Commission events, and if none of her Commission duties intersect with her participation in the band, then her employment with the band would not constitute an actual conflict of interest nor would it tend give rise to the appearance of a conflict of interest.

- The Prince George's County Planning Department asked whether a Planner Supervisor could engage in part-time non-commission employment as a lecturer at the University of Maryland. The Department was advised that a teaching position would not cause a conflict of interest, but if the employee's students chose to apply for positions with the Commission, the employee should refrain from participating in any hiring panel for current or former students.
- While reviewing a contract renewal, the Prince George's County Department of Parks and Recreation discovered that a Commission employee was listed as a member of the vendor's board of directors. The employee had not reported this relationship to the Commission. The Procurement Director was advised that the Commission should not renew the contract due to an apparent or actual conflict of interest. The Procurement Director declined to renew the contract and referred the matter to the OIG for investigation.
- The Prince George's County Department of Parks and Recreation sought advice concerning whether an Architect could engage in non-commission employment as an architect for other projects. It was determined that the request for non-commission employment submitted by the employee was incomplete and needed to be resubmitted. The Department was further advised that if the employee would be doing the same type of architectural work that he does for the Commission, serving the same clients/types of clients that he serves in his Commission capacity, or using the same vendors/contractors/resources that he uses in his Commission capacity, then the request should be denied.
- The Montgomery County Planning Department inquired whether they could give away basketball tickets to Commission employees by posting in the Monday morning message. The Planning Department was advised that the Ethics Policy prohibited gifts between employees that exceed \$25.
- A Commissioner sought advice concerning whether they could serve as President of her Homeowners Association (HOA) while serving as a Commissioner for the M-NCPPC. The Commissioner was advised that they could continue to serve as President of the HOA but must recuse themselves from participation in any matter in which the association is an applicant or a party of record.
- A Commissioner asked whether they could vote on matter involving a church attended by a close relative. The Commissioner was advised that even if they felt they could be

impartial, the appearance of a lack of impartiality can be enough to support recusal. The Commissioner recused themselves from hearing on the matter.

- A Commissioner asked whether they could vote on a matter involving the National Harbor when they and the General Manager of National Harbor sit on the Prince George's County Community Foundation Advisory Board. The Commissioner was advised that merely serving on a subcommittee of a nonprofit with the General Manager for the National Harbor does not establish an interest between themselves and the General Manager that could lead to an impermissible conflict, and that they could vote on the matter.
- A Commissioner owns a home in Montgomery County and sought advice concerning whether they could vote on the Takoma Park Master Plan. Since the Commissioner's home is outside the Takoma Park Master Plan area, the Commissioner was advised that there is no conflict and that they could vote on the overall master plan. However, the Commissioner was advised to recuse themselves from matters related to Maple Avenue and matters involving MPH because they were previously a principal at MHP.
- Commissioners sought advice concerning whether they could attend the Montgomery County Chamber of Commerce Annual Dinner after receiving free invitations. The Commissioners were advised that free tickets to the event constitute gifts, the value of which would be based on the market value of the ticket, and that the free tickets would likely constitute a prohibited gift based on their value. They were further advised that if they wanted to attend, the Commission should pay for the ticket.

Over the reporting period, OIG resolved several hotline complaints and various investigations involving alleged conflicts of interest.

- The Maryland-National Capital Park and Planning Commission's (Commission) Audit Committee asked the Office of the Inspector General to assess the Commission's compliance with Commission Practice 6-50, Use of Commission-Owned Park Houses to identify any actual or perceived conflicts of interest involving Commission property rentals to Commission employees. The OIG found minor irregularities with compliance with the Practice but did not identify any actual or perceived conflicts with employee rentals.
- The OIG investigated allegations of a conflict of interest involving a Commission employee and a Commission vendor. The OIG concluded the employee failed to disclose a familial relationship with the vendor. The employee also failed to disclose he/she worked for and received compensation from the vendor. The OIG determined the employee's

action supported a conclusion of fraud and abuse. The conflict did not result in financial loss to the Commission. The employee resigned from the Commission during the investigation.

- Staff members routinely make compliance inquiries about the agency's gift, conference, and nominal value rules. Guidance is routinely provided.

II. Lobbying Disclosures.

The Commission updated and expanded its Lobbying Administrative Practice 5-61 on January 19, 2022. The Practice was updated to ensure that lobbying the Commission or its Planning Boards for the purpose of influencing any administrative, legislative, quasi-legislative, or executive action, does not violate ethical norms or erode the highest trust placed by the public in Commissioners, appointees, and employees of the Commission. The revised Practice clarified and expanded the types of lobbying that would trigger a registration requirement for the lobbyist. During 2023, twelve (12) lobbying registrations were submitted.

The Commission will continue to include its Lobbying policy as part of the Ethics policies that are shared as links in the section below. Updated reporting requirements are also posted on the agency's website. A new public-facing Lobbying Registration Portal has been designed and is currently undergoing beta-testing to provide real-time registration information. The final version should go live by July 1, 2024.

III. Ethics Regulations.

The Commission has promulgated following ethics-related regulations which are accessible through the links below:

- [Commission Practice 1-31 - Organizations and Functions of the Audit Committee and Office of the Inspector General](#)
- [Commission Practice 2-24, Code of Ethics](#)
- [Commission Practice 3-31 - Fraud, Waste, and Abuse](#)
- [Commission Practice 4-10 - Purchasing Policy](#)
- [Commission Practice 5-61 - Lobbying Disclosure](#)
- [Commission Practice 6-10 - M-NCPPC Vehicle Use Program](#)
- [Commission Practice 6-13 - Electronic Communications Policy](#) and accompanying [Administrative Procedures 12-01 - Mobile Technology](#)
- [Commission Practice 6-52 - Use of Commission Facilities by the Public and Staff](#)

Mses. and Messrs. Jackson, Madaleno, Michaelson, and Jenkins
Re: Ethics Report
April 3, 2024
Page 6

IV. Conclusion.

We hope the information provided in this report is informative and welcome any comments you have. Please feel free to contact us if you have any questions or concerns.

Sincerely,

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

William Spencer
Acting Executive Director

Enclosures

cc: The Maryland-National Capital Park and Planning Commission
M-NCPPC Audit Committee
Gavin Cohen, Secretary-Treasurer
Debra S. Borden, General Counsel
Miti Figueredo, Director, Montgomery County Parks Department
Bill Tyler, Director, Prince George's County Department of Parks and Recreation
Lakisha Hull, Director, Prince George's County Planning Department
Jason Sartori, Director, Montgomery County Planning Department
Renee Kenney, Inspector General
Jennifer K. Allgair, Executive Director, Maryland State Ethics Commission