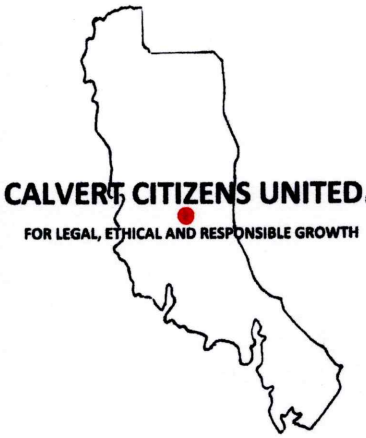

CALVERT CITIZENS UNITED, INC.

P. O. BOX 1018
HUNTINGTOWN, MARYLAND 20639

April 1, 2024

Mr. Chairman, Madam Vice Chair and Members of the Committee,

Thank you for your consideration of CALVERT CITIZENS UNITED'S HOUSE BILL 834. This bill has the unanimous, bipartisan, support of the Southern Maryland Legislative Delegation and the Calvert County Commissioners.

As you consider the adoption of HB 834, I'd like to give you a clear understanding why its adoption is imperative to the citizens of Calvert County.

The following quotes are from the Calvert County Ethics Commission's document titled; Findings of Fact and Conclusions, page 8 and 9. Which is included in my supporting documents packet, sent to you by email.

During the 2040 Comprehensive Plan process, the expansion of the geographical boundaries of the county's Huntingtown Town Center was being considered. The Commissioners were given two options, A and B. Option B included the addition of two pieces of property owned by one County Commissioner, which he improperly voted for. His vote would have a direct or indirect financial impact on the Commissioner.

Following the Ethics Commission's investigation the Commission enclosed their Findings of Fact and Conclusion document in the Letter of Censure and Cease and Desist which was sent to the Commissioner, December 15, 2020.

The Findings of Fact Section III Conclusion states:

"Having found that Commissioner McConkey violated the Ethics Code as alleged, the Ethics Commission adopts the strongest course of action within its authority by issuing a Letter of Censure and ordering Commissioner McConkey to cease and desist from any further violations of Section 41-13.

The Ethics Commission issues the Letter of Censure, rather than a milder Letter of Reprimand, in light of the apparent premeditated nature of the violation. Commissioner McConkey's vote did not occur in a vacuum; instead, he participated only after his previous abstention caused Option B to fail, and despite significant public interest and criticism that his participation would violate the County's conflict of interest rules.

At no point did Commissioner McConkey seek the Ethics Commission's guidance or approval regarding his vote. Instead, he requested a nonbinding opinion letter from the County Attorney, which Commissioner McConkey voluntarily produced to the Ethics Commission in advance of the October 14 hearing. That letter, dated one day prior to his August 6 vote to adopt Option B, makes clear that Commissioner McConkey and the County Attorney anticipated that the Ethics Commission would find a conflict of interest in the matter, as it both identifies that possibility and sets forth his best arguments in Commissioner McConkey's defense.

In doing so, it appears that Commissioner McConkey determined to "paper up" his vote in advance, so as to place himself in the best position possible to defend against any subsequent complaints or action by this body rather than make a good faith effort to comply with the law.

If the Ethics Code has any meaning, it must stop elected officials from voting on matters in which they have a conflict of interest. The vote for Option B might have been the right choice from a policy perspective; it might not have been. We take no position in that regard. Our concern is that Commissioner McConkey had a conflict of interest, knew about that conflict of interest, and voted anyway. On that, our position is clear: Commissioner McConkey violated the Ethics Code by participating in that vote."

It should be noted that the Maryland Court of Special Appeals upheld the ruling of the Ethics Commission, in that Commissioner McConkey committed a "textbook Conflict of Interest" and The Maryland Supreme Court denied and dismissed Commissioner McConkey's attempt to overturn the lower court's ruling.

Clearly the threat of being censured was not enough to deter Commissioner McConkey from voting on his own property. What's worse is that in his attempt to dodge the consequences of his actions, the Commissioner made a conscious effort to destroy the personal and professional reputation of the Chair of the Ethics Commission to achieve his goal of self-enrichment.

Therein lies the need for House Bill 834.

Thank you again for this opportunity to testify before you and we respectfully ask that you support the citizens of Calvert County by endorsing House Bill 834

Susan Dzurec
Vice President,
Calvert Citizens United, Inc.