



**Committee:** Directly to Council  
**Committee Review:** N/A  
**Staff:** Marlene Michaelson, Executive Director  
**Purpose:** Receive briefing and have discussion – no vote expected  
**Keywords:** Ethics Commission, Proposal to Cure, Andrew Klein

AGENDA ITEM #3  
July 28,2020  
**Discussion**

## SUBJECT

Discussion with Ethics Commission Representatives on the Proposal to Cure submitted by Andrew Kleine, Chief Administrative Officer

## EXPECTED ATTENDEES

Rahul Goel, Chair, Ethics Commission  
Robert Cobb, Executive Director

## DESCRIPTION/ISSUE

This discussion will provide the Council with an opportunity to understand the Ethics Commission review of potential ethics violations by Chief Administrative Officer Andrew Kleine and the resulting Proposal to Cure, which was accepted by the Ethics Commission.

## SUMMARY OF KEY DISCUSSION POINTS

- Ethics Commission representatives have been asked to:
  - Provide a chronology of the investigation and resolution.
  - Explain the process by which a person responsible for a violation can “propose a cure to the Commission to remedy the possible violation”. If the Commission accepts the proposal, upon satisfaction of the terms of the proposal, Commission staff can close the matter.
  - Summarize the key elements of the Proposal to Cure.
- Staff recommends that ethics training conducted or supervised by Ethics Commission staff be mandatory for all County employees.

### **This report contains:**

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Discussion

MEMORANDUM

July 23, 2020

TO: County Council

FROM: Marlene Michaelson, Executive Director

SUBJECT: Discussion: Ethics Commission Receipt of Proposal to Cure

On July 1, 2020, the Ethics Commission published their acceptance of a proposal to cure possible violations of the Ethics law submitted by Andrew Kleine, the Chief Administrative Officer for the Executive Branch. This discussion with the Chair of the Ethics Commission and its Executive Director will provide the Council with an understanding of the process and an opportunity to ask questions. **The Ethics Commission is independent of the Council and the Council has no role in issues that are considered by the Commission and no authority to reverse or modify the Commission's decisions.** Nonetheless, in its oversight role, Councilmembers have asked for a better understanding of the process and specific decisions related to Mr. Kleine. The Proposal to Cure Possible Violation of the Ethics Law and a Report from the County's Inspector General on this matter can be found on the Ethics Commission website at:

<https://www.montgomerycountymd.gov/Ethics/Resources/Files/docs/Proposed%20Cure%20and%20Redacted%20IG%20Report%20-%20Kleine%20FINAL.pdf>

Staff has asked Commission representatives to present the following information to the Council:

- A chronology of the investigation and resolution
- An explanation of the process by which a person responsible for a violation can “propose a cure to the Commission to remedy the possible violation”. If the Commission accepts the proposal, upon satisfaction of the terms of the proposal, Commission staff can close the matter.
- Summarize the key elements of the proposal to cure.

While neither the Inspector General nor the Ethics Commission identified any changes in process to prevent a similar situation from happening again, clear understanding of the Ethics law is critical for all County employees, and Staff recommends that ethics training conducted or supervised by the Ethics Commission staff be mandatory for all County employees.