



## Washington Suburban Sanitary Commission Work Session Fact Sheet

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**Project/Contract Name:** WSSC's CY 2009 Annual Ethics Report

**Project/Contract No.:** N/A

**Responsible Team and Group:** Internal Audit Office

**Team Chief/Group Leader/Project Manager:** Maxene M. Bardwell

**Project/Contract Scope:**

The WSSC's Annual Ethics Report is required under the MD Annotated Code, State Government Article, Title 15, Subtitle 8, Part III applicable to bi-county agencies and the WSSC Code of Ethics. Section 2-10 "Annual Report" of the Code requires an Annual Report to the counties informing them of the Conflict of Interest cases filed with WSSC and the Lobbyists registered with the WSSC.

April 21, 2010

The Honorable Isiah Leggett  
Montgomery County Executive  
Executive Office Building  
101 Monroe Street, 2<sup>nd</sup> Floor  
Rockville, MD 20850

Re: Washington Suburban Sanitary Commission's CY 2009 Annual Ethics Report

Dear County Executive Leggett,

Enclosed is Washington Suburban Sanitary Commission's (WSSC) CY 2009 (calendar year) Annual Ethics Report required under Maryland Annotated Code, State Government Article, Title 15, Subtitle 8, Part III, applicable to bi-county agencies, concerning regulations pertaining to conflicts of interest, financial disclosure, and lobbying registration and reporting. The Washington Suburban Sanitary Commission's Code of Ethics, Section 2-10 Annual Reporting requires an Annual Report to the counties that lists the Conflict of Interest cases filed with WSSC and the Lobbyists registered with the WSSC.

Should you have any questions, please feel free to contact me or Maxene M. Bardwell, WSSC Internal Audit Manager at 301-206-8300.

Sincerely,

Gene W. Counihan  
Chair

Enclosure

Originals sent to:

The Honorable Jack B. Johnson  
The Honorable Nancy Floreen  
The Honorable Thomas E. Dernoga

cc: Commissioners  
Maxene Bardwell, Internal Audit Manager  
Suzanne S. Fox, State Ethics Commission

April 21, 2010

The Honorable Jack B. Johnson  
Prince George's County Executive  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

Re: Washington Suburban Sanitary Commission's CY 2009 Annual Ethics Report

Dear County Executive Johnson,

Enclosed is Washington Suburban Sanitary Commission's (WSSC) CY 2009 (calendar year) Annual Ethics Report required under Maryland Annotated Code, State Government Article, Title 15, Subtitle 8, Part III, applicable to bi-county agencies, concerning regulations pertaining to conflicts of interest, financial disclosure, and lobbying registration and reporting. The Washington Suburban Sanitary Commission's Code of Ethics, Section 2-10 Annual Reporting requires an Annual Report to the counties that lists the Conflict of Interest cases filed with WSSC and the Lobbyists registered with the WSSC.

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Suzanne S. Fox, State Ethics Commission

April 21, 2010

The Honorable Nancy Floreen  
Council President  
Montgomery County Council  
100 Maryland Avenue, 6<sup>th</sup> Floor  
Rockville, MD 20850

Re: Washington Suburban Sanitary Commission's CY 2009 Annual Ethics Report

Dear Council Member Floreen,

Enclosed is Washington Suburban Sanitary Commission's (WSSC) CY 2009 (calendar year) Annual Ethics Report required under Maryland Annotated Code, State Government Article, Title 15, Subtitle 8, Part III, applicable to bi-county agencies, concerning regulations pertaining to conflicts of interest, financial disclosure, and lobbying registration and reporting. The Washington Suburban Sanitary Commission's Code of Ethics, Section 2-10 Annual Reporting requires an Annual Report to the counties that lists the Conflict of Interest cases filed with WSSC and the Lobbyists registered with the WSSC.

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The Honorable Thomas E. Dernoga

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Maxene Bardwell, Internal Audit Manager  
Suzanne S. Fox, State Ethics Commission

April 21, 2010

The Honorable Thomas E. Dernoga  
Chairperson, Prince George's County Council  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

Re: WSSC's CY 2009 Annual Ethics Report

Dear Council Chairperson Dernoga:

Enclosed is Washington Suburban Sanitary Commission's (WSSC) CY 2009 (calendar year) Annual Ethics Report required under Maryland Annotated Code, State Government Article, Title 15, Subtitle 8, Part III, applicable to bi-county agencies, concerning regulations pertaining to conflicts of interest, financial disclosure, and lobbying registration and reporting. The Washington Suburban Sanitary Commission's Code of Ethics, Section 2-10 Annual Reporting requires an Annual Report to the counties that lists the Conflict of Interest cases filed with WSSC and the Lobbyists registered with the WSSC.

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Sincerely,

Gene W. Counihan  
Chair

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The Honorable Jack B. Johnson  
The Honorable Isiah Leggett  
The Honorable Nancy Floreen

cc: Commissioners  
Maxene Bardwell, Internal Audit Manager  
Suzanne S. Fox, State Ethics Commission

**WASHINGTON SUBURBAN SANITARY COMMISSION**  
**BOARD OF ETHICS**  
**2009 ANNUAL REPORT**

**Members:**

**Steven J. Hausman, Chair**

**Robert J. Moore**

**George E. Pruden, II**

**Rachel B. Brown, Alternate Member**

## WSSC'S CY 2009 Annual Ethics Report

This report covers conflicts of interest matters that were addressed by the Washington Suburban Sanitary Commission's (WSSC) Board of Ethics, as well as lobbying registration and reporting.

The current WSSC Board of Ethics members are Steven J. Hausman (Montgomery County), Robert J. Moore (Prince George's County), George E. Pruden, II, (Prince George's County), and Rachel B. Brown, Alternate Member, (Montgomery County). The Board added a new member due to the expiration of Mr. William Walton's term in September 2009. Mr. Pruden was selected as a regular member to replace Mr. Walton and Ms. Brown was selected as the Alternate member to replace Mr. Pruden. The Board of Ethics convened twelve times during 2009 to consider and review requests for advisory opinions, complaints, and other matters. During the year, the Board of Ethics issued four (4) Advisory Opinions on conflict of interest topics. The Board granted one Request for a Waiver. The Board received four (4) Complaints. Attached is a summary of each Advisory Opinion, Complaint, and Waiver (Appendix A).

Additionally, the Code of Ethics requires an individual to register as a lobbyist, if they are compensated to influence executive or administrative actions by WSSC. Attached is a summary of the Lobbyist Expenditures as reported on the WSSC Lobbyist Activity Report (Appendix B).

**CY 2009  
BOARD OF ETHICS  
ADVISORY OPINION REQUESTS**

Advisory Opinion #	Date Received	Issue	Regulation Involved	Status/Final Determination
A-09-01	01/28/09	Whether a WSSC customer who works for a company that does business with WSSC may serve on WSSC's Customer Advisory Board?	Code of Ethics § 5-1(b)	Advisory Opinion issued on 03/12/09 and posted to the WSSC website.
A-09-02	05/01/09	Request for recommended procedure for donating discarded WSSC paper to non-profit organizations.	None	Referred to WSSC Management; No opinion issued.
A-09-03	06/08/09	Whether the Code of Ethics requires that a person be disqualified from eligibility for a position at WSSC for the sole reason that the person's relative is employed in a position over which the person may exercise control?	Code of Ethics § 3-4(d)	Advisory Opinion issued on 07/09/09 and posted to the WSSC website.



**CY 2009  
BOARD OF ETHICS  
ADVISORY OPINION REQUESTS**

<b>Advisory Opinion #</b>	<b>Date Received</b>	<b>Issue</b>	<b>Regulation Involved</b>	<b>Status/Final Determination</b>
A-09-04	10/06/09	Whether WSSC's proposed Bill Roundup program to benefit the WSSC Water Fund violates Section 3-6 of the Code of Ethics?	Code of Ethics § 3-6(a)	Advisory opinion issued on 12/10/09 and posted to the WSSC website.
A-09-05	11/20/09	Whether the Code of Ethics prohibits an employee from seeking part-time employment as a real estate agent?	Code of Ethics § 3-2	Advisory opinion issued on 01/14/10 and posted to the WSSC website.

**CY 2009  
BOARD OF ETHICS  
COMPLAINT REQUESTS**

<b>Complaint #</b>	<b>Date Received</b>	<b>Issue</b>	<b>Regulation (s) Involved</b>	<b>Status/Final Determination</b>
C-09-01	01/02/09	WSSC Customer alleges that a WSSC employee harassed the customer using a WSSC-issued cellular phone.	Code of Ethics § 3-4	Complaint withdrawn by the WSSC Customer on 01/15/09.
C-09-02	04/27/09	Alleged violations of the Code of Ethics related to employee ownership/involvement in a plumbing business regulated by WSSC.	Multiple Sections of Articles 3 and 4 of the Code of Ethics.	Hearing held on 9/10/09 and opinion issued on 11/6/09. Summary of opinion issued on 2/25/10 and posted to the WSSC website.
C-09-03	05/21/09	Allegation that a WSSC employee is steering contract opportunities.	Code of Ethics § 4-2	Pending
C-09-04	08/19/09	Anonymous Complaint alleging that a WSSC employee was utilizing a WSSC vehicle to transport WSSC scrap material to his home for personal use.	Code of Ethics § 3-4	Complaint dismissed by the Board of Ethics at is meeting held on 04/08/10.

**CY 2009  
BOARD OF ETHICS  
WAIVER REQUESTS**

<b>Waiver #</b>	<b>Date Received</b>	<b>Issue</b>	<b>Regulation Involved</b>	<b>Status/Final Determination</b>
W-09-01	05/18/09	Employee request for waiver of Code of Ethics section that prohibits employment with an entity that does business with WSSC.	Code of Ethics § 3-2(b)	Waiver Granted on 7/9/09 and opinion posted to the WSSC website.

CY 2009

Attachment B

**LOBBYIST EXPENSES FOR EACH COMPANY  
AS REPORTED ON THE WSSC LOBBYIST ACTIVITY REPORT**

	<b>LOBBYIST</b>	<b>COMPANY</b>	<b>DATE OF REGISTRATION</b>	<b>REPORTING PERIOD</b>		<b>Total</b>
				<b>1/01/09 thru 6/30/09</b>	<b>7/01/09 thru 12/31/09</b>	
1	L. Hoover	Apartment & Office Bldg. Assoc. of Metropolitan Wash.	11/12/2003	\$ 6,649	\$ 6,281	\$12,930.32
2	N. Greenbaum	Arcola Investment Associates	2/4/2004	\$0.00	\$0.00	\$0.00
3	N. Greenbaum	Artery Group - Cancellation of SEPs	4/28/2009	\$2,730.25	\$4,094.50	\$6,824.75
4	N. Greenbaum	Atapco/Steeplechase	9/14/2009	\$0.00	\$3,315.00	\$3,315.00
5	N. Greenbaum	Bethel Deliverance Outreach Ministries, Inc.	1/16/2007	\$0.00	\$0.00	\$0.00
6	K. Maloney	Calgon Carbon	9/20/2006	\$0.00	\$0.00	\$0.00
7	N. Greenbaum	Dr. Lee/Dr. Butman	11/20/2008	\$195.00	\$0.00	\$195.00
8	N. Greenbaum	Forest City	7/16/2007	\$9,330.00	\$1,045.00	\$10,375.00
9	N. Greenbaum	Gelman Management Company	10/20/2008	\$0.00	\$0.00	\$0.00
10	N. Greenbaum	Kyle Drefke	9/18/2009	\$0.00	\$680.00	\$680.00
11	N. Greenbaum	LCOR White /Flint	3/6/2008	\$8,092.50	\$3,510.00	\$11,602.50
12	S. Sidh	M. Luis Construction	3/13/2009	\$0.00	\$0.00	\$0.00
13	N. Greenbaum	Natelli Communities	12/2/2003	\$0.00	\$0.00	\$0.00
14	N. Greenbaum	NNP II - Clarksburg LLC	8/15/2008	\$4,090.00	\$97.50	\$4,187.50
15	N. Greenbaum	Patriot Group - Wheaton Safeway	1/25/2010	\$0.00	\$1,657.50	\$1,657.50
16	N. Greenbaum	Stamar Management LLC	8/26/2009	\$0.00	\$4,875.00	\$4,875.00
17	N. Greenbaum	Utility Finding LLC	12/2/2008	\$0.00	\$0.00	\$0.00
		<b>Total Compensation and Expenses</b>		<b><u>\$31,086.86</u></b>	<b><u>\$25,555.71</u></b>	<b><u>\$56,642.57</u></b>

**LOBBYIST REGISTERED WITH WSSC WHO DID NOT  
FILE REPORTS IN CY 2009**

	<b>LOBBYISTS</b>	<b>COMPANY</b>	<b>DATE OF REGISTRATION</b>
1	N. Greenbaum	The Artery Group	1/30/2004
2	N. Greenbaum	Miller and Smith	11/18/2003
3	N. Greenbaum	The Artery Group - Crabbs Branch Way	8/10/2006

bcc: Corporate Secretary, (C. Bundy)  
Associate Counsel, (H. Ashbury)  
Board of Ethics Members  
Office File