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PRE-COMPLAINT DISPOSITION AGREEMENT STATE ETHICS  
COMMISSION

This Agreement, made this 2nd day of December, 2014, by and between Mary Ann Shortall and William J. Colquhoun, Esq., Staff Counsel to the State Ethics Commission (hereinafter "Staff Counsel").

The State Ethics Commission ("the Commission") is the executive agency of the State of Maryland established by Chapter 513, Acts 1979 for the purpose of enforcing the Maryland Public Ethics Law (General Provisions Article, Title 5, Annotated Code of Maryland, hereinafter "the Public Ethics Law") including the provisions of Subtitle 5, Conflicts of Interest.

AGREED STATEMENT OF FACTS

1. Mary Ann Shortall was, at all times relevant to this matter, the Clerk of the Circuit Court for Talbot County ("Clerk"). The elected Clerk is defined as a State official subject to the conflict of interest provisions of the Public Ethics Law.
2. The Clerk oversees the filing and maintaining of documents related to civil, criminal and juvenile cases, licensing, and land records.
3. On March 25, 1996, the Clerk entered into a Stipulation of Settlement Agreement with the Commission to admit that she had violated § 15-501 of the Public Ethics Law by participating in matters involving her spouse's business in her official capacity. As part of the Agreement, the Clerk was reprimanded, paid \$4,000 in lieu of potential fines, and issued and distributed a written policy to her office regarding §§ 15-501 and 15-506 of the Public Ethics Law.<sup>1</sup> The written policy stated in pertinent part that the Clerk ". . . may not participate in any matter, except in the exercise of administration or ministerial duty which does not affect the disposition or decision to the matter, if, to [her] knowledge, [her] spouse . . ." has an interest.
4. Section 5-501(a)(1) of the Public Ethics Law prohibits a State official from participating in a matter in which the official or a qualifying relative has an interest. Section 5-101(gg) of the Public Ethics Law defines "qualifying relative" as a spouse, parent, child, brother or sister. The Commission, through its published opinions, has defined "participate" as "participating as a State officer or employee in any proceeding, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise" and "matter" as "any proceeding, application, submission, request for ruling or other determination, contract, claim, case or other such particular matter" (Opinion No. 80-17). Section 5-101(t) of the Public Ethics Law defines an "interest" as "a legal or equitable economic interest that is owned or held wholly or partly, jointly or severally, or directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition."

<sup>1</sup> On October 1, 2014, the Public Ethics Law moved from the State Government Article, Title 15, to the General Provisions Article, Title 5, of the Maryland Annotated Code. Sections 15-501 and 15-506 are now 5-501 and 5-506, respectively.

5. Between January 25, 2007 and June 22, 2011, in her official capacity, the Clerk participated in matters in which she and/or her spouse had an interest. Specifically, in seven tax sale foreclosure cases where her spouse was the plaintiff, the Clerk signed either Orders of Posting or Orders of Publication or made docket entries into the office's computer tracking system. In an administrative appeal, in which both the Clerk and her spouse were appellants, she entered pleadings into the aforementioned system.
6. The Clerk fully cooperated in Staff Counsel's review of the matter.
7. The Clerk is voluntarily entering into this agreement to admit certain violations of the Public Ethics Law, to accept certain sanctions, and to resolve the matter now pending against her without the issuance of a complaint and a hearing before the Commission.

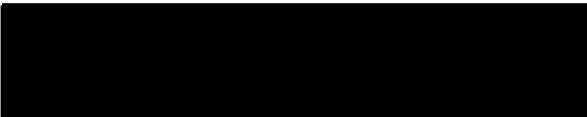
**NOW THEREFORE**, in consideration of the agreed facts contained herein, and effective on the date of the Commission's acceptance of the terms of this Agreement, Mary Ann Shortall, Clerk of the Circuit Court for Talbot County, and William J. Colquhoun, Staff Counsel, agree as follows:

- A. That the Clerk stipulates that her participation in matters related to her and her husband's interests violated § 5-501(a)(1) the Public Ethics Law.
- B. That the Clerk agrees to attend Conflict of Interest Training provided by the Commission.
- C. That the Clerk understands that violations of the conflict of interest provisions of the Public Ethics Law may result in civil fines pursuant to Section 5-902 of the Public Ethics Law. The Clerk further agrees to pay, in lieu of potential fines, the sum of \$5,000 for the above admitted violations of the law and that said sum will be paid by check or money order made payable to the State of Maryland in care of the State Ethics Commission on or before June 30, 2015. In the event that Respondent fails to pay the amount agreed to by June 30, 2015, Respondent agrees that the matter will be transferred to the Maryland State Central Collection unit for the purposes of collecting the monies owed.
- D. That the Clerk will notify Staff Counsel if either she or a qualifying relative or a business entity in which she or a qualifying relative has an interest is a party to a matter in the Circuit Court for Talbot County. In the event that this occurs Staff Counsel and the Clerk will discuss and enact a non-participation plan for that case.
- E. That the Clerk agrees to meet with Staff Counsel one year from the date of the Commission's acceptance of the Agreement for inspection of the records maintained by the Talbot County Clerk's Office; specifically, those involving an interest held by the Clerk or one of her qualifying relatives so that Staff Counsel may independently determine that the Clerk

has not participated in any matter in which she would be prohibited from acting in.

- F. That the Commission will issue a reprimand to the Clerk effective the date of the Commission's acceptance of the Agreement.
- G. That the Commission will transmit a copy of the Agreement to the Chief Judge of the Court of Appeals, the State Court Administrator, and the Administrative Judge for the Circuit Court of Talbot County.
- H. That the Clerk waives any formal proceedings in this matter if the Commission accepts the Agreement and agrees that acceptance of this Agreement by the Commission constitutes a final action and finding of violation by the Commission.
- I. That the Clerk further agrees that the Agreement and materials related to this matter are not subject to the confidentiality provisions of the Public Ethics Law and will be public information unless otherwise protected.
- J. That upon execution of this Agreement by the Clerk, Staff Counsel will recommend that the Commission suspend any further proceedings against the Clerk. Should the Clerk fail to comply with the terms of the Agreement, and after written notice is issued to her, the Commission reserves the right to open an investigation and issue a Complaint for violation of Section 5-501(a)(1) of the Public Ethics Law.
- K. That in the event the Commission declines to accept the Agreement, both the Clerk and Staff Counsel are relieved of their respective obligations hereunder, and neither this Agreement, nor any admission it may contain, shall be admissible in any subsequent proceeding by the Commission.
- L. That the Clerk and Staff Counsel are entering into this agreement for the sole purpose of resolving this matter and for no other purpose.

**IN WITNESS WHEREOF**, Mary Ann Shortall, Clerk of the Circuit Court for Talbot County, and William J. Colquhoun, Staff Counsel, State Ethics Commission, have hereunto set their hands.



William J. Colquhoun, Staff Counsel  
State Ethics Commission  
45 Calvert Street, 3<sup>rd</sup> Floor  
Annapolis, Maryland 21401  
(410) 260-7770

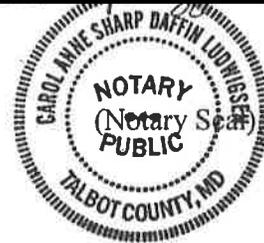


Mary Ann Shortall, Clerk of the  
Circuit Court for Talbot County

State of Maryland  
County of: Talbot, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Mary Ann Shortall, who made oath in due form of law on this 2 day of December, 2014 that the matters and facts hereinabove set forth in the Pre-Complaint Disposition Agreement are true to the best of her knowledge, information and belief, it is his voluntary act and that she executed this document for the purpose set forth herein.

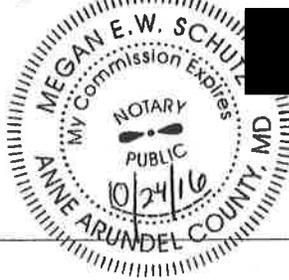
[Redacted Signature]  
Notary Public



My Commission Expires: 7/3/2017

State of Maryland,  
County of: Anne Arundel, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared William J. Colquhoun, Staff Counsel to the State Ethics Commission, who made oath on this 3<sup>rd</sup> day of December, 2014 in due form of law that he executed this agreement for the purposes therein contained.



[Redacted Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_

(Notary Seal)

Accepted by the Commission  
[Redacted Signature]

Paul M. Vettori, Chair  
for the Commission

Date: December 11, 2014