

In the Matter of

Patricia Mitchell

Respondent

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Before the

State Ethics Commission

Complaint No. C-1-14

ORDER

Having considered the Stipulation of Settlement Agreement entered into between Respondent, Patricia Mitchell, and William J. Colquhoun, Staff Counsel to the State Ethics Commission on June 26, 2014, the State Ethics Commission hereby determines that the matter complained of herein has been settled by the Respondent's execution of the Stipulation of Settlement Agreement, attached hereto and made part hereof, it is hereby

ORDERED, that the Respondent is reprimanded, and that this Order and Stipulation of Settlement Agreement are public documents and shall be transmitted to the Governor, the State Administrator of Elections, and the Chair of the Talbot County Board of Elections.

STATE ETHICS COMMISSION



Robert G. Blue, Acting Chair

Date: June 26, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2014, a copy of the foregoing Order in State Ethics Commission proceeding C-1-14, was forwarded via regular mail, postage prepaid, to the Respondent, Patricia L. Mitchell, c/o Dennis J. Farina, Esq., 17 S. Third Street, P.O. Box 189, Denton, MD, 21629, and was hand delivered to William J. Colquhoun, Staff Counsel for the State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, Maryland 21401.



Jennifer K. Allgair, General Counsel

In the Matter of:

PATRICIA MITCHELL

Respondent

Before the State Ethics Commission

Complaint No.: C-1-14

STIPULATION OF SETTLEMENT AGREEMENT

This Stipulation of Settlement Agreement (hereinafter the "Agreement") was made on the 8th day of May, 2014, between Patricia Mitchell, Respondent, and William J. Colquhoun, Staff Counsel to the State Ethics Commission ("Staff Counsel").

STIPULATIONS

1. The State Ethics Commission ("Commission") is an executive agency of the State of Maryland established for the purpose of enforcing the Maryland Public Ethics Law (Title 15, State Government Article, Annotated Code of Maryland, hereinafter the "Public Ethics Law").
2. Patricia Mitchell ("the Respondent") was, at all times relevant to this matter, the Election Director for the Talbot County Board of Elections, an executive agency of the State of Maryland, and an employee subject to the conflict of interest provisions of the Public Ethics Law.
3. In her duties as Election Director, the Respondent is responsible for appointing, upon review by the Talbot County Board of Elections, election judges and per diem casual employees to assist with conducting elections. The Respondent, as part of her duties, also requests payment for elections judges and per diem casual employees from the Talbot County Office of Finance by submitting a list of individual's names, hours worked, and amount to be paid.
4. To assist with the 2012 Presidential Election, the Talbot County Board of Elections employed, on a per diem basis, the Respondent's husband, son, sister, niece, brother-in-law, cousin, cousin's husband, and cousin's child with the full knowledge of the Talbot County Board of Elections. Some of the same individuals had been employed in prior elections by the Talbot County Board of Elections.
5. On January 8, 2014, the Commission received correspondence from an individual (the "Complainant") requesting the issuance of a complaint against the Respondent for the hiring of the aforementioned individuals to assist with the 2012 Presidential

Election. The Commission met on February 27, 2014 and authorized the issuance of the complaint. Staff Counsel was directed to conduct a preliminary investigation into the allegations contained within the complaint. Staff Counsel's preliminary investigation and statements by the Respondent confirmed that the allegations were correct as to the hiring of the aforementioned individuals.

6. Section 15-501(a)(1) of the Public Ethics Law prohibits a State employee or official from participating in a matter in which a qualifying relative has an interest. Section 15-102(gg) of the Public Ethics Law defines qualifying relative as a spouse, parent, child, brother or sister.
7. Section 15-506 of the Public Ethics Law prohibits an official from intentionally using the prestige of his or her office for the private gain of that official or that of another.
8. The Respondent has fully cooperated in Staff Counsel's review of this matter.
9. The Respondent 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 a hearing before the Commission.
10. The Respondent has been represented through these proceedings by counsel, Dennis Farina, Esq., as indicated by his signature on this Agreement.

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, Patricia Mitchell, Respondent, and William J. Colquhoun, Staff Counsel, agree as follows:

- A. That the Respondent stipulates that her participation in matters related to the hiring and payment of her husband, son, and sister violated §15-501(a)(1) of the Public Ethics Law.
- B. That the Respondent stipulates that her participation in matters related to the hiring and payment of her niece, brother-in-law, cousin, cousin's husband, and cousin's child violated §15-506 of the Public Ethics Law.
- C. That the Commission will issue an official reprimand to the Respondent for the above admitted violations of the Public Ethics Law effective the date of the date of the Commission's acceptance of this Agreement.
- D. That the Commission will transmit a copy of this Agreement to the Governor, the State Administrator of Elections, the Chair of the Talbot County Board of Elections and the Complainant.

- E. That the Respondent has agreed that she will not participate in any future matters in which a qualified relative has an interest. 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, the 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 15-102(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 the subject to an encumbrance or condition."
- F. That the Respondent agrees that none of her qualifying relatives or qualifying relatives of members of the Talbot County Board of Elections would be employed to assist in future elections.
- G. That the Respondent waives any formal proceedings and hearing in this matter, if the Commission accepts this Agreement and agrees that acceptance of this Agreement by the Commission constitutes a final action and finding of violation by the Commission.
- H. That the Respondent further agrees that this 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.
- I. That upon execution of this Agreement by the Respondent, Staff Counsel will recommend that the Commission suspend any further proceedings against the Respondent and recommend further that the Commission issue a Final Order consistent with the terms of this Agreement. Should the Respondent fail to comply with the terms of this Agreement, and after written notice is issued to her, the Commission reserves the right to issue a further order regarding this matter or to schedule a hearing in this matter.
- J. That in the event the Commission declines to accept this Agreement, both the Respondent and Staff Counsel are relieved of their respective obligations, and neither this Agreement, nor any admission it may contain, shall be admissible in any subsequent proceeding by the Commission.
- K. That the Respondent and Staff Counsel are entering into this Agreement for the sole purpose of resolving this matter and for no other purpose.

IN WITNESS WHEREOF, Patricia Mitchell, Election Director for Talbot

County and William J. Colquhoun, Staff Counsel, State Ethics Commission, have hereunto set their hands and seals.

[REDACTED]

William J. Colquhoun, Staff Counsel
45 Calvert Street, 3rd Floor
Annapolis, Maryland 21401
(410)260-7770

[REDACTED]


Patricia Mitchell

[REDACTED]

Dennis Farina, Esq.
Law Offices of Dennis J. Farina
17 South Third Street
Post Office Box 189
Denton, Maryland 21629-0189
(410) 479-3900

State of Maryland
County of: Caroline, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Patricia Mitchell, who made oath in due form of law on this 27 day of April, 2014 that the matters and facts hereinabove set forth in the Stipulation of Settlement Agreement are true to the best of his knowledge, information and belief and it is his voluntary act and that he executed this document for the purpose set forth herein.



Notary Public

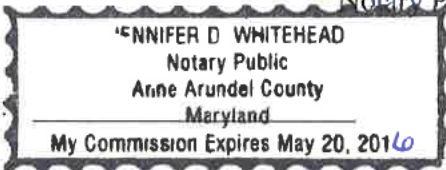
Dennis J. Farina
Notary Public State of Maryland
My Commission Expires October 7, 2016
My Commission Expires: October 7, 2016 (Notary Seal)

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 8th day of May, 2014 in due form of law that he executed this agreement for the purposes therein contained.



Notary Public

My Commission Expires:  (Notary Seal)
JENNIFER D. WHITEHEAD
Notary Public
Anne Arundel County
Maryland
My Commission Expires May 20, 2016

Accepted by the Commission



Robert G. Blue, Acting Chair
for the Commission

Date: June 26