

APR - 6 2020

PRE-COMPLAINT DISPOSITION AGREEMENT

STATE ETHICS COMMISSION

This Agreement, made this 2nd day of April, 2020, by and between James Reilly, Clerk of the Circuit Court for Harford County, and William J. Colquhoun, 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 Ethics Law") including the provisions of Subtitle 5, Conflicts of Interest.

AGREED STATEMENT OF FACTS

1. James Reilly was, at all times relevant to this matter, the Clerk of the Circuit Court for Harford County ("Clerk"). The elected Clerk is defined as a State official subject to the conflict of interest provisions of the Ethics Law.
2. The Clerk oversees the filing and maintaining of documents related to civil, criminal, and juvenile cases, licensing, and land records.
3. Section 5-506(a)(1)(i) of the Ethics Law prohibits a State employee or official from intentionally using the prestige of his or her office for his or her own private gain or that of another.
4. In June 2019, the Internal Affairs Division for the Administrative Office of the Courts ("AOC") requested that the Commission review this matter. The Commission placed this matter on the docket at its July 11, 2019 meeting, and directed Staff Counsel to conduct a preliminary inquiry. During the inquiry into this matter, the AOC staff cooperated and provided assistance to Commission staff. Staff Counsel and other Commission staff spent numerous hours reviewing documents for this inquiry.
5. The Clerk engaged in political activity transmitted through his State-issued email account using his State computer or State cell phone.
6. The prestige of office prohibition has been interpreted to mean that State employees or State officials may not use their State positions, State time, State materials, or State equipment in any way to involve people or other employees in political campaigns.
7. The Clerk has been forthright in his cooperation of Staff Counsel's review of this matter.
8. The Clerk is voluntarily entering into this Agreement to admit certain violations of the Ethics Law, to accept certain sanctions, and to resolve the matter now

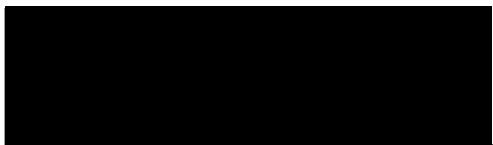
pending against him without the issuance of a complaint and a hearing before the Commission.

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, James Reilly, Clerk of the Circuit Court for Harford County, and William J. Colquhoun, Staff Counsel, agree as follows:

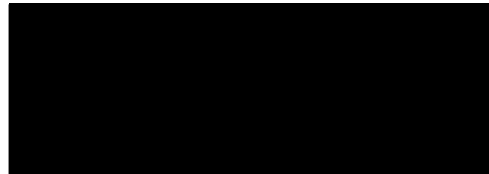
- A. That the Clerk admits that using his State computer or State cell phone to conduct political activity is a violation of the prohibition against using the prestige of one's office for their private gain or that of another contained in § 5-506(a)(1)(i) of the Ethics Law.
- B. The Clerk understands that violations of the conflict of interest provisions of the Ethics Law may result in civil fines pursuant to Section 5-902 of the Ethics Law. The Clerk further agrees to pay, in lieu of potential fines, the sum of SEVEN HUNDRED and FIFTY DOLLARS (\$750.00) for the above admitted violation of the Ethics Law and that said sum will be paid by check or money order payable to the "State of Maryland" on or before April 20, 2020. The fee shall be distributed to the Fair Campaign Financing Fund established under § 15-103 of the Fair Campaign Finance Article. If the fee is not paid, it is agreed that the matter will be transferred to the Maryland State Central Collection Unit for the purpose of collecting the monies owed.
- C. The Commission will issue a reprimand to the Clerk effective the date of the Commission's acceptance of this Agreement.
- D. The Clerk agrees that he will not use State time, title, or resources to engage in political activity.
- E. The Clerk 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.
- F. The Clerk further agrees that this Agreement and materials related to this matter are not subject to the confidentiality provisions of the Ethics Law and will be public information unless otherwise protected.
- G. 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 this Agreement, and after written notice is issued to him, the Commission reserves the right to open an investigation and issue a complaint for violation of Section 5-506 of the Ethics Law.

- H. In the event the Commission declines to accept this 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.
- I. That the Clerk and Staff Counsel are entering into this Agreement for the sole purpose of resolving the matters involved in the Commission's preliminary inquiry matter and for no other purpose.

IN WITNESS WHEREOF, James Reilly, Clerk of the Circuit Court for Harford 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, 3rd Floor
Annapolis, Maryland 21401
(410) 260-7770



James Reilly

State of Maryland
County of Harford, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared James Reilly, who made oath in due form of law on this 2nd day of April, 2020, that the matters and facts hereinabove set forth in this Agreement are true to the best of his knowledge, information and belief, that it is his voluntary act and that he executed this document for the purposes set forth herein.

[REDACTED]
Notary Public

My Commission Expires: 4-8-2023 (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 21st day of April, 2020, in due form of law that he executed this Agreement for the purposes therein contained.

[REDACTED]
Notary Public

My Commission Expires: 6-20-2021



Accepted by the Commission

[REDACTED]
Janet E. McHugh, Chair
for the Commission

Date: April 16, 2020