

APR - 2 2020

PRE-COMPLAINT DISPOSITION AGREEMENT

STATE ETHICS COMMISSION

This Agreement, made this 31st day of March, 2020, by and between Linda Settle, Chief Deputy Clerk of the 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. Linda Settle was, at all times relevant to this matter, employed by the Clerk of the Circuit Court for Harford County, and an employee subject to the conflict of interest provisions of the Ethics Law.
2. Ms. Settle is employed as the Chief Deputy Clerk. Her responsibilities include handling Human Resources issues, such as hiring and disciplining employees, approving timesheets, and budget matters. Ms. Settle also directly supervises three employees.
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. The Commission, through its published opinions, has interpreted the prestige provision to mean that State employees should not use any State resources, such as State computers, email accounts, or State time for activities unrelated to their State duties. (Op. No. 08.01).
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. Ms. Settle, in her capacity as Chief Deputy Clerk of the Clerk of the Circuit Court for Harford County, engaged in political activity transmitted through her State-issued email account using her State computer, while on the job.
6. Ms. Settle has been forthright in her cooperation of Staff Counsel's review of this matter.

7. Ms. Settle 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 her without the issuance of a complaint and a hearing before the Commission.

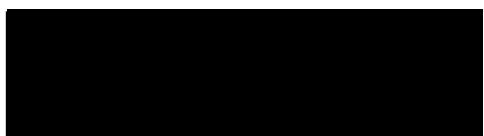
NOW THEREFORE, in consideration of the agreed facts contained herein, and effective on the date of the Commission's acceptance of the terms of this Agreement, Linda Settle and William J. Colquhoun, Staff Counsel, agree as follows:

- A. That Ms. Settle admits that using her State computer 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. Ms. Settle 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. Ms. Settle further agrees to pay, in lieu of potential fines, the sum of TWO HUNDRED FIFTY and no/100 DOLLARS (\$250.00) 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 15, 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 Ms. Settle effective the date of the Commission's acceptance of this Agreement.
- D. Ms. Settle agrees that she will not use State time, title, or resources to engage in political activity.
- E. Ms. Settle 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. Ms. Settle 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 Ms. Settle, Staff Counsel will recommend that the Commission suspend any further proceedings against Ms. Settle. Should Ms. Settle fail to comply with the terms of this Agreement, and after written notice is issued to her, the Commission

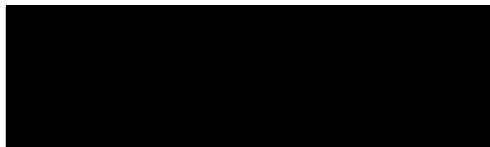
reserves the right to open an investigation and issue a complaint for violation of Section 5-506 of the Ethics Law.

- H. In the event the Commission declines to accept this Agreement, both Ms. Settle 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 Ms. Settle 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, Linda Settle, Chief Deputy Clerk, 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



Linda Settle

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 Linda Settle, who made oath in due form of law on this 31st day of March, 2020, that the matters and facts hereinabove set forth in this Agreement are true to the best of her knowledge, information and belief, that it is her voluntary act and that she executed this document for the purposes set forth herein.

[REDACTED]
Notary Public

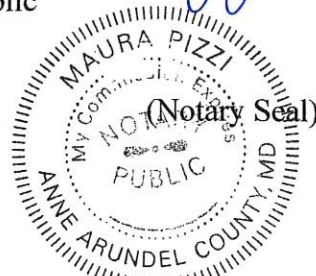
My Commission Expires: 4-8-2023 (Notary Seal)

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 (Notary Seal)



Accepted by the Commission

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

Date: April 16, 2020