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STATE ETHICS
COMMISSION

PRE-COMPLAINT DISPOSITION AGREEMENT

This Agreement, made this 7 day of February, 2014, by and between Rita Watson 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 (State Government Article, Title 15, Annotated Code of Maryland, hereinafter "the Public Ethics Law") including the provisions of Subtitle 5, Conflicts of Interest.

AGREED STATEMENT OF FACTS

1. Rita Watson was, at all times relevant to this matter, the Register of Wills for Garrett County (the "Register"). The elected Register is defined as a State official subject to the conflict of interest provisions of the Public Ethics Law.
2. The Register is responsible for appointing deputies and clerks required for the "efficient operation of [her] office," and the "appointments and compensation of deputies and clerks shall be approved by the Comptroller of Maryland" (the "Comptroller"). Md. Code Ann., Est. & Trusts Art. § 2-208(b) (Supp. 2013).
3. The Offices of the Registers of Wills of Maryland have committed to archival scanning of their county's estate records (the "Project"). The Office of the Register of Wills for Garrett County (the "Office") has employed two summer student workers to assist with the Project since 2010. In late spring of 2013, one of the two student workers who had worked on the Project the previous three summers unexpectedly chose not to return. The Register, needing a student worker as soon as possible, asked her daughter to consider filling the position.
4. The Register sought the advice of the Comptroller by telephone to determine whether her daughter could be employed by the Office. An employee of the Comptroller informed the Register that she could employ her daughter provided that there were two levels of supervision between her and her daughter.¹ On May 27, 2013, the Register wrote to the Comptroller to seek formal approval of the hiring of her daughter as a student worker. In pertinent part, the Register disclosed that the new hire "... is my daughter ... who will be supervised by two levels of supervision below me ... It is my understanding that hiring of a family member is permissible as a summer student worker with this level of supervision." Included with the letter to the Comptroller was a document signed by the Register entitled "Register of Wills Requisition for Processing Actions to

¹ The advice given was wholly incorrect, and the only appropriate authority to give advice in this area is the Maryland State Ethics Commission. The Commission and its staff provide advice to hundreds of individuals subject to the Public Ethics Law each year. Additionally, the Commission staff provides training on the provisions of the Public Ethics Law both electronically and in-person to hundreds of individuals subject to the law each year.

Comptroller's Personnel Office" signed by the Register and indicating her daughter met the qualifications for the position. On May 28, 2013, the Comptroller approved the hiring of the Register's daughter.

5. The Register's daughter was employed by the Office for the purpose of assisting with the Project from June 2013 to August 2013, during which time she was supervised by the Chief Deputy and the Deputy of the Office.
6. The Register disclosed her daughter's employment on her 2013 Financial Disclosure Statement as required by § 15-607(h) of the Public Ethics Law.
7. 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.
8. The Register fully cooperated in Staff Counsel's review of the matter.
9. The Register 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, Rita Watson, Register of Wills for Garrett County, and William J. Colquhoun, Staff Counsel, agree as follows:

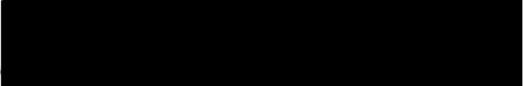
- a. That the Register stipulates that her participation in matters related to the hiring of her daughter violated § 15-501(a)(1) the Public Ethics Law.
- b. That the Commission will issue a reprimand to the Register effective the date of the Commission's acceptance of the Agreement.
- c. That the Commission will transmit a copy of the Agreement to the Governor and Comptroller.
- d. That the Register has agreed that she will not participate in any matters in which a qualifying 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, 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 subject to an encumbrance or condition.”

- e. That the Register waives any formal proceedings and hearing 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.
- f. That the Register 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.
- g. That upon execution of this Agreement by the Register, Staff Counsel will recommend that the Commission suspend any further proceedings against the Register. Should the Register 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 15-501(a)(1) of the Public Ethics Law.
- h. That in the event the Commission declines to accept the Agreement, both the Register 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 Register and Staff Counsel are entering into this agreement for the sole purpose of resolving this matter and for no other purpose.

IN WITNESS WHEREOF, Rita Watson, Register of Wills for Garrett 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


Rita Watson, Register of Wills for
Garrett County

State of Maryland
County of: GARRETT, to wit:

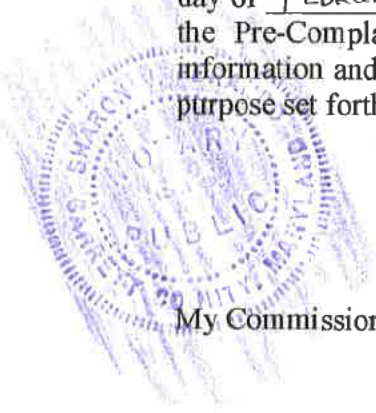
Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Rita Watson, who made oath in due form of law on this day of FEBRUARY 3, 2014 that the matters and facts hereinabove set forth in the Pre-Complaint Disposition Agreement are true to the best of 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: 10/31/2014

(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 7 day of February, 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: February 27, 2014