

Luzerne County
Accountability, Conduct, and Ethics Commission
March 2012 – March 2013

History

The Accountability, Conduct, and Ethics Commission (ACE Commission) and the Accountability, Conduct, and Ethics Code (Ethics Code) were creations out of the Luzerne County Home Rule Charter as means to assist in the goal of accomplishing good government to serve the citizens of Luzerne County. The Home Rule Charter requires that the County Manager, the District Attorney, and the Controller be members of the ACE Commission. In addition the Home Rule Charter requires two citizen members – one from each major political party in the County – be chosen by the Luzerne County Council to serve on the Commission. Council vice chair, Ms. Linda McClosky Houck, chaired the search committee. All applicants for citizen membership on the ACE Commission were interviewed by Ms. Houck before the entire Council. Archbishop Bruce J. Simpson was selected as the Democratic member and Dr. Margaret Monahan Hogan was selected as the Republican member. The terms of the first two citizen members were determined by lot. Dr. Hogan drew a two year term which resulted in a four year term for Archbishop Simpson.

The five members of the ACE Commission – County Manager, Robert C. Lawton, District Attorney Stefanie A. Salavantis, County Controller, Walter L. Griffith, Jr., and citizen members Archbishop Bruce J. Simpson and Dr. Margaret M. Hogan – were sworn in by Judge Richard M. Hughes III on March 5, 2012. On April 2, 2012, the ACE Commission accepted the resignation of Archbishop Simpson; forwarded the resignation to Council; and requested a replacement. He was replaced by Dr. Vito A. Forlenza who was sworn in by Judge Michael T. Vough on April 30, 2012. The Ethics Code became effective on May 25, 2012 and it was posted on the ACE website on the Luzerne County website on that date.

In the first calendar year of its operation (March 5, 2012 – December 31, 2012) the Commission received twelve (12) complaints. The processing of ten (10) of the complaints was completed by dismissal of the complaints. The final determination of 2012.8 and 2012.12 was incomplete at the close of the calendar year 2012.

1. Complaint 2012.1 – Alleged Violation: Ethics Code 103.04 B1

Dismissed: Code not in effect at time of initiation of action

Section 103.04 B1

Serving the best interests of the public at all times with the recognition that this is the chief function of government.

2. Complaint 2012.2 – Alleged Violation: Ethics Code 103.04 A and B

Dismissed: Code not in effect at time of initiation of action

Section 103.04 Standards of Conduct

All Covered Persons shall set and follow an example of proper conduct that shall include the following:

A. Honor and Integrity: *Dedicate themselves to the highest ideals of honor and integrity in all public relationships in order to merit the respect and confidence of Covered Persons and the public.*

B. Serve the Public Interest

1. Serve the best interests of the public at all times with the recognition that this is the chief function of government.

2. Seek to employ efficient and economical ways of accomplishing necessary tasks and functions.

3. Complaint 2012.3 – Alleged Violation: Ethics Code 103.04 O Discrimination and P Whistle-Blowing

Dismissed: Respondent displayed reasonable managerial judgment

Section 103.04 O: Discrimination

No Covered Person shall, in any way, engage in discrimination on the basis of race, religion, creed, national origin, age, disability, sexual orientation, or gender, or shall any official or employee engage in any actions which are oppressive or which constitute harassment.

Section 103.04 P: Whistle-blowing

1. Every Covered Person is encouraged to disclose any information which he or she believes evidences a violation of any law, rule or regulation.

2. Every Covered Person is encouraged to disclose any information which he or she believes evidences a clear misuse or waste of County funds, or an abuse of official authority, or which can result in a substantial and specific danger to the public's health or safety.

3. No Covered Person shall be penalized for, nor take any action to punish another, for whistle-blowing. No County Officer or appointee may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste. No County Officer or appointee may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee is requested by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.

4. Complaint 2012.4 – Alleged Violation: Ethics Code 103.04 O

Dismissed: alleged violation was remedied by amendment to Administrative Code.

Section 103.04 O: Discrimination

No Covered Person shall, in any way, engage in discrimination on the basis of race, religion, creed, national origin, age, disability, sexual orientation or gender, or shall any

official or employee engage in any actions which are oppressive or which constitute harassment.

5. Complaint 2012.5 – Alleged Violation: Ethics Code Section 103.04 F4

Dismissed: The findings of the ACE Commission were determined by two factors: (1) no action, either direct or indirect, on the part of the respondent determined the distribution of funds to a particular agent whose services are utilized by the funds allocated to MH/MR and (2) the Ethics Code of Luzerne County was not in effect at the time of the budget vote.

Section 103.04 F1: Private Business/Financial Interests; Exerting Improper Influence

4. No Covered Person shall attempt to influence the course of proposed County Council legislation in which he or she, or a family member or business associate, has a present or potential conflict of interest or private interest, direct or indirect.

6. Complaint 2012.6 – Alleged Violation of Home Rule Charter and Administrative Code

Dismissed: No violation of the Ethics Code alleged

7. Complaint 2012.7 – Violation Ethics Code: Section 103.04 O

Dismissed: No violation of Ethics Code found

Section 103.04 O: Standards of Conduct, Discrimination

No Covered Person shall, in any way, engage in discrimination on the basis of race, religion, creed, national origin, age, disability, sexual orientation or gender, or shall any official or employee engage in any actions which are oppressive or which constitute harassment.

8. Complaint 2012.8 – Alleged Violation Ethics Code: Section 103.04 F

In Progress

Section 103.04 F: Private Business/Financial Interests; Exerting Improper Influence

3. No Coroner, while engaged in county business, shall solicit, discuss, or accept business for a funeral home that he or she is associated with, directs, or works for; no Coroner shall recommend funeral home services to anyone while engaged in county business.

9. Complaint 2012.9 – Alleged Violation: Ethics Code: Section 103.04 B1

Dismissed: Section 103.04 B1 must be read in conjunction with 103.04 B2

Section 103.04 B1 and 2: Service in the Public Interest

1. Serving the best interests of the public at all times with the recognition that this is the chief function of government.

2. Seeking to employ efficient and economical ways of accomplishing necessary tasks and functions.

10. Complaint 2012.10 – Alleged Violation: Ethics Code Sections 103.04 A; 103.04 N and 103.01 A

Dismissed: No violation of the Ethics Code. The position of the respondent in the polling place was accidental and inadvertent.

Section 103.01 A

A. All Covered Persons will be held accountable for adherence to the standards set forth in the Ethics Code. In matters of ethical dilemmas and conduct not covered under this Code, all Covered Persons are expected always to reflect on and serve what they believe to be in the public interest and not to serve personal interests and gain.

Section 103.04 A

A. Honor and Integrity

Dedicating themselves to the highest ideals of honor and integrity in all public relationships in order to merit the respect and confidence of Covered Persons and the public.

Section 103.04 N2: Political Activity

No Covered Person shall use the authority or influence of his or her office for the purpose of interfering with the result of an election.

11. Complaint 2012.11 – Alleged Violations Ethics Code: Sections 101.01, 103.02, 103.04 A, 103.04 O, 103.04 P

Dismissed: no violation of the Ethics Code found

Section 101.01 Preamble

The proper function of the governance of Luzerne County requires (1) that public officials and employees be competent, independent, honest, impartial and responsible to the public; (2) that governmental decisions and policies be made in the appropriate channels of County governmental structures; (3) that public office not be used for public gain; and (4) that the public have confidence in the integrity of the County government, its employees, and its officials. To accomplish these ends the Accountability, Conduct and Ethics Code (hereinafter the Ethics Code) and Accountability, Conduct, and Ethics Commission of Luzerne County (hereinafter ACE Commission) were established.

Section 103.02 General Ethical Obligations

A. All Covered Persons will be held accountable for adherence to the standards set forth in the Ethics Code. In matters of ethical dilemmas and conduct not covered under this Code, all Covered Persons are expected always to reflect on and serve what they believe to be in the public interest and not to serve personal interests and gain.

Section 103.04 Standards of Conduct

All Covered Persons shall set and follow an example of proper conduct that shall include the following:

A. Honor and Integrity

Dedicating themselves to the highest ideals of honor and integrity in all public relationships in order to merit the respect and confidence of Covered Persons and the public.

O. Discrimination

No Covered Person shall, in any way, engage in discrimination on the basis of race, religion, creed, national origin, age, disability, sexual orientation, or gender, or shall any official or employee engage in any actions which are oppressive or which constitute harassment.

P. Whistle-blowing

1. Every Covered Person is encouraged to disclose any information which he or she believes evidences a violation of any law, rule or regulation.
2. Every Covered Person is encouraged to disclose any information which he or she believes evidences a clear misuse or waste of County funds, or an abuse of official authority, or which can result in a substantial and specific danger to the public's health or safety.
3. No Covered Person shall be penalized for, nor take any action to punish another, for whistle-blowing. No County Officer or appointee may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste. No County Officer or appointee may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee is requested by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.
4. Every Covered Person is encouraged to expose corruption wherever discovered.

12. Complaint 2012.12 - Alleged Violation: Ethics Code: Section 103.04 B1

In Progress

Section 103.04 B1 and 2: Service in the Public Interest

1. Serving the best interests of the public at all times with the recognition that this is the chief function of government.
2. Seeking to employ efficient and economical ways of accomplishing necessary tasks and functions.

Summary of Type of Violations

Serving the Public Interest (4)

Discrimination (4)

Honor and Dignity (3)

Whistle-Blowing (2)

Private Business/Financial Interest – Exerting Improper Influence (2)

General Ethical Obligations (2)

Standards of Conduct (1)

Preamble (1)

Violation of the Home Rule Charter (1)

Violation of the Administrative Code (1)

Political Activity (1)

Problems – Major

While the Ethics Code and the ACE Commission were conceived with good intentions and hard work to assist in the task of creating government free of corruption in Luzerne County, the actual working of the Code and the Commission has not been unproblematic. Resistance to the Code has been widespread. And from the beginning members of the Commission saw problems with the Code and sought to change the Code. Council reacted initially as authors and holders of the Code. Over time some members of the Commission and some members of the Council have been working together to improve the Ethics Code while the ACE Commission tried to work with the Code. This work will continue.

The first problem with the Ethics Code and the ACE Commission lies with the conceptualization of the Commission and its work. The Commission is not a legislative body; it is not a judicial body, and it does not have executive functions. Nonetheless it has been expected to perform as a judicial body with all the legal trappings and requirements but with none of the support of a judicial body. Conceived this way, the ordinary citizen who brings a complaint before the Commission may quickly disappear before the financial power of the respondent to purchase legal services. Conceived this way, procedural objections may make it impossible to ever respond to the substance of the complaint, thereby the proposed remedy is impossible.

The second problem encountered by the Commission is the difficulty of dealing with the confidentiality requirements of the Ethics Code and the *Right to Know* requirements of the Pennsylvania Sunshine Laws. The result of trying to honor both simultaneously has resulted in a

convoluted practice whereby the Commission deliberated in private and then reported out its decisions and voted on the decisions at public meetings without revealing the substance of the violation. This has been frustrating both for the ACE Commission and for some of the public. The question of the application of confidentiality is in itself problematic, namely, whose identity is to be shielded from whom. To be more concrete by way of example (1) if an attorney has a complaint against a judge, how is the attorney's identity to be protected so that the work of the attorney with the judge in question is not hereinafter tainted; (2) how is the identity of the same judge to be protected if the complaint is false; (3) if a job applicant files a complaint against a prospective employer for a particular action, how is the complainant protected in future applications; (4) if a Covered Person files a complaint and is successful, how is that complainant to be protected from retaliation by the respondent.

The third problem encountered by the Commission was the requirement in the Ethics Code that all Covered Persons sign a document that they received a copy of the Code, understood its content, and agreed to abide by the Code. While approximately 57% of the cohort of Covered Persons did sign onto the Code, significant groups did not. Among the former were members who are held accountable by other professional codes, for example, engineering, social work, lawyers' Code of Professional Conduct. These Covered Persons acknowledged the Luzerne County Ethics Code and the Code of their profession which they considered a higher code. They assert that the higher Code will prevail. Among the latter, that is, those who did not sign onto the Ethics Code and publicly stated that they would not were – the entire Judiciary, the Public Defenders' Office and members of some unions. Some of the objections to signing the Code were simply objections to signing; other objections to signing onto the Code had their source in concerns about the legal standing of the Code, the legal standing of particular sections of the Code, and the procedures set forth in the Ethics Code.

Summary Report of Objections to the Ethics Code

A. The Judiciary

1. Judge Burke, President Judge Eleventh Judicial District (letter of August 24, 2012)
 - a. Code of Conduct for Employees of the Unified Judicial System (October 1, 2010); all employees of the Court have signed an acknowledgment and pledge to abide by the UJS Code
 - b. The Court of Common Pleas of Luzerne County has a Human Resource Policy and Procedure Manual which preexisted and, in some instances, goes beyond the standards contained in the UJS Code. It contains a four step disciplinary process to afford employees due process and to effectuate the enforcement of sanction within a framework of confidentiality
 - c. The Court is on a parallel track with the ACE Commission, the County Council, and the County Manager
 - d. The position of the Court is “to decline to participate in the County's program.”

2. Michael Shucosky, Acting Court Administrator (letter of September 6, 2012)
 - a. Independence of the Judicial branch of government
 - b. Comprehensive system for ethics, accountability, and workplace standards in the Code of Conduct for Employees of the Unified Judicial System and the Human Resource Policy and procedural Manual as adopted by the Court of Common Pleas for the 11th Judicial District
 - c. Request that all complaints regarding the Court and Court employees received by the ACE Commission be forwarded directly to him
- B. Office of the Public Defender (received September 4, 2012 and copied to Tim McGinley, Chair of Luzerne County Council; references prior concerns addressed May 15, 2012 and August 9, 2012 addresses to Solicitor Vito Deluca and prior communications addressed to former Council Chair James Bobeck)
 1. The office of Public Defender enjoys constitutional status as an office of county government under Article IX, section 4 of the Pennsylvania Constitution. The office of Public Defender “performs essential and core functions in the criminal justice system” necessary for the administration of justice. The status of the Office of Public Defender is further defined in the Luzerne County Charter section 6.04(B) as an “autonomous appointed official.”
 2. The ethical obligations of all lawyers, as well as support staff, are governed by the Pennsylvania Rules of Professional Responsibility. In addition, the Juvenile Unit’s social workers must also adhere to their own Professional Rules of Conduct adopted by the National Association of Social Workers.
 3. The constitutionality of the Ethics Code is a concern. Section 103.04(L) of the Code contains language which mirrors that found in the State Ethics Law, section 1103 (g). This language has been deemed unconstitutional as applied to lawyers.
 4. The Ethics Code and the Home Rule Charter provides that the District Attorney shall be a member of the ACE Commission which receives and investigates and makes findings and recommendations concerning ethics complaints. I have previously provided Attorneys Bobeck and Deluca with an advisory opinion issued by the National Association of Criminal Defense Lawyers indicating that a District Attorney cannot have any oversight over a Public Defenders Office.
 5. The ACE Commission is comprised primarily of non-lawyers who have through the exercise of their authority as Commission members a level of supervision over attorney staff within this office. The Professional Rules of Conduct prohibit lawyers allowing non-lawyers to supervise them in the performance of their duties as lawyers.
 6. Section 103.04 Standards of Conduct poses considerable problems for this office. Subsection B, Service in the Public Interest, provides that covered employees must serve in the “best interests of the public” at all times. Not only is this language vague

7. Section 103.04 (2) of the Code governing the misuse or waste of county funds may also have a chilling effect on the right of counsel.
 8. Ethical Opinion (August 23, 2012) from Ellen Yaroshefsky of Cardoza School of Law. Problems with the “Code are (1) provisions that compromise the duty of confidentiality and loyalty that the lawyer owes to the client and only the client, and (2) provisions that seek to impose supervision and control mechanisms of the defense lawyer by non-lawyers.”
- C. Memo from ADA Jim McMonagle to District Attorney Stefanie Salavantis dated August 6, 2012; received as email attachment August 21, 2012)
1. Chapter 102. There is a general reference to the "definitions and constructions" being the same as in the Home Rule Charter itself. For a document that states that one of its purposes is to be clear, that is a very vague reference to operative definitions. There should be specific references to Article sections, paragraphs, subparagraphs, etc. so the reader, employee, complainant knows exactly where to look for meanings of words and phrases.
 2. Section 103.02(A) could cause problems. The section creates a very vague amorphous standard by saying people should just act and serve what they believe to be the public interest when there is nothing specific set forth in the Code. That creates a very subjective standard that could be second guessed in the future. If it is questioned, by what standard is it reviewed and who gets to decide that my decision, made in the moment, was not appropriate under the Code. That vague section could provide opportunities for abuse for those covered by the Code and those tasked with enforcing it.
 3. I have concerns about Section 103.02(C). Does that section mean that our office has to submit the Professional Rules of Conduct (Rules) to Council for them to approve? If so, I am not sure if that is proper in that Council has no authority or jurisdiction to approve or disapprove the Rules, which are promulgated and adopted by Pennsylvania Supreme Court.
 4. The notification section, 103.03, is worded such that some could play games with the situation. The section requires each person to receive a copy of the Code, understand it,

5. Section 103.04(F) raises First Amendment issues. Specifically §103.04(F)(4) says that no Covered Person shall attempt to influence the course of proposed County legislation in which they have a present private interest. Does that mean we can no longer speak at Council meetings regarding proposed legislation? Most notably can we no longer go and speak for or against the budget? Certainly every county employee has a private interest in that particular piece of County legislation. But this section seems to quiet our voices which is improper and borders on the unconstitutional.
6. §103.04 (F)(5) and (6) seem to be already covered by the Rules and would not be enforceable against an attorney.
7. §103.04(K) may run afoul of Rule 5.6 if lawyers are involved. I know similar provisions exist in some laws for lobbyists, but what if a County Solicitor leaves and then files a PI type of case against County? Not sure if County can restrict that lawyer's practice in that way.
8. §103.04(N) regarding political activity may not be able to be applied to our office. I seem to recall a case from Montgomery County that held that only the DA could impose such restrictions on DA office employees. See *Ricci v Matthews*, 2 A.3d 1297 (Pa.Cmwlth. 2010) alloc. gr.2011, aff. by *Behr v Matthews*, 21 A.3d 1187 (Pa. 2011).
9. Section 104.02 (A) seems to fly in the face of one of the purposes of Home Rule, which was to get more citizens involved in government. Why should the membership of the ACE Commission be limited to members of a particular political party? In light of the demographics of the state and area, the two appointed members will always be from one of the two established parties in the county, Democratic or Republican. That does not seem to be fair or appropriate in light of one of the stated goals of Home Rule, which was more citizen participation.
10. I have concerns how §105.03(F) could be operative. That section says that ACE Commission will defer an investigation if any of the listed entities makes a written request. If the ACE Commission investigation is confidential, how will any of these entities know there is such an investigation? Does each of these entities now have to contact ACE Commission just in case there would be a parallel investigation? Further, §105.03(F)(1) says that written notice is to be given to the complainant and respondent of the deferment. What if the entity wants their investigation kept confidential the target/suspect? Such a situation could cause various problems with overlapping investigations.

11. The sections that detail the procedure once a complaint is filed raise some serious concerns. See Sections 105.04-105.7. Those sections do not seem to clearly define the roles of investigation, prosecution and final arbiter. It seems that the ACE Commission conducts the investigation. If a hearing is required, the ACE Commission seems to serve as prosecutor, jury and judge. Further, the respondent is permitted discovery of the material that the ACE Commission will use at the hearing. In our world and in light of the allegations of corruption in our county, does anyone really believe that a system that has one commission acting in all of the roles is appropriate? Does anyone believe that the ACE Commission won't find that a respondent violated the Code, if it had already found by a preponderance of evidence that a violation occurred?
12. A review of the flowchart, as well as the procedures themselves, raises another question. What *is* the standard the Commission must use when determining if a violation actually occurred? The document, as well as the flowchart, is silent as to the burden of proof that is required to find a violation of the Code. This is a glaring omission in a document that is purporting to impose a standard of ethical conduct on the employees of this County.

D. Unions

1. AFSCME (letter to Robert G. Lawton hand delivered 07/30/2012 from David L. Antie, Director of AFSCME District Council 87; forwarded to Solicitor Brian Bufalino; received by chair of ACE as email on August 27, 2012 as hard copy on September 10, 2012)
 - a. Union was not notified by the County that the County intended to implement the Ethics Code
 - b. County did not provide copies of the Ethics Code for the Union to review and comment
 - c. County failed to meet and discuss with the Union the table of offenses and penalties that might have an impact on the bargaining unit members
 - d. "demand that the County cease and desist from disseminating or implementing the ACE Code until the parties have had the opportunity to thoroughly review and discuss the ACE Code ..."
 - e. "County should also cease and desist from direct dealing with AFSCME Bargaining Unit members concerning matters that are inherent to the Union as the exclusive bargaining representative of such employees."
2. Teamsters (letter of August 2, 2012 from Patrick D. Connors, Principal Officer of Teamsters Local Union 401; received by chair of ACE on September 10, 2012).
 - a. Advise members to refrain from signing any document until the document has been received "by my office for review, explanation or defense of content bargained or

- b. No objection to the substance of the Ethics Code

Problems - Minor

1. What is the intention of the possibility of service by a designee for an elected member – the County Manager, the District Attorney, and the Controller – of the Commission? Is it the intention that the designee should serve only in those instances when the regular member cannot be thought to be impartial in a particular instance or could an elected member simply appoint a designee for an extended period of time?
2. What is the work and limit of the confidentiality requirement?
3. What is the work of the ACE Commission vis à vis the Council in the administration of the Code? What is the work of the ACE Commission vis à vis the County Manager in the administration of the Ethics Code?
 - a. Is it proper to understand that the Ethics Code as law depends upon the Council to amend and the ACE Commission to apply?
 - b. Is it the proper role of the ACE Commission to inform Covered Persons about the changes in the Code and receive their acknowledgment that they have received the Code and changes? Is it then the proper role of the County Manager or the designee of the manager to follow up with the appropriate disposition for failure to acknowledge the reception of the Ethics Code?
 - c. Does the ACE Commission receive the substituted Codes of Professional Conduct from the relevant groups and then forward them to the Manager who forwards them to Council?
4. Should the work of the ACE Commission include responding to requests for and maintaining records on ethical opinions on local issues? Local issues are local and require a timely response.

Support Needs - Immediate

1. Dedicated part time secretarial or administrative assistant service. A dedicated portion of a currently employed administrative assistant to record and distribute minutes, to prepare and distribute the agenda, to prepare and distribute reports, to schedule meetings and meeting places, to post documents, and to prepare and place ads when necessary
2. Dedicated space to meet and to keep files of the ACE Commission.
3. Easy access to the ACE Commission space
4. A postal box to guarantee no interference with the confidentiality of the proceedings of the ACE Commission
5. Financial support sufficient to underwrite the work of the ACE Commission.

Membership Needs - Remote

Replacement, in accord with Ethics Code 104.02 A1 and A2, of Commission member – Margaret Monahan Hogan, Ph.D. – by March 5, 2014.

Recommendations:

1. The ACE Commission be conceived as a commission
 - a. a body to receive, hear, and conduct a confidential inquiry into complaints from any citizen of Luzerne County regarding an alleged violation of the Ethics Code;
 - b. to interview the complainant, respondent, and other relevant parties to the complaint;
 - c. to make findings and recommend sanctions in regard to the alleged violation of the Ethics Code to the appropriate County authority;
 - d. to receive from the appropriate County authority a record of the disposition of the findings and the recommended sanctions
 - e. to forward to County Council a report of the findings and disposition upon completion of the process
2. The ACE Commission shall receive from all Covered Persons a signed acknowledgment of their commitment to ethical practices in government. To this end Covered Persons shall forward to the ACE Commission an acknowledgment of their commitment to ethical practices. This signed commitment may be of several forms:
 - a. a signed statement that the Covered Person has received a copy of the Ethics Code and agrees to abide by its provisions;
 - b. a signed statement that the Covered Person has received a copy of the Ethics Code, but operates under a professional code of conduct and agrees to abide by the provisions of that professional code of conduct.
3. The ACE Commission shall receive from Council the appropriate resources to administer and carry out its work.
4. The ACE Commission recommends that County Council provide an appropriate legal review of the Ethics Code to address the legal objections put forward in regard to the application of the Code.
5. County Council shall, in conjunction with the ACE Council, amend the Ethics Code.
6. The Commission should be expanded by the addition of two additional citizen members.