

**Administrative Charging Committee
Meeting Minutes
Thursday, July 27, 2023**

Members Howard Cox, Chair; Teresa Bean, Kevin Grubb, and John Shatto were present for the meeting. Member Dawn Oram was absent.

Also present were Jennifer Keefer, Deputy County Attorney, and Sarah Ambrosio, Executive Administrator, Police Accountability Board and Administrative Charging Committee.

Call to Order

Chair Cox called the meeting to order at 4:30 p.m.

Approval of Minutes from June 28, 2023.

The Committee voted unanimously to approve the Minutes for June 28, 2023.

Administrative Update

Sarah Ambrosio, Executive Administrator, provided an update to the ACC on the ACC appointment process.

Motion to go into Closed Session

Chair Howard Cox read into the record the Closing Statement for the closed session. The closing statement follows.

A motion was made at 4:37 p.m., by Teresa Bean to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b)(1) To discuss (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; §3-305(b)(7) To consult with counsel to obtain legal advice; §3-305(b)(13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter. The motion was seconded by John Shatto, which passed 4-0-1.

| ACC Members | Aye | Nay | Absent/ Abstain/ Present |
|-------------|-----|-----|--------------------------------|
| Howard Cox | X | | |
| Teresa Bean | X | | |
| Kevin Grubb | X | | |
| Dawn Oram | | | X |
| John Shatto | X | | |

*** The Committee went into closed session at 4:39 p.m.*

Public Objections for Administrative Charging Committee going into Closed Session

- None

Adjourn

The meeting adjourned at 4:38 p.m.

Frederick County Administrative Charging Committee

PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING "CLOSING STATEMENT" (General Provisions Article § 3-305)

Form to be completed before closing the meeting. May be prepared in advance.

1. Recorded vote to close the meeting
Date: 7/27/2023; Time 4:39p.m.; Location: Winchester Room;
Motion to close meeting made by: Teresa Bean Seconded by John Shatto;
Members in favor: Cox, Bean, Grubb, Shatto, Opposed: None;
Abstaining: _____; Absent: Oram
2. Statutory Authority to close session (check all that apply).
This meeting will be closed under General Provisions Article § 3-305(b) only:
 - (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
 - (2) Protect the privacy or reputation of an individual with respect to a matter that is not related to public business;
 - (3) Consider the acquisition of real property for a public purpose and matters directly related to the acquisition;
 - (4) Consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
 - (5) Consider the investment of public funds;
 - (6) Consider the marketing of public securities;
 - (7) Consult with counsel to obtain legal advice;
 - (8) Consult with staff, consultants, or other individuals about pending or potential litigation;
 - (9) Conduct collective bargaining negotiations or consider matters that relate to the negotiations;
 - (10) Discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
 - (11) Prepare, administer, or grade a scholastic, licensing, or qualifying examination;
 - (12) Conduct or discuss an investigative proceeding on actual or possible criminal conduct;
 - (13) Comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
 - (14) Discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process; or
 - (15) Discuss cybersecurity, if the public body determined that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information, or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.
3. For each provision checked above, disclosure of the topic to be discussed and the Council's reason for discussing that topic in closed session.

| Citation (insert # from above) | Topic | Reason for closed-session discussion of topic |
|--------------------------------------|--|---|
| § 3-305(b) <u>1</u> | To evaluate and discuss an investigation from a law enforcement agency related to a complaint of misconduct and consult with legal counsel to obtain legal advice. | It involves a specific law enforcement individual/officer over whom this body has jurisdiction. |
| § 3-305(b) <u>7</u> | To evaluate and discuss an investigation from a law enforcement agency related to a complaint of misconduct and consult with legal counsel to obtain legal advice. | This body may need to consult with legal counsel and obtain advice as to how to proceed. |
| § 3-305(b) <u>13</u> | To evaluate and discuss an investigation from a law enforcement agency related to a complaint of misconduct and consult with legal counsel to obtain legal advice. | This body is required by Public Safety Code §3-104(h) to maintain confidentiality relating to a matter being considered by the committee until final disposition of the matter. |
| § 3-305(b) <u> </u> | | |

4. This statement is made by Howard Cox, Presiding Officer.

SUMMARY OF CLOSED SESSION HELD ON JULY 27, 2023

1. Statement of the time, place and purpose of the closed session

Time of closed session: 4:39 p.m.

Place (location) of closed session: Winchester Room

Purpose of the closed session: To evaluate and discuss an investigation received from a law enforcement agency related to a complaint of misconduct and to consult with legal counsel to obtain legal advice.

2. Record of the vote of each member as to closing the session

Name of members voting aye: Howard Cox, Chair, Teresa Bean, Kevin Grubb, John Shatto.

Members Opposed: None

Members Abstaining: None

3. Statutory Authority to close session

This meeting was closed under the following provisions of General Provisions Article § 3-305(b)(1)(7)(13)

Topic 1 - § 3-305(b)(1)

Topic 2 - § 3-305(b)(7)

Topic 3 - § 3-305(b)(13)

4. Listing of each topic actually discussed, persons present, and each action taken in the session

Topic Description: Discussion of an investigation received from a law enforcement agency related to a complaint of misconduct and to consult with legal counsel to obtain legal advice.

Persons present for discussion: Committee Members Howard Cox, Chair, Teresa Bean, Kevin Grubb, John Shatto, Sarah Ambrosio (Executive Administrator, Police Accountability Board and Administrative Charging Committee), Jennifer Keefer (Deputy County Attorney).

Action Taken/ Each Recorded Vote:

Unanimously voted to Not Administratively Charge the officer involved in the complaint and that the complaint is dismissed.