BEFORE THE BOARD OF ETHICS WASHINGTON SUBURBAN SANITARY COMMISSION

IN RE: MAXENE BARDWELL:

RESPONDENT : COMPLAINT NO: C-23-01

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SUMMARY OF DECISION AND ORDER

On or about January 20, 2023, the Board of Ethics (Board) filed a Complaint alleging that Maxene Bardwell, a Washington Suburban Sanitary Commission (WSSC) executive, (hereinafter "Respondent"), working in the Office of Inspector General had violated the WSSC Code of Ethics (hereinafter "Code"). The Board convened a hearing on the Complaint, which took place on November 9, 2023 and March 5, 2024.

After considering evidence and argument, the Board, on April 12, 2024, issued an opinion holding that the Respondent had violated Sections 1.70.110 and 1.70.120 of the Code by improperly disclosing confidential information.

In support of these findings, the Board cited a January 2022 email that Respondent sent to a then-sitting (but now-former) Commissioner identifying two WSSC former employees that she alleged were the subject of Board of Ethics complaints involving potential conflicts of interest. Respondent volunteered this information to the former Commissioner even though she had not been asked for any information about Board of Ethics complaints. When the former Commissioner indicated that this

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information was not relevant to the topic being discussed, the Respondent replied that

she wanted to ensure that there was an awareness of ethics complaints occurring during

the time-period being discussed.

The Respondent was privy to Board of Ethics case information in her previous

position as the Director of Internal Audit. In that capacity, she attended both open and

closed sessions of Board of Ethics meetings to provide administrative support to the

Board. Formal matters pending before the Board (including complaints) are discussed

solely in closed session in order to maintain confidentiality.

The Board found that Respondent made these disclosures despite having been

informed of her obligation to maintain the confidentiality of the information. The Board

noted that during a 2017 Commission meeting, Respondent attempted to disclose similar

confidential information. WSSC's General Counsel intervened and advised Respondent

that ethics complaints are confidential and could not be discussed with the

Commissioners in either public or closed session. Specifically, it was explained to

Respondent during a subsequent meeting and in writing that Section 1.70.110 of the

Code requires that information regarding ethics complaints be kept confidential. This

extends to whether or not a complaint has been filed against someone. Confidentiality

must be maintained until and unless the Board refers the matter for prosecution, or the

Board finds a violation of the ethics regulations. Neither of these two exceptions applied

¹ In 2019, administrative support for the Board changed to the Ethics Office. Respondent has not attended any Board 2

of Ethics meetings since that change was implemented.

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to the employees named by Respondent. In fact, one of the employee's identified was

not even the subject of a complaint.

Additionally, the Board rejected as misguided Respondent's reliance on Code

Section, 1.70.210, which allows disclosure of confidential information in certain limited

circumstances. The Board found that the general confidentiality provision contained in

1.70.210, did not override the more specific requirement contained in Section 1.70.110

to keep ethics case information confidential.

Pursuant to its authority as contained in Section 1.70.090(c)(2) of the Code

of Ethics, the Board issued a reprimand as sanction for the Code violations found

herein.

On this 24th day of July, 2024 the Board approved the foregoing summary

for posting on the WSSC Board of Ethics internet page.

DocuSigned by:

Serze E. Purler II

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George E. Pruden, II

Chair, WSSC Board of Ethics