



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Douglas M. Duncan  
*County Executive*

March 12, 2003

Ms. Elizabeth Kellar, Chair  
Montgomery County Ethics Commission  
100 Maryland Avenue  
Rockville, Maryland 20850

Dear Ms. Kellar:

I am writing in support of Chief Moose's request for a waiver of Chapter 19A as it applies to his requests for secondary employment involving his interest in writing a book and a screenplay about his life and the investigation of the sniper incident. Of the considerations which you must make, I believe that the best interests of the County would be served by a waiver, that the potential loss of Chief Moose's talents and leadership would significantly outweigh the potential harm of any conflict of interest and that the unique nature of this incident would not give the Chief an advantage over any other employee or any member of the public.

All in this region are familiar with the basic facts giving rise to this request. Chief Moose was thrust by events into the spotlight of public opinion. During the course of the investigation and with the spotlight shining brightly on him, he became the subject of both accolade and of criticism. Pundits and self-proclaimed experts rendered views on the Chief's performance, the Task Force's performance and offered their profiles of the snipers. As we know now, most of the pundits got it wrong.

The Chief was an engaging spokesperson for this County. He gained unsought fame. People created websites devoted to his name and personality. I think Chief Moose should be allowed to tell his story in his words. He deserves the chance to let people know more about him and gain knowledge from his perspective. In terms of Section 19A-8(a)(3), there is simply no other public employee or person who is in a position over whom the Chief could gain advantage. He alone risks adverse portrayal, based on the fame he gained, and his speech must not be restricted in defense of his reputation.

The County will benefit in several ways should you grant a waiver. Certainly, the most obvious benefit will be in retaining Chief Moose as our employee. I do not know that he would leave service if a waiver is not granted, but I would like to avoid forcing that possibility. More subtly, the County benefits through the telling of a remarkable story by a remarkable person. Everyone involved closely with the investigation appreciates the significance of the teamwork involved. The people of this County are justifiably proud of our police, their work in this case

Ms. Elizabeth Kellar, Chair

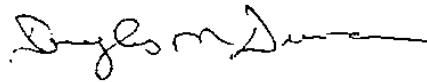
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and the man who led the effort. They will be able to better understand their police, the daily hazards they face and the impediments placed in their way. They will be better able to understand the importance of regional cooperation. There simply is no better teller of this story than the person who was its public face. Even more subtly, allowing the Chief to tell his story can aid us in recruiting.

The duties of the office undeniably called for Chief Moose to be our spokesperson during the time of crisis and undoubtedly would require him or any future Chief to assume similar responsibilities if we ever faced a similar crisis. I confidently believe that granting a waiver in this unique case, based upon its unique facts, will not adversely affect anyone's performance of duty. Chief Moose should have the right to tell his story, defend his reputation and unsought fame and I urge you to grant a waiver in this matter.

Sincerely,



Douglas M. Duncan  
County Executive

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