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BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

MEETING TO CONSIDER
ADVISORY OPINION No. 03-011

Rockville, Maryland
Tuesday, March 3, 2003
7:30 p.m.

1 BEFORE:

- 2 Elizabeth K. Kellar, Chair
- 3 Jerome Joseph, Vice-Chair
- 4 Richard N. Reback, Member
- 5 Steven A. Shaw, Member
- 6 Veronique Silverman, Member

7 STAFF:

- 8 Barbara A. McNally, Executive Secretary
- 9 Edward B. Lattner, Associate County Attorney

10 ALSO PRESENT:

- 11 Charles A. Moose, Police Chief
- 12 Sandy Moose
- 13 Bruce Romer, Chief Administrative Officer

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1 CHAIR KELLAR: I don't know everyone who's here in the room with us, so if I could
2 start with you?

3 CAPTAIN DEMME: Captain Nancy Demme, Montgomery County Police Department.

4 CHAIR KELLAR: And you are here?

5 CAPTAIN DEMME: In [inaudible]

6 CHIEF MOOSE: Captain Demme is in the strange position of somehow trying to talk to
7 our other guests about certain matters, and I guess I think it's very important she be able to talk
8 intelligently so she knows what to say and what not to say, and um, it's my personal business,
9 but if you contact the Police Department and ask the Captain in the media services division, she
10 has to field those questions and make that separation between when to say personal matters ...

11 CHAIR KELLAR: So she's here because you, on your behalf? I'm just trying to
12 understand.

13 CHIEF MOOSE: Yes.

14 CHAIR KELLAR: I don't, see I don't have any ...

15 CHIEF MOOSE: From my understanding with regard to my matters, she is more than
16 welcome to stay, and she understands the confidentiality. She won't talk out of school, but in
17 order to make this as smooth a transition between personal matters and Police Department
18 matters, she needs to understand. That's why I think she needs to be here.

19 CHAIR KELLAR: So, we should get some information on it.

20 UNKNOWN: She is the Information Officer

21 CHIEF MOOSE: How so?

22 UNKNOWN: Hoping she doesn't try putting any conditions on trying to decide what it
23 is and what it isn't that she heard in a confidential setting versus an unconfidential setting.

1 CHIEF MOOSE: Well, it's, it's, I guess philosophically I think, I think she's a very
2 bright person. The more information, the better as opposed to no information. But certainly, it's
3 your decision.

4 CHAIR KELLAR: Let's go through and see who else we have here.

5 MR. ROMER: This is Mrs. Sandy Moose, Charles' wife, the Chief of Police, and I'm
6 Bruce Romer, Chief Administrative Officer.

7 CHAIR KELLAR: Okay.

8 ED LATTNER: It picks up any you know. I think if he wants to object to or ask.

9 CHAIR KELLAR: Yeah...

10 ED LATTNER: Oh, that's up, it's his ...

11 CHAIR KELLAR: It's an unusual situation, so we're trying to check and make sure that
12 we're following procedures that we need to.

13 ED LATTNER: We're fine with the protection, it's there for him. So if he wants to have
14 her there, that's his call. That's fine.

15 CHAIR KELLAR: Okay.

16 MR. ROMER: The Chief could go out and talk about whatever he wanted, right?

17 ED LATTNER: Yep.

18 MR. ROMER: So he can have a representative talk on his behalf?

19 CHAIR KELLAR: Uh Huh.

20 ED LATTNER: Right.

21 BARBARA MCNALLY: Would they like to come up to the table?

22 CHAIR KELLAR: Please feel free to come on up to the table.

23 ED LATTNER: Come on down.

1 CHAIR KELLAR: We going to now take up item 10 New Business, out of
2 consideration of our guests so that we don't keep you sitting here all night listening to us talk
3 about everything else on our agenda.

4 COMMISSIONER SILVERMAN: Sorry for arriving late, but the people who were in
5 the room before were all representatives of the media _____.

6 CHAIR KELLAR: It could have been any number of people. I know some of them with
7 cameras were.

8 BRUCE ROMER: When you're ready

9 CHAIR KELLAR: We're pleased to hear whatever you have to say and the Commission
10 may have some questions that may be helpful to clear them up.

11 MR. ROMER: Madame Chairman and members of the Ethics Commission, um, I'm
12 Bruce Romer, I'm Chief Administrative Officer, and with me is Police Chief Charles Moose and
13 his wife, Sandy Moose, and Captain Demme, that you already met. Um, what I'd like to do with
14 your indulgence is to take but just a very few minutes, um, to give you a couple of pieces of
15 background information that I think might be helpful. I'm also here to answer any questions that
16 you may have of me. And certainly Chief Moose has some things that he would like to say to
17 the Commission. He, of course, is also prepared to respond to your questions. I'm here really in
18 two capacities. As Chief Administrative Officer under the County Charter, I am the immediate
19 supervisor for all of our department heads, excuse me, of which Chief Moose is one. So I
20 function as kind of his immediate supervisor. He is ultimately responsible to the County
21 Executive. And that's kind of my second role tonight. I'm also here representing Mr. Duncan,
22 the County Executive. There's five applications before you, and I think you know from the
23 material you have, I have endorsed, I have signed all five applications in my role as Charles'

1 supervisor and commend them to you and we ask for your favorable consideration of those
2 applications. They're all acast in the notion of an application for secondary employment. I'd
3 like to very quickly just say a couple of things about what I believe are two, two categories of
4 these five applications. The first category I would place together the Montgomery College
5 application, the National Guard application and the application for consulting services with Two
6 Moose, a partnership formed in the State of Maryland. And then I'll discuss the other two as
7 kind of a separate category. A couple of things I'd like you to know. Number one is that with
8 respect to these three applications and the secondary employment embodied by them, I clearly
9 and without question had full advance knowledge that Chief Moose wanted to, intended to
10 engage in this type of employment even before he actually started service to Montgomery
11 County. I do all the recruiting for department heads and its very typical in pre-employment
12 discussions when we talk about all things pertaining to salary, working conditions, and all that,
13 that are, many times our department heads will say really exactly what Charles said to me in
14 those discussions. And that kind of goes like this. First of all, he said, you know I'm in the
15 National Guard in Portland. Charles at that time was Chief of Police for the Portland Police
16 Bureau and was in the National Guard in Portland. Excuse me. And he told he would not only
17 want to, but would need to transfer to a DC National Guard unit. Of course, I said that's fine
18 with us because our personnel policies actually provide for service in the Reserves and the
19 National Guard. Whether or not this is a matter for your formal action by the Ethics Commission
20 is something for you to decide, but in the event that you need to take action on this application, I
21 want you to know that I had full knowledge that that would come up. Secondly, with respect to
22 the Montgomery College application for permission to engage in teaching, again pre-
23 employment I vividly recall the Chief telling me that he valued the work like that that he did in

1 Portland. He did teaching, teaching, I don't know for what institution, but he did that type of
2 work in Portland, and he told me that if at all possible, he would like to continue that activity
3 once he came to Montgomery County. Again, I said that's more than fine with me and the
4 Executive because we have a number of department heads that already do that. That do teaching
5 at various institutions in the area. In fact, we encourage that. We believe that that's one of the
6 responsibilities of leadership, that we share our knowledge and share our talented people with
7 younger people or people who are trying to improve their education. Um, so it's a matter of
8 policy that we encourage that. We believe it's good for the County's image and contributes to
9 our service to the community. So, clearly the answer to that, for me, that Charles was no
10 problem. You're going to find us approving of that. Finally, he did tell me about the fact that
11 he, in Portland, along with his wife, Sandy, maintained a consulting business titled, I believe it
12 was titled Two Moose Partnership of Portland, as well, and Charles did tell me that at some point
13 in time he would hope to reform that consulting service with his wife here in Maryland. So I was
14 aware of that. As a result of the conversations on those three topics, his employment agreement
15 that he has with the County reflected those conversations. I'm providing you with a copy of
16 Charles' employment agreement, and I want to specifically make reference to Section VII,
17 entitled "Outside Employment" and it says as follows: "The Chief Administrative Officer will
18 approve the employee's request to engage in outside employment such as teaching, training,
19 speaking engagements and other consulting activities as long as the outside employment activity
20 is consistent with the proper discharge of the employee's duties as Chief of Police." The section
21 goes on to say, "The employee understands that in accord with the Montgomery County Public
22 Ethics Law, the employee will need to obtain the consent of the Montgomery County Ethics
23 Commission before engaging in outside employment." What we're trying to do in that

1 paragraph is to tell Charles as we've told other departments, we telling you now, we will
2 approve your application for secondary employment subject to these conditions, but of course,
3 we're reminding all of us that the Ethics Commission approval must be secured. In no way are
4 we trying to preempt that. So we, we were aware of that, and this provision, I've always viewed
5 as essentially kind of the same as my signing the application for employment when it comes to
6 me. So, that, that is what is in his employment contract. Now, Charles will speak for himself,
7 but I need to tell you that I absolutely regret the fact that we did not complete that process. I had
8 a role in that, certainly, Charles, as the employee, had a role. We failed to complete the process.
9 We did not bring those applications to you in a timely manner, and I'm just acknowledging that.
10 I regret it and I apologize for it. It's not something that we, we don't like to be incomplete. In
11 this case, we were and I apologize for that.

12 In the second category, I personally put the other two applications, the one for the book
13 and the one for the movie. Those are the other two employment applications. A couple of
14 observations. It's the view of the Executive and myself that the subject matter that's covered by
15 these applications is truly unique. That may even be an understatement. They deal with an
16 unprecedented turn of events in our community - the 24 days that we endured in October of last
17 year. Nothing like that has ever happened in Montgomery County. Nothing like that has ever
18 really happened in local government in this Country. We pride ourselves in being a peaceful,
19 relatively crime-free community. We are fortunate, we have but 15 or 20 homicides a year, in 12
20 hours our homicide rate went up like 30 percent. Nothing like that has ever happened before.
21 Predictably, and I know you know this, there was the intense media coverage – national,
22 international, and our designated spokesman, and we developed a media plan on the first day,
23 when the five people were shot, we developed a media plan that said there were be two

1 spokesman for our County and only two. The strong, political leader in the form of the chief-
2 elected official, Mr. Duncan, who needed to be there to assure the community from a personal,
3 kind of a civilian standpoint, that we were doing everything we could, and that everybody
4 needed to bear with us. And then, of course, the professional, the law enforcement professional
5 was the other side of the equation. So, that's how Chief Moose and Doug Duncan got thrust into
6 that media spotlight. And that was by design, as I said, and they continued throughout. Later in
7 the process the Chief actually acquired an additional role in that media coverage because it was
8 reported, and you heard talked about, there was efforts made to communicate with the snipers or
9 whoever, using Charles in that role. In my view, I think we did well. In the sense that
10 Montgomery County proved its competency to deal with the issue, to lead a task force, keep in
11 mind that there was only, it was not until about half-way through 24 days that really formally all
12 the other agencies came in. For the first part of this ordeal, the Montgomery County Police
13 Department led by Chief Moose was running the incident and continued to do that. We looked
14 good in the eyes of the world, counties in general looked good. We found that everyone wants to
15 learn more about this, everywhere that Mr. Duncan goes and particularly everywhere that
16 Charles goes. Quite frankly, people want to talk to him. They want to literally touch him and
17 connect with this individual. I just want to briefly tell you about a tremendous event that was
18 held just today at noontime. The National Association of Counties is holding their national
19 conference here in Washington and today's luncheon was devoted to a tribute to the task force.
20 The First Lady spoke and after Laura Bush spoke, Tom Ridge spoke, the Secretary of Homeland
21 Security, and then the entire task force was brought up on stage and Charles and Mr. Duncan
22 talked to over 1,600 county officials who were there to give them accolades for the work that
23 was done. Finally, having said all that, the Executive and I think that not only is this unique, it's

1 so unique that it's in a category all by itself, but it's a story that needs to be told. There's a lot
2 of people that want to hear this story. And, one of the ways that it can be told is through this
3 book and potential movie arrangement. Charles can speak to the details of that in whatever level
4 you want. But, it's a story about unprecedented cooperation among law enforcement agencies
5 that is a good story to be told. It will reflect well on Montgomery County, it will reflect well on
6 local governments generally, and it's a story that, in our view, not only needs to be told, but can
7 best be told by Chief Moose. So, therefore, we think it's in the best interest of Montgomery
8 County to allow the Chief to engage in this activity. And that is our request of you. We're proud
9 of our Chief of Police, we want him to continue to be our Chief of Police, and we want to be able
10 to tell the story. So, that's where we're coming from.

11 COMMISSIONER REBACK: Thank you.

12 COMMISSIONER JOSEPH: Questions?

13 CHAIR KELLAR: Why don't we let or do you want to do questions as we go, or can we
14 wait maybe until after?

15 COMMISSIONER JOSEPH: It's up to you.

16 CHAIR KELLAR: Let's let them speak first and then we'll have questions.

17 BRUCE ROMER: All right.

18 CHIEF MOOSE: Good evening. I guess I want to start with um, I guess with a couple
19 things. I feel odd, I mean you do this volunteer work and it kind of turns into a lot of extra
20 activity and I feel somewhat responsible for that. So I apologize. I know that, you know, this
21 extra energy is hopefully well spent, but I know that it also creates some anxiety. And secondly,
22 commending you for your volunteering. I sit on one of Mr. Duncan's commissions also, I sent in
23 my resume to be on the Commission with People with Disabilities and after some questioning

1 about why I want to do that, I'm very interested in those issues. They approved me to spend
2 some of my free time doing that. And also sit on the Board for St. Luke's House that works with
3 the mentally ill so I understand the time away from home. But let me just say that the National
4 Guard piece I know that, from best I can tell, is not an issue at this table but is very important to
5 me, and um, I'm a member of the DC Air National Guard. I serve as a major in the 113th Fighter
6 Wing, and I'm presently the commander of the Security Forces Squadron. So that required me to
7 resign from the Oregon Guard, but they are set up that way. You resign and on the same hand,
8 you re-up with the DC Air National Guard. And that is obviously a lot more active post
9 September 11th than ever before. But certainly something I really have learned a lot from and
10 really enjoyed doing. With regards to teaching at Montgomery College, I think, clearly I enjoy
11 it, I think that the quote that "He who teaches, learns" is very relevant. I always learn. It is a
12 community college, I've taught at Portland Community College, and I've taught at Portland State
13 University. Portland State University is where I received my master's in Public Administration
14 and my doctorate in Urban Studies. I've taught entry level and graduate level at Portland State
15 University, where it is different at Montgomery College being a two-year college.

16 I still, he's a citizen volunteer with the Police Department, he's a, um, when we have a
17 community crisis, he's volunteered to go out and try to explain that situation to people in the
18 community from a civilian prospective. We provide them training. Some people, when a
19 tragedy happens, they don't understand what a medical examiner is. So, we have citizens that go
20 out and explain that. Sometimes if a police is telling them they think we're kind of making it up.
21 So he's one of the people that helps us with that. But I was saying that the Montgomery College,
22 even at that level, I continue to learn, I teach at the Rockville campus, it's very close to
23 headquarters, very convenient. But again, I always learn from that. I personally thought I filled

1 out the form to send you, but when Ms. McNally checked her records, when the people at the
2 Police Department checked where we keep all those in the file cabinet and on the computer
3 program, no one can find it and so, therefore, it didn't happen, and I apologize. It's wrong, I
4 should have, I sign them when the employees turn them in, we check on them. I thought mine
5 was in, it's not, but I guess I would also like to add that every year when we do the financial
6 disclosure, if you would check that, you know, my records do show that I have the Community
7 College piece down there. I've given several, I won't say numerous, but several, you know three
8 to five, interviews. A couple for the college, obviously post-October, I gave an interview where
9 they came to the classroom, and I guess to say all of that is, I've never tried to hide the fact that I
10 teach at Montgomery College. I'm very proud of it, I'm very excited that they allow me to do it.
11 I can really only do, maybe one class a term, and I do it in the evening, but I've never tried to
12 hide or do this. It's not a lot of money, but I don't want to snub my nose at that. But, I'm not
13 trying to hide it. I thought I was following everything, but apparently that's not the case. So,
14 there is a request before you now, and I am teaching this term. So, if that means you want to
15 make some kind of decision that I need to let Dr. Remale know if I'm not going to be able to
16 finish, not, I mean I'm sorry, Dr. Remale wasn't even he's at PSU I'm sorry ...

17 MRS. MOOSE: at PSU

18 CHIEF MOOSE: [unclear] before the statement [unclear]. If I need to let Dr. Langley
19 know that I can't finish, then I'll do that, but certainly I'm, at this point, prepared to give the
20 mid-term next week and continue with my obligations. In terms of the Caring Partnership that
21 my wife and I have, we started that and filed all those papers in Oregon in 1998. And at that
22 time we did some work with regards to conflict resolution, some gender issues, the City of
23 Portland needed gender conflict issues seemed to be a lot more predominant than they are here in

1 Montgomery County, at least today. We did some consulting on sexual harassment, a lot of a
2 work with regards to race, and much of that was probably driven by our interracial marriage and
3 people trying to get through similar situations, understand situations, like that, I admire the way
4 Sandy and I have been able to live fairly public lives but also a strong marriage. We had one
5 class where it was, I recall, it was 16 couples. It was just a “how to make your marriage work”
6 seminar that we conducted and believe it or not I found out some additional things about my
7 marriage during that seminar, so there is some risk [COUGHING] to this kind of business.
8 Certainly, leadership and family issues, but specifically family issues in the area of death. I’ve
9 been very blessed here in Montgomery County, and we’ve not lost any police officers during the
10 time I’ve been here in the line of duty, but we did go through that in the City of Portland and
11 getting organizations through that relationship between families and spouses and co-workers. So
12 it was a variety of work to one group. An insurance company that took us on to do some work.
13 But it was a limited partnership, different from the, the same legal entity that exists in Maryland
14 but we did do all of that and that was a matter of we needed to bring that forth to Maryland, but I
15 guess in a small way to rationalize clearly, I’m new to an area, I’m new to a police department, a
16 lot of focus initially on the Department, learning the County Government, learning the people.
17 Sandy had to stay in Oregon to try to sell the house. We still own the house, it never sold.
18 Eventually, she did do the move. We transitioned purchased the home. I guess I’m just trying to
19 say, early on, very busy with those kinds of issues, Then we kind of adjusted. Sandy focused on
20 taking the bar. She wanted to take the DC bar because of so many people seemed to be in need
21 of legal help in DC, but she didn’t pass the bar.

22 MRS. MOOSE:: I’m no politician.

23 CHIEF MOOSE: She didn’t pass. So then it’s a matter of, we need to regroup, maybe

1 we need to put the partnership back together, focus some work and some energy there. From a
2 timing standpoint, clearly as all of this started to bubble up, I guess it's a matter of put it all in
3 front of you, get to some point there, and it's unfortunate, at least in my mind, the way it's been
4 played by different entities, but people can think and say what they want. But we have in front
5 of you, Sandy did do all of the filing, paid the money, we've not accepted any contracts, we've
6 not done any advertising. It is my perspective that what you're supposed to do is find the work
7 and then come before you and ask permission to do the work. And so, I'd like to think if that's
8 the way it works, then that's what we're here. I don't know, I've heard different things about
9 how many days you have to do that, that's not clear. But again, that's what we're doing and to
10 my knowledge, once you do that and once it's signed by your supervisor, then you're, at least the
11 way we do it in the Police Department, is you're to do the work until you folks say not to. Since
12 I've been here, I've not had the need to tell anyone that they can't, even though I'm not sure all
13 those forms even come back to me. I guess that's directly back to that employee through your
14 office. So, maybe there have been people that were told no. I know that Assistant Chief
15 Barnhouse, prior to his retirement, did a lot of work, put it in front of you, the answer was no,
16 and to the best of my knowledge he didn't do any of that work while he was still employed with
17 the Police Department because he got a no even though he went through all those processes
18 while still an employee. So under that context I'd like to think that the college stuff was not put
19 in front of you in a timely manner and I think I've covered that. But the consulting piece is put
20 in front of you and I'd like to, in following Mr. Romer's lead, and talk about the book and the
21 movie. Not to be too wordy, but this is all new to me. We do the whole situation. In late
22 October, early November, I started to get all of this mail. A lot of it is congratulations, I haven't
23 seen you since high school, you know, that kind of stuff. The stuff from the schools. And then

1 there's this other group, they're the agents, movie people, book people and they're all telling
2 me they want to help me. They want to do the book. I can write a book, this is a great story.
3 The first wave I kind of just look at it, and I threw it all away. I'm going, these people are, like
4 what are they talking about. And then they write back. And this time it's two or three pages
5 instead of one page and it had a lot more detail and explain things and talking about possibilities
6 and talking about what they've done for other people. Then you're kind of traveling around and
7 you're hearing a lot of people in the County saying you ought to write a book. And this is a great
8 story. And the old "who's going to play you in the movie?" and you're kind of like, Okay. So,
9 if you're hearing all this, you kind of go, well maybe, maybe there's something to this. And then
10 you start getting the mail about, "well I talked to so and so, and I sent a letter to Mr. Duncan and
11 since he didn't respond, then that must mean that you guys are okay with this." You know, then
12 you start being told, "well the Washington Post is writing a book and the U.S. News and World
13 Report, they're writing a book, they want to interview you for their book." And I guess all I'm
14 saying is as that continues to come in, you say, I don't know anything about all of this and
15 maybe I should get some help. So I go back through the people that say that they can help, the
16 "agents." Sandy looks at them and talks to some of her friends, and we look at the information
17 we can find, and we settle on this guy in New York and say okay, we'd like to talk to you. Well,
18 they come down here, we have dinner, we talk, they explain what they think they can do and
19 after all the questions we can think of, then they go back and in a couple of days they call and
20 they say we'd like to have a couple of people call you. So they have some offerors call. We talk
21 for 30 minutes, then they call back and they say, well did you like any of those guys? Could you
22 talk to them? Did you get along at all? And there was this one gentleman, Charles Fleming, and
23 he and I had a very, very excellent, in my terms, telephone conversation. And so I say, well,

1 Charles Fleming and I, you know, talked about a number of different things and seemed to get
2 along. And they said great, then he'll be there, you know, in several days. So Mr. Fleming
3 comes to town and we go out to dinner and we talk about the book, you know, and the next day
4 we have lunch. And then he goes back to Los Angeles. You know, at this point I've got this
5 agent but, like, I don't know what's going on, you know, nothing's happened. They say all of
6 this stuff. Well Mr. Fleming goes back to Los Angeles, he writes a couple of chapters. And it's
7 a memoir. It's, you know, about growing up in North Carolina, segregated schools, things about
8 my childhood, and then the next chapter is things about the sniper situation in October. And, you
9 know, with the idea of proposal is that there's going to be this, there's something here and we'll
10 be back to another chapter about my life and another chapter about feelings, emotions, things
11 that you experience going through the sniper thing, another chapter about your life, another
12 chapter about what to do for your marriage, how did you guys work through all of that together,
13 with different things. Then they take this proposal and they send it to New York. And I guess,
14 the way they explained it to us, there's about 13 larger publishers that regularly get these
15 proposals. And out of that eight of them showed interest, not only interest but requested that we
16 come up and meet with them, talk to their editors, let them ask the questions. So I took leave on
17 one Thursday, and we went up and did it, and the only room in my schedule was to take leave,
18 not the next day but the next Friday. So there was that gap in there. And at the end of every one
19 of these sessions, about as many people as are here would come to these meetings at the various
20 publishing houses and they'd ask different questions and then David would tell them, well on
21 Monday by 11:00 we need to know your interest and what you're willing to talk about in terms
22 of financial terms. And sure enough, on that subsequent Monday, you know we didn't hear
23 anything, but by Monday night he says, "well we got these two and they seem the most

1 interested and they're fairly similar on financial things, but which one did you like?" So
2 Sandy and I talked about it and it turns out the Dutton people were the first ones that we talked
3 to, so the next day we called and said, "Well, we'd like to go with the Dutton people." And at
4 that point they said, "Well it takes 10-14 days for the lawyers to draw up all of the contract
5 stuff." So I talked to Sandy and said I got 10-14 days, we'll get the form in, now I actually have
6 something. Actually, it is like more than a, "We think you can write a book," it's actually
7 somebody going to do it. And, you know, the key is, they're going to do it between me and Mr.
8 Fleming. Mr. Fleming has written several books, formerly worked for *Newsweek*. So, it's like
9 somebody actually knows how to do this, let me just say it that way. I think I'm an intelligent
10 person, but I know how to do police work, but I don't know how to write a book. I got my
11 dissertation done, it looks like a book, but you know, I, you know, I don't know that I would
12 classify it as a book.

13 SANDY MOOSE: Which an important distinction because Clarence Thomas, for
14 example, the Supreme Court justice, he penned his own [inaudible] all 150 some pages
15 [inaudible] that he did write. Which is what we're trying to say.

16 CHIEF MOOSE: I guess I'm just trying to say that it's a matter of, it's real. It's not like,
17 okay, well we're interested and so when you get it all done, send us the manuscript and we
18 promise to read it. It's actually, you know, we're going to hire Mr. Fleming, he's going to work
19 on this full time, he's going to work with you, it's going to be a real product. So now, I really do
20 have something to come to you and say, can we do this? I guess I wanted to go through all of
21 that so, again, there seems to be some thought out there in the media, and I know that can't drive
22 what we're doing, but it's almost like you're supposed to come here before you even have
23 anything tangible because, you know, people are trying to say that I'm an ethical violator. And

1 I'm like, I've got something substantial, I've got something that's real, and I'm bringing it
2 here for approval. And then, certainly, part of it is there are going to be other books. People are
3 doing this project. I think law enforcement needs to do the project. I think the story of state,
4 local and federal people working together, getting this done, forgetting the turf battles, doing this
5 in a way that local government remaining in the lead, because we've got a terrible history about
6 don't call the FBI, don't work with them, don't let them into your shop, and we need to change
7 all of that. Because the world has changed. And I think we have an opportunity to tell the story
8 in a different way, in a way that the law enforcement community will appreciate and will
9 understand. And you know, it's kind of one of those, two realities, somebody's gonna do this,
10 why not law enforcement and the fact of the reality is there really is a way for me to do this and
11 not have it interfere with being the police chief here, not having it interfere with my doing the
12 job. Because I very much love my job as the Montgomery County Police Chief. I don't want to
13 put my job at risk, I don't want to not be here, but it still needs to be done. I think a way to do
14 both but it is leaning heavily on the expertise and the talents of Charles Fleming. It's not, I'm
15 going to write a book and I'm going to close the door to my office X number of hours every day
16 and being there writing a book, or I'm going to stay up late every night and write a book and be
17 tired the next day at work and, you know, people are going to start to wonder, well, you know, is
18 he sick, is he anemic or what? It's like, there is a way to actually do this.

19 And then to quickly move into the movie piece. It is kind of the most different in my
20 mind, concept, because I've also been told that there is three or four movies, and these are all
21 made-for-tv movies, these are not, kind of, big screen things that we're talking about, and it may
22 not happen. So the way that whole thing looks with these people is that they want you to sign
23 your life story rights with one firm and then, if they make the movie, payment follows. But if

1 they don't make the movie, nothing follows, but you can't work with the other production
2 companies either. So you really kind of have to choose one and hope that they eventually put
3 something in the can. That's one set of payments. And then, you know, if they show it, that's
4 another set of payments. If they start to work on it, there's a set of payments. But, you know,
5 there's a 5 percent payment for signing the initial piece to not sign with anyone else. So they
6 really have these different little stages where I've been told by David, our agent, that most of
7 these never actually become anything. If one of the competing firms puts something together
8 and plays it, and there is no interest in another one, then I picked the wrong one. But again, it's
9 like everybody seems to be wrapped around, you know, are you going to be like this
10 multibillionaire behind this movie deal, and it's like, I don't really know that's even kind of
11 reality. But, you know, the deal is to consult on their work. But they're also very clear that it's
12 just consulting. That, you know, they pick all of the details, they pick all of the actors, if there's
13 something being depicted in a way that I'm not happy with, they will meet with me about it, but
14 it doesn't say that I get to change it. But again, it's a matter of, I think that's important if they
15 ever do put something together, that law enforcement gets to consult and say, "Well, that's really
16 wrong. That's really inappropriate, that may hurt the industry, that may hurt the County." And
17 to be at that table, as opposed to just saying no. You know, it really is a consulting piece. I'm
18 not got any of those skills and not going to write it, not going to run any equipment, but that's the
19 overview of the "movie deal." But it is out there, it is real, and if it is eventually developed, then
20 I'm passing that information to a consultant. I can't recall, but I think we marked out one, I
21 think's 18 months that the life of this contract. So if they don't do something in 18 months, then
22 I can sign with somebody else if they're interested or, I guess, what they're kind of saying is
23 after 18 months, if there's not been, there's probably not going to be anything. But that's the life

1 of that. The book piece is, I think, marked indefinite because you hope that it has a long shelf
2 life. And so, I guess in my mind, as long as the book is selling, then I'm going to have some
3 kind of relationship with Dutton. So I can't say that it's one year, because again, it goes for
4 awhile. At least I hope so.

5 MR. ROMER: You might want to remind the Commission that you've received no
6 income prior to coming to this Commission.

7 CHIEF MOOSE: Yes, the Dutton people are very clear, very knowledgeable, and they,
8 in the contract say, that they need what they consider in their mind proof that there are no issues
9 before any of that happens. But at the same hand, I have signed the contract, but they haven't
10 signed the contract until they know that everything is okay. Because they don't want to get
11 locked in a situation, make some commitment to me that I can't fulfill because of my
12 commitment to the County. But, you know, that is a very broad overview. I would be more than
13 happy to answer any and all questions, but this is new to me. I know that this is your meeting,
14 and I never anticipated coming before you. This is just one of those things that life and God has
15 kind of caused to happen. I will just tell you that I personally, to this day, still wish that never
16 happened in Montgomery County, that no people had to die, that we had to go through that. But
17 that all did happen. It all is real. My life is different, it is very- bizarre might be the word,
18 because I've lost my anonymity, my ability to just sit in a restaurant and not have people come
19 up to me. They've all been very, very, very nice. On Christmas Eve Sandy and I fly to Hawaii
20 because last February she planned this trip for us to go to Hawaii for Christmas. The same thing
21 happened there. The whole time we were there people were coming up to me, people on the
22 island that lived there, were aware of who I, who we were. In addition to the people that were
23 visiting just like us. So, it is something that seems to be very large and very wide-spread. Very

1 positive, but working through what to do with, how to do it properly, how to do it
2 professionally, how to represent myself, the County, the law enforcement community in a way
3 that is beneficial or challenges that have been put before me. And personally I'm committed to
4 try to do it correctly, but it is very difficult and it is very different than anything I've done. There
5 just doesn't seem to be a manual to go to [end of tape]

6 CHAIR KELLAR: I appreciate that and it seems that it's just that this is an unusual
7 situation for us too. I can assure you. I know our Commissioners are not shy people, so I expect
8 that if we could just have kind of one question per person, and see if we can cover them
9 [inaudible].

10 COMMISSIONER REBACK: Okay. What if you've got more than one?

11 CHAIR KELLAR: That's fine. I just, you know, thought ...

12 COMMISSIONER SHAW: We'll just get one question per person?

13 CHAIR KELLAR: Then we'll go back around.

14 COMMISSIONER SHAW: Do I get a follow up?

15 COMMISSIONER REBACK: I have one question. First of all, you know, with to those
16 days of the sniper, thank you for all your work. My daughter saw you at school and she came
17 home excited. You seemed like a terrific fellow and you certainly have a star quality. But that's
18 kind of not anything that, you know, we address here. We have, I know you're not an attorney,
19 but we had an Ethics Opinion Advisory opinion that we issued in December that talks about
20 issues like this and I think squarely says that, um, it doesn't seem like you would be able to
21 accept at least a book or movie deal from what I'm hearing and I wonder if you have any
22 responses why this opinion wouldn't apply to your situation, why we should treat your situation
23 differently than this one. I don't know if you've had a chance to read this, or state ...

1 CHIEF MOOSE: Maybe I'm not familiar with it because I thought, it talked about
2 accepting honorariums for speaking And said that, you know, it said speaking about the sniper
3 situation, and so, I guess, we come before you to, to request an exemption or waiver. The book
4 deal is a story, one, it is my story. I didn't just come to life in 1999 when I came to Montgomery
5 County. You know, I have some experiences, many experiences outside of this County. The
6 situation itself has caused, certainly a lot of people to be interested in me, but that is not
7 something that I sought, that is not something that I desired, but that is now part of my reality. I
8 certainly, we also were trying to focus that it is a very, very positive story for the County, for law
9 enforcement, for people working together, coming together as a team, forgetting their individual
10 turf battles in cooperating to solve a problem.

11 MRS. MOOSE: [inaudible] You're referencing a [inaudible] opinion? that uh,

12 COMMISSIONER REBACK: December 20 opinion [inaudible]...

13 MRS MOOSE: Right. [inaudible]

14 COMMISSIONER REBACK: No, this is of the Ethics Commission Advisory Opinion.

15 MRS. MOOSE: Yeah, Ethics Commission [inaudible]

16 MR. ROMER: Advisory Opinion.

17 MRS MOOSE: Okay, and it's a, with the exception of a waiver from the Commission
18 [inaudible]

19 COMMISSIONER REBACK: Yeah.

20 MR. LATTNER: You're talking about the same thing. Cause, Chuck, well Chuck
21 Thompson's opinion was attached to the, he made reference to the [inaudible] it's all kind of ...

22 MRS. MOOSE: And you based this on Mr. Thompson's opinion?

23 MR. LATTNER: Right, right.

1 MRS MOOSE: And you voted it into what kind of rule? You adopted it? His opinion.

2 CHAIR KELLAR: Well, we had a specific question in front of us.

3 MRS. MOOSE: Okay.

4 CHAIR KELLAR: From others in the Police Department. I think that's one of the
5 concerns that probably our Commission has is, you know, this is an unusual situation, off hand,
6 you know, I ...

7 SANDY MOOSE: Well, you've clarified my question. My, what I wanted to bring to
8 the table was that if this is based on a legal opinion, an advisory opinion. It is just that. It is an
9 opinion. And, therefore, if it is going to become clear [inaudible] some kind of law in some kind
10 of fashion and so, that's just the way advisory opinions and legal opinions work. They're not
11 law. And so,

12 CHAIR KELLAR: They're not

13 SANDY MOOSE: Right. And so, if you're going to act on an advisory opinion,
14 [inaudible] act on, you acted on that opinion. And I am a lawyer. I am not licensed in the State
15 of Maryland, nor in [inaudible]. But I do have authority to come to the table and speak with
16 regard to my husband. And that would be my position. I'm his attorney.

17 CHIEF MOOSE: I guess part of the confusion is when we read the Ethics Laws, up until
18 the sniper situation, it is my understanding you could speak and get honorariums. Then we had
19 that situation, and now we can't. And its reference is you can't because you can't talk about the
20 sniper thing. So it's almost like, well, that was very different, but at the same hand, it seemed to
21 somehow single out the executive officers in the Police Department. But I didn't come here to,
22 but somehow now you said that that also covers the book. And I guess I didn't, when I read that
23 I didn't, you know, I'm asking to work for Dutton. I'm not asking for an honorarium from

1 Dutton. I'm, I want to work, I want to earn my way. I'm not asking anybody to give me
2 anything. It is not easy, you know, being interviewed, spending the time reviewing the work that
3 they do. You know, I want to be very respectful of Mr. Fleming, but this is not just going to be,
4 you know, he's not just out there in California making it up. You know, I'm going to earn my
5 way. And so, I am here asking for permission to be employed by Dutton. To be employed with
6 the production company as a consultant. To be, you know, to work with my wife in the
7 consulting firm. So I'm here asking for extra employment permission. I'm not asking for
8 honorarium. But, I guess this is part of that. But we asked staff about it because we have so
9 many requests for executive officers in the Police Department, and now they've all been told that
10 they can go, they can be away from home, they can try and help the law enforcement
11 community, they can help others, they want to understand all of this trauma and solutions, but
12 they can't get the honorarium that the people are asking. We don't ask for honorarium. That's
13 all in the letter, saying we will like for you to come, we would like for you to present, we would
14 like to give you an honorarium. We're not soliciting honorarium. If you want to, you know,
15 spend time on that issue. This is not something anybody in the Police Department is out saying,
16 you know, the deal of a lifetime, let's make this. This is all being presented to people. But I
17 didn't distinguish that in my extra employment permit, but I guess, if you do, then I am here
18 asking that I be waived and I be exempted. The day that Mr. Duncan decides he doesn't want
19 me to be police chief, I'm out of work. Now, maybe all the other County employees that have
20 FOP and merit status and appeals and fighting, but I work here until the Man says he's like, seen
21 enough of my act, and then I'm out. Okay, I'm, I serve at the pleasure, and I guess in some ways
22 when things go wrong enough in the Police Department, I will no longer be the police chief.
23 And I can tell you I was at home, I was out of the state, I didn't shoot anybody, but at some

1 point, if things go bad enough in the Police Department, I will not be the police chief. All
2 those people that stepped on those landmines, from my standpoint, will still be County
3 employees and will work here. So I think in some small way, in all due respect, I am different. I
4 don't want to deny that we strive to treat everyone the same, but not everyone is the same.

5 SANDY MOOSE: Also, in your own language, there is a piece that says these
6 restrictions on outside employment are, need to be looked at, in the context of are they going to
7 dissuade the County from getting better employees. Is it going to be a, something that's gonna
8 cause good people to not come here. Because good people, they want to earn their money. They
9 want to do their work and earn their money. They are not asking for a gift to speak, a lunch to
10 speak, an airplane ticket to speak.

11 CHIEF MOOSE: But I guess, and we'll move to the next question, but Sir, it really is a
12 once in a lifetime. I just, like I said earlier, I never fathomed that I would have this opportunity.
13 But also, even with this good fortune, I don't fathom that I'm going to get a second opportunity.
14 It's really different. It's really not something that I ever thought was gonna happen. I guess that
15 makes it in the category to come here and ask for a waiver, ask for consideration, because it is
16 once in a lifetime.

17 COMMISSIONER SHAW: I guess this is really a question, in a way a question for you,
18 but I read everything that you've said about the importance of law enforcement being on the
19 same (inaudible) to make the record right, and all that, and the cooperation of the agencies and
20 all the values so right on, I mean, my background that you may or may not know of, the
21 prosecutor for the County for three years, tried 300 felony cases, I was a State's Attorney here, a
22 federal prosecutor, I worked with FBI agents, DEA, and everybody else and assume that you see
23 all the problems of getting along with federal versus state and all of that. And this is a very

1 important story for Montgomery County and for the police to get out. But that really begs the
2 entire issue. I mean really, as strong as that argument is, and you're really making the argument
3 for why Montgomery County ought to be having you do this on Montgomery County time, I
4 mean we're paying you, to do the great job that you did ...

5 SANDY MOOSE: As his wife, he was using the word law enforcement, he was using
6 that as "I" am law enforcement. And I knew when he said law enforcement, and I knew when he
7 said law enforcement ...

8 COMMISSIONER SHAW: Well, what I'm saying is you're absolutely right. I mean,
9 it's important for law enforcement people. Just like it's important for me. My job, now is to
10 help defense contractors who don't have ethics programs, and it's important to the federal
11 government that I go around and speak to Lockheed Martin's people. I've never taken money
12 for doing that. I mean the federal government's paying you to do that. So I'm not saying I've
13 made up my mind. Don't get me wrong. I'm just saying this is the, this is the interaction. It's
14 an important story to get out. But it's important to Montgomery County, Montgomery County
15 ought to be getting you to do it on what we're paying you to do it. Just like the federal
16 government it's important that I . . . but I guess my question is the comments that the County
17 Executive made in the media, and I think he was right on. I mean, if it is a unique situation and I
18 think it is and if it is an important that the story is written, and I think it is important for
19 Montgomery County and for police relationships. And it's just as a practical matter, it's not
20 going to get written during your county day job. Why not get a County resolution? I mean what,
21 I mean you're putting it to us and if it ends up us saying no, isn't that going to make it very
22 difficult for the Council to do something? Why not do it that way up front?

23 MR. ROMER: Affirmatively.

1 STEVE SHAW: Yeah. I mean, when I saw him say that, I said, yeah, great, if we call
2 on the County Council, I'd probably vote for that a whole lot more easily than and I still
3 [inaudible]. I mean, just as, I think it a whole lot easier if I were a County Council member, then
4 if I were a County Ethics Commissioner. And it makes it a lot more difficult for the Council to
5 reach him. So I guess I'm pushing away and get things done that way.

6 MR. ROMER: Well, I mean the very direct answer is we, we have not had that type of
7 discussion with Charles or the County Executive. Would we ever have it? I don't know. Mr.
8 Duncan and I received the knowledge of the potential arrangement that Charles described.
9 Consider my remarks in a positive fashion. We probed and we learned that the, that whatever
10 profit there might be are not going to solely benefit Charles. In fact, he's made it clear that he
11 intends to share that profit with some charitable causes that are important to him. And we and
12 that was the level of our discussion. We felt that we wanted to support the Chief in him being
13 able to personally tell the story under this arrangement with Dutton. So, we just didn't have that
14 type of discussion. But I heard what you said and some interesting thoughts there, which I'll
15 certainly reflect on as well.

16 COMMISSIONER SHAW: [inaudible] Can I call the question?

17 COMMISSIONER JOSEPH: I don't at think his point. Because if we turn him down
18 and the Council overrides it , we might as well close up shop then. But Chief, I took your
19 request as a request, multiple requests that is, for outside employment, not a waiver of Section
20 16(d) that the Police Department wrote us about. And I'm dealing only from a request for
21 outside employment. It sounds like you're a busy man and you have been doing some things
22 that. You, you said the times of some of these requests were off. For example, are you with the
23 DC Air National Guard now? As a major?

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CHIEF MOOSE: Yes Sir.

COMMISSIONER JOSEPH: And you're an instructor at the college, we know that. And you already got somewhere with the consultant to the movie and the offer. And you're, Two Moose was started in 1998 in Oregon, is that correct?

CHIEF MOOSE: That's correct.

COMMISSIONER JOSEPH: When was it started here, in Maryland?

SANDY MOOSE: I thought it was in December.

COMMISSIONER JOSPEH: Last December?

SANDY MOOSE: Yes, [inaudible].

COMMISSIONER JOSEPH: Now, you're on the Commission on Disability and you're on the Board of St. Luke's Home, House rather? That's a pretty busy schedule. With all of it to be outside the, your natural, your duties with Montgomery County. Where do you have the time to do all that? But my question is really ...

CHIEF MOOSE: Sir, ... Do you want me to answer that first question?

COMMISSIONER JOSEPH: No, actually, it's rhetorical. {Laughter} And I don't really have a question that you should answer. I'm concerned about the picture and the book based on when it would be released, before a trial of the two perps. I think that would be harmful to the trial. And you can speak to that better than I can. But, I think that having these multiple requests for outside employment and given the number of hours that you spend on your duties as Chief of Police is something that we have to consider.

SANDY MOOSE: May I say something ? Since September 11 my husband has been on the verge of being called to go to Iraq. The federal government is not coming for your

1 permission and just as recent as last Wednesday. I was told for him to stand down for
2 possibility of deployment on Friday or this Monday. Which effected whether he could attend
3 this meeting that we did not even know about. Now, that is our life. And that has been our life.

4 COMMISSIONER JOSEPH: We have no control over the federal government calling up
5 the military personnel.

6 SANDY MOOSE: That's right, that's right.

7 COMMISSIONER JOSEPH: We obviously support all military personnel[inaudible]...

8 SANDY MOOSE: Well, I'm glad to hear that but I just wanted you to know of the
9 anxiety inside our household. [inaudible]

10 CHIEF MOOSE: Sir, [inaudible].

11 COMMISSIONER JOSEPH: I don't want to add to your anxiety, believe me. You have
12 more friends than you think

13 CHIEF MOOSE: If you have a question about my performance as police chief, then I
14 suggest you talk to my supervisor.

15 COMMISSIONER JOSEPH: But I don't have that question, Chief. [inaudible]

16 CHIEF MOOSE: I think I do my job, sir.

17 COMMISSIONER JOSEPH: I'm sure you do. [inaudible]

18 CHIEF MOOSE: If somewhere in this deal it says that extra employment is based on
19 whether or not you decide whether or not people are too busy, then could you tell me where that
20 is in the document?

21 COMMISSIONER JOSEPH: Chief, some of us have to understand what I'm saying. I
22 would have preferred that you come in with one or two requests for outside employment instead
23 of five. Whether that's indicative of this Commission or whether that meant I'm going to go the

1 other way remains to be seen. But I think that story has to be told. The timing is obviously up
2 to you and whoever you're working with as to when it's going to be told. But it has to be told,
3 and I think it's good for Montgomery County as well as their chief.

4 CHIEF MOOSE: And I guess I think it has a, this extra employment has a limited time
5 frame. There is a due date for all products, so it is not going to be something that I'm going to
6 work on for years. So, I mean, I really just, again, if it impacts my performance then I'm sure
7 Mr. Duncan and Mr. Romer will make that known, and I will make whatever adjustment needs
8 to be made. My commitment is to the County and to be a good police chief. That's what I do. I
9 think these other things can be accomplished. I may be wrong, and it may, it may not be right,
10 but to speculate and guess. You know, I feel fairly confident and I didn't know any other way
11 besides to bring them all to you as opposed to kind of just trickling them through. I'm sorry to
12 become such a public deal, but ...

13 MR. ROMER: I encouraged him to bundle them together so that you had the benefit of
14 everything. I realize that it looks like a lot at one time, but we didn't want to not give you the
15 entire picture.

16 SANDY MOOSE: [inaudible] I have [inaudible]

17 CHAIR KELLAR: Let me just suggest, I, you know I think, for instance the teaching
18 activity. Here we are, five volunteers. I know that we all manage to squeeze in the Ethics
19 Commission despite everything else that we do. If we kind of made up a list at one time of
20 everything that might due over the course of a year. We too might be wondering how we fit it all
21 in. It's easier for some of us that do a lot of that. You know, I don't think the number of things
22 before us is our concern. We're not, that I don't think we'll see something that of primary issue.
23 I'm going to pass on the questions and see if Veronique has a question.

1 COMMISSIONER SILVERMAN: I also want to express that I share the appreciation
2 [inaudible].

3 CHIEF MOOSE: Kathy, could you ask them, I can hardly hear with the noise outside the
4 door.

5 CHAIR KELLAR: We don't hear them up here. [inaudible]

6 SANDY MOOSE: They're looking forward to hearing from you.

7 COMMISSIONER SILVERMAN: I just want to preface my question with, you know,
8 stating that as a County resident I'm, like all County residents, very grateful for the role that you
9 played last fall and in the developing the sniper issue. But again, that's not what we're talking
10 about now. Um, one question that I do have is one of the bases for granting a waiver for outside
11 employment is that the proposed employment is not likely to create an actual conflict of interest.
12 Um, in, now we don't know very much about your proposed movie and book deal, but based on
13 some of the things that you said earlier, um, you mentioned, for instance, that you really
14 wouldn't have much control over the kind of information that would be portrayed in the movie,
15 for instance, if it came to pass. Um, also, there is an issue of confidential information and,
16 thirdly there are issues of timeliness. There are trials that are going to be starting soon. So, how
17 do you, um, how do you think in your mind you would reconcile those issues of possible
18 conflicts of interest if you could go ahead.

19 CHIEF MOOSE: All right. I guess what I was trying to say is if they pick somebody
20 that I don't think much of to play me in the movie, I can't do anything about it. Okay, so, they,
21 they, I was just illerating that, if they decide that the Montgomery County Police look better in
22 dark blue uniforms, then I can't tell them that our uniforms are brown and you really should
23 change I don't know anyone that can stop people in Hollywood from making a movie look any

1 way that you want to make it look. So if they want to show that the EOB got blown up during
2 the sniper incident, technically it would be very, very wrong and a lot of people would know
3 that, but I guess I was trying to say I didn't sign anything where they gave me the power to keep
4 them from doing that. So, I guess I hadn't processed what would be the conflict of interest for
5 consulting on the movie.

6 COMMISSIONER SILVERMAN: Well, again, if you proceeded, you would be
7 consulting on, let's say, the movie at the same time as you would continue to exercise your
8 duties as chief of police for Montgomery County. So, in that event, it's very hard to associate,
9 certainly in the minds of the public, since you are a functioning head of the Police Department in
10 the County, when you basically give your, you know, your approval by having signed a contract
11 and providing consulting services to a story, whether that story is told correctly or not, whether
12 that story uses information that really it shouldn't use, whether or not it comes from you, by the
13 way. Just the fact that it will be publicized while you are continuing to be chief of police, that
14 you are basically involved, you are consulting, you basically give your imprimatur if I could say,
15 to the deal, could that possibly create a conflict of interest to you? Could that make your job as
16 chief of policing for the County more difficult to the point where it really would, um, create, um,
17 a very difficult situation?

18 CHIEF MOOSE: And so I guess I can't answer. I don't think so, but again, that, that's,
19 in terms of confidential information, your second point, that's probably the most difficult point
20 because the tendency is to just say that I care a lot more about this case than anybody in this
21 room. So, to have people say to me that I'm going to jeopardize these people going to prison or
22 accepting the death penalty so I can write a book is like about the meanest thing anybody can say
23 to me, but you get the right to say that and do other people get the right to say that. And I don't

1 know anyway to do anything about anybody that's that mean-spirited. But, you know, I am
2 not going to do anything to release any confidential information in this case. But, you know, I
3 been in the tenable position that you'll just have take my word, because you won't know until the
4 book is published whether or not it is confidential or not. Even then, I don't know quite how
5 you will know, but it is a strange concept. One, that I would be accused of being so
6 inconsiderate that I would jeopardize the case. So, tough question. I just can't, I can't even, you
7 know, I can't find the right words.

8 COMMISSIONER SILVERMAN: I'm not accusing you, I hope you don't [inaudible]

9 CHIEF MOOSE: No, no, I'm just saying that, you know, it's just in that bizarre territory.

10 And the third point was?

11 COMMISSIONER SILVERMAN: I'm not sure there was a third point.

12 CHIEF MOOSE: I thought there was three parts to your question.

13 CHAIR KELLAR: Just about the lack of control over what's actually said in the movie, I
14 don't know ...

15 CHIEF MOOSE: No, we're talking about ...

16 COMMISSIONER SILVERMAN: I'm going back to [inaudible]. You know, we're
17 talking here about...

18 CHIEF MOOSE: Oh, then I think it was the, what is the right time? Because there's
19 gonna be a trial. I'm glad that you know that. You know, they could die in prison, they could
20 flee, any number of things could happen, but, you know, anything could happen. And so, again,
21 anything could happen in terms of two of these teams being put down in the 20 largest cities in
22 America and sorry to do the same thing that they all observed. So, does that make it more
23 important to get information out there as we try to deal with this because that too may happen.

1 Speculation is always with us, you know, I don't know what people anticipate, but it seems to
2 be every day or at least every other day that there's information in the various newspapers, from
3 the prosecutors, from the preliminary hearings, from the grand juries, and you know, all of that is
4 out there and nobody is saying that that's going to ruin the trial. But, there seems to be some fear
5 that I'm gonna write something that's gonna ruin the trial.

6 COMMISSIONER SILVERMAN: I don't think that's how I would put it. I would just
7 say that as a prominent public official in the County, there's always, I mean it's almost as
8 important to make sure that there isn't any perceived conflict of interest, you know. That's as
9 bad as a real conflict of interest because that diminishes your ability as a public official to do the
10 job. And that's really all that says.

11 CHIEF MOOSE: Yes, and I guess all I'm saying is that I, you know, I don't see that at
12 the same level of risk, yes that is a risk, and then I, then I'm back in that position where Mr.
13 Duncan will hire a new police chief.

14 COMMISSIONER SILVERMAN: Well, that could happen any time, any where,
15 whether there had been a sniper situation or not. So, ...

16 CHIEF MOOSE: Right. But I guess I was, I was understanding that you were taking
17 that position to protect me because you didn't want me to get in a position where my ability to do
18 my job was compromised for fear that I would loose my job. I thought you was taking that
19 position to protect me.

20 COMMISSIONER SILVERMAN: For fear that you would loose your job or for fear that
21 the County's ability or your ability to do the job would be negatively affected.

22 CHIEF MOOSE: Yes, and that's why my civilian oversight it's probably why we have
23 that system. Because at that point to be an oversight and Mr. Romer and Mr. Duncan would do

1 their job. I mean, that could happen about anything. That's not about the extra employment.

2 COMMISSIONER SILVERMAN: Thank you.

3 COMMISSIONER REBACK: Do you want to go to Ed?

4 CHAIR KELLAR: Oh, Ed, do you have a question?

5 MR. LATTNER: Well, I've got a lot of ..

6 CHAIR KELLAR: You only get one.

7 MR. LATTNER: Can't stop me once I start. I'm the poor soul that may have to draft
8 something at the end of the day here. You know, the Ethics law defines employment as
9 engaging in an activity for compensation, and I just want to try and identify exactly what that
10 activity that may have happened or that would happen under these proposals. You mentioned,
11 you've signed a contract with Dutton. Dutton has not signed the contract yet, is that right?

12 CHIEF MOOSE: Yes.

13 MR. LATTNER: Okay. So there's nothing, you haven't gotten any, I guess you've
14 signed a contract with an agent? David?

15 CHIEF MOOSE: Yes.

16 MR. LATTNER: Okay. But that's not anything that is getting you compensation?

17 CHIEF MOOSE: I can't get David to give me a penny.

18 MR. LATTNER: You say, as it should be. And then, there's a writer. Do you, is there a
19 contract that you have with the writer, then? Or that's just done with the publisher?

20 CHIEF MOOSE: Uh, you know, it's a percentage thing. Okay, there's a certain amount
21 of money, David gets a percentage, the writer gets a percentage.

22 MR. LATTNER: So you haven't gotten, okay. And this was all contingent then on
23 Dutton signing off on the deal then? I mean, that's the final piece that's being awaited for, and

1 that's

2 MRS. MOOSE: May I explain it?

3 MR. LATTNER: Yes. [inaudible]

4 MRS. MOOSE: What happens is Charles entered into an agreement with David.
5 David's in New York.

6 MR. LATTNER: Right. Right.

7 MRS. MOOSE: The agent sought writers, the writers we interviewed, and then we
8 selected a writer, and then there's a three-way agreement between the agent, the writer and
9 Charles. And, then in that one it talks about a project together. And then percentages are
10 defined ...

11 MR. LATTNER: In that agreement? Okay.

12 MRS. MOOSE: Of some unknown sum, because there is no sum yet...

13 MR. LATTNER: Okay.

14 MRS. MOOSE: Because there is no sum yet.

15 MR. LATTNER: Because that's contingent upon Dutton then signing it.

16 MRS. MOOSE: No, there's five documents.

17 MR. LATTNER: Okay, go ahead, go ahead.

18 MRS. MOOSE: There's a two-way agreement between agent and Charles, there's a
19 three-way agreement between agent, Charles and author. And then a proposal is written and
20 submitted and then you get bids. And that's what happened with Dutton and us. So we settled
21 on it. Now Dutton's doing a draft which will be sent, and we have not signed a contract.
22 Charles has not signed it yet. When he said he has signed but Dutton hasn't signed, what they
23 had sent us was a draft. And so, he thought he signed and then they could finalize it.

1 MR. LATTNER: Okay.

2 MRS. MOOSE: But no. So we don't even have the final document yet. They are still
3 discussing derivative things. You know,

4 MR. LATTNER: Okay.

5 MRS. MOOSE: In years to come and royalties and world-wide. This is a world-wide
6 story.

7 MR. LATTNER: Okay. I just want to get specifics in my mind.

8 MRS. MOOSE: Yeah, I know and that's why I spent that much time.

9 MR. LATTNER: Okay, so the compensation.

10 CHIEF MOOSE: That didn't count as a question.

11 MR. LATTNER: So the compensation to the Chief then, would come once the
12 agreement with Dutton is signed and then whatever money flows down from that, you have this
13 agreement between the agent and the writer and the Chief that says how much people are getting.
14 But that's, so it's all waiting for the agreement with the publisher to happen.

15 MRS. MOOSE: Right. And the agreement with the publisher has a caveat providing
16 there are no ethics problems.

17 MR. LATTNER: Right. With the, just stop me when you want me to stop. With the
18 movie, though, an agreement, he's signed an agreement of his life story or [inaudible]

19 MRS. MOOSE: Life story.

20 MR. LATTNER: And I think you said he's gotten 5 percent of that sum is for signing
21 because you agree that for 18 months you can't give your, we may not, we may not ever do this
22 story, but for 18 months you can't go to anyone else to do your story.

23 MRS. MOOSE: Right.

1 MR. LATTNER: Okay, in okay _____, okay.

2 MR. ROMER: He hasn't gotten the money yet.

3 MRS. MOOSE: Yeah, 2 percent is the sum. And we agreed to ...

4 MR. LATTNER: You've gotten a certain percentage already for ...

5 MRS. MOOSE: Yeah.

6 MR. LATTNER: ...having signed and to forbear from giving it to other people for 18
7 months. And then if they start production, maybe you got another whatever percentage, to start
8 film...

9 MRS. MOOSE: You get a second payment, small.

10 MR. LATTNER: As it goes along until it finally ...

11 MRS. MOOSE: Right, if they never do anything else, it stops. Monetarily stops.

12 MR. LATTNER: Right. Right. But you, but what you have now, there is certain
13 compensation already given. I mean there's nothing that can change that.

14 MRS. MOOSE: No.

15 MR. LATTNER: That's forbearing for the 18 months. Okay.

16 MRS. MOOSE: That's right. Yes.

17 MR. LATTNER: Okay. The Two Moose A Caring, you said you incorporated
18 December of last year in Maryland, then? As a limited liability company?

19 MRS. MOOSE: Yes.

20 MR. LATTNER: Okay. Now, but that LLC hasn't done any work in Maryland?

21 MRS. MOOSE: Not for compensation.

22 MR. LATTNER: Not for comp, right.

23 MRS. MOOSE: We've done work but no compensation.

1 MR. LATTNER: Okay, right. Okay. I'll take a breather.

2 UNKNOWN VOICES

3 CHAIR KELLAR: Okay, now Rick.

4 COMMISSIONER REBACK: I, I guess I'm trying, help me understand this. A few
5 years ago, actually many years ago, it's December, it's snowy outside, Air Florida goes out to the
6 but it comes down in the Potomac River. Do you remember that crash? 19 whatever, 87. A
7 good Samaritan Lenny Skutnik jumps in and rescues people, pulls them out of the water. A few
8 weeks, a few months later, there were made-for-TV movies about Len Skutnik. It turns out
9 Lenny Skutnik was a federal employee, but when he jumped in the water and rescued those
10 people, he was just a good Samaritan jumping in. When you were in front of the media and
11 talking about the sniper investigation, and very effectively so, you were serving in your official
12 capacity as Chief of Police, and isn't the reason that the media is interested in you now is
13 because of how you behaved as the Chief of Police. That is, it was because of your official
14 position and the confidence and the compassion and the way you behaved in your official
15 position that you have now, we have now all this media interest. I guess what I wrestle with is if
16 that's what going on here, then isn't that, isn't some of this, that, you're going to potentially
17 benefit by these book and media deals because of the prestige of the office, the prestige of how
18 you performed in that office, as a County government employee. And, why shouldn't, why
19 shouldn't you be restricted from benefiting secondarily from your conduct as a federal, as a
20 County employee in that County?

21 CHIEF MOOSE: Well, I guess, um, you know I've been a police officer for 28 years,
22 and this is not a sniper book. This is my memoirs. And so, to kind of boil it all down to x
23 number of press conferences and ask who I am, the only thing that I did there is all-

1 encompassing about who I am. You know, it kind of takes away from that. I worked really
2 hard. People seem to have an interest in me. They got this exposure to me. But you said it's
3 just media interest. Media interest is different than the work that people have said. Dutton and
4 their experts think that people want to learn more about me. About reading. It is not these
5 people out in the halls that are, want me to do anything except fail, so they can have another
6 story. So, maybe I was just a use of words, but I don't see this driven by media interest. It
7 seems that there's people out there that want to know more about me. That is a

8 COMMISSIONER REBACK: Right.

9 CHIEF MOOSE: ... once in a life time and the situation that caused that was out of my
10 control. I didn't ask for that, I didn't do anything except my very best to do my job. If we had
11 not found the people they were killing, then I would assume I would run the risk of not being
12 employed, I certainly would run the risk of being seen as incompetent, be seen as a laughing
13 stock. It didn't come out that way. Somebody, God, somebody made that decision. I can't
14 control that. But I don't feel like I went out and asked for any of this, I'm trying to deal with it,
15 but I am more than just the person that, you know, controls the media part. That got some of
16 these people to recognize my face. You know, the world is just very different, and '87, '97, you
17 know, I don't quite know what happened and the ramifications of what happened. But it
18 happened. And so, at some point, it seems to me the way the world works now, that, you know,
19 County employees were in Germany, in Italy, in France and during the time in October, it was all
20 over there. It's all over the west coast, it's all over the south. The world just kind of works that
21 way. I didn't cause that. I didn't make any of that happen. But all I'm doing is saying, it has
22 happened folks, and I want to do this extra work. If it helps me and my family with the law
23 school bills that my wife has, the law school bills that Lincoln has, he just took the bar, it's my

1 good fortune. Okay. But I didn't like plan all of this so that I could have a way. I don't think
2 I'm being devious or conspiracy here. It, it, you know, it's all fluid. It's kind of like the laws
3 and the opinions from the Supreme Court and the, it all is subject to change as times change, and
4 maybe we're at a point where this is the way to go. Maybe there's going to be a new way of
5 looking at a lot of things that, because of the [inaudible] to, or maybe this is like the worst thing
6 to ever happen to County government. You know, I don't know, but it's.

7 MRS. MOOSE: I guess with regards to this big project, the movie and the book, um, one
8 of the companies that bid that wanted to do the movie of the week, the true-crime story, did
9 [inaudible] by the Washington Post and we got solicited at home heavily and never once, and we
10 have documentation, never once did they raise any ethics issues. They want him to be their
11 conduit, get no money and just happily tell a story because somebody once had an interview
12 here. Well, he has a PhD, he has 28 years of law enforcement experience, I was a director of a
13 police review board in Portland for eight years, we lived in a high-crime community in Portland,
14 we have served the public for 20 some years each collectively, I am not sitting for the bar at this
15 time so I can work for the office, I am getting nothing except whatever my husband gives me of
16 whatever he gets, so this is not, he has to come to you for permission. And, therefore, I am here
17 asking permission. For this, this issue of his project is bigger than him, and if any of you have a
18 family or a spouse and you're doing anything that's together, then you know, and I was thinking
19 what kind of an example can I use, and maybe you're familiar, maybe you're not, that there is a
20 woman who got a divorce, and in her divorce in Chicago she had the, instinct to know that she
21 had to work with her husband so long and so hard that someday he would win the Pulitzer price.
22 And she negotiated in her divorce settlement if he wins this within seven years, I get half the
23 money. And guess what, he did! So I'm here, my husband is the police chief, but I come to you.

1 BRUCE ROMER: Well, you made a good investment. [Laughter]

2 MRS. MOOSE: I come to you, I have worked hard, I have a master's, the same one as
3 him, I got it the year before him, I was an activist in Portland , I brought, you know, before we
4 moved here, basically we moved books and documents, and the mover said, "Mrs. Moose, you
5 don't have any antiques." And I said, "My husband has a PhD and have a law degree and we
6 have papers. And basically, this is the story about a black man who came from a successful
7 black family, but they lived in segregation, they ate in the back room, he has served in
8 organizations that's full of institutionalized racism beyond anything that you can imagine. He
9 has gone in not knowing if white officers would get his back, he has stood the test of a federal
10 prosecution and been the only officer out of 32 not considered for indictment and not fired, and
11 he had to go back to work. That is the story of this man, and that is what I'm going to Portland
12 with the offers for to get that story. And that's the story, that was the person that went out there
13 and talked and stood there. Between two corporal officers, an ATF and an FBI. We knew if he
14 did not catch the sniper, he was being fired. Because they were already saying this man can't
15 even talk, cause his dialect is different from the King's English. They were already saying this
16 man does not have the talent to do this job. He has been, what more will it take? Now we come
17 to you and once more I look as a white person, however, I am that much Cherokee, and he is
18 asking a fully white group to give him the permission to make some money. Now, I am told that
19 on issue one with you, he didn't get the waivers properly. That's a given. He says so. I want to
20 kick his butt for that, okay? Because when we talked to Mr. Romer about coming here, there
21 was no, there was no mincing of words, my husband's a teacher, he's taught. and he's a police
22 chief. And he is in the Air National Guard and they have him on a track to be a general, because
23 if you look outside of the Washington, DC, there aren't even very many black generals.

1 especially those with Ph.D.s. Okay. And he is doing his part. On the other hand, did he take
2 us coming here and what we went through, this is what this is about. And on issue one with
3 regards to can we do this. You can say he can't do five of these, he can't do one of these, he
4 can't do three or five of these, he's too busy to do any of these. The one thing that is very
5 important and if it never leaves this room that's okay. A full year ago, when I went home to
6 teach, because I teach in Portland, Oregon, at a community college, and I fly home four times a
7 year to do that, because it's very important to me as a woman, to keep a job that I got 15 years
8 ago on my own, and I got the disk for Two Moose business cards and letterhead, a full year ago
9 from Kinkos there, because when I was in Portland I, I didn't file the LOP papers yet, you know,
10 I'm trying to pass the damn bar to be an attorney. That's my first goal. But that doesn't seem
11 like that's what's in my plan. But I have a disk, so anyone who says that they created Two
12 Moose to capitalize on that, that's just not the full-blown truth. The one thing that we do know is
13 that if we make money, we have to have a conduit to report and pay our fair share to the IRS.
14 And so, I went to my tax man because I do taxes and that was the decision to start Two Moose at
15 that particular time. Because we saw these things on the horizon. The second thing is that I filed
16 the papers in Oregon. The third thing is that this is a map of where we lived in Portland, Oregon.
17 And these are the murders around our house. This man was a book before this incident. This
18 incident, this tragedy, this terrible tragedy, has made him more of that. These are pictures of us
19 teaching. You'll find that we've been working our asses off for 20 years, all due respect. And
20 on that note, the third thing is like, is there a conflict? You have to trust that he can handle
21 himself. That he is one of these people prosecuted as much as anyone here. And the last picture
22 is the profit. And the profit, that may be your big issue. He can't make any money. Well, I'm
23 told that, at that point, we need to look at the constitutionality. You can, can you control and

1 keep this man from making money off his autobiography, off his mental impressions of what
2 happened to him for 24 days, or can you just control the part about what he saw while standing
3 between the FBI agent and that ATF agent and these people. And that's gonna be, that's what
4 we're here for. And I have a briefcase of information about us. I have documents bringing us to
5 this day, what we did right, what we did wrong. That I think I have kept.

6 COMMISSIONER SHAW: Question.

7 MRS. MOOSE: Do you have a question.

8 COMMISSIONER SHAW: You made reference just a moment ago to the confidential
9 information thing, and I, we're getting into semantics maybe, but clearly what this book is
10 about, is also about is non-public information. And the public's desire and interest in knowing
11 what happened the night of the shootings is a very exciting thing. I mean, I'm reading, I read
12 about six books at a time. One of them now is Helen Thomas's book. I mean, she's the AP
13 reporter, reporter through seven presidents. I started reading that because I wanted to hear all
14 these interesting anecdotes about how she interacts with the presidents. It's exciting. It's
15 interesting about her life, background and all that but I skipped through that a little bit and really
16 get to, I wanted to get to the anecdotes about how she and Richard Nixon in the hall. But there's
17 a genuine interest in the public and hearing non-public information. [inaudible]

18 CHIEF MOOSE: Is there a distinction in not being a lawyer between non-public
19 information and confidential information?

20 COMMISSIONER SHAW: Well, I don't know. I guess I was going to ask you that
21 because you were, you were getting very sensitive to the confidential information, and I don't
22 mean...Although I mean things that aren't, I mean a publisher isn't going to publish this thing if
23 you're telling him I'm not going to give you any non-public information. The only thing that

1 you're going to have that relates to the sniper case is what you have said publicly in a press
2 conference, when this is going on. The publisher is going to kick you right out the door.
3 Because they're not going to get any news from your life, it's your life, I mean, it sounds
4 fantastic, but I would also, I think the public is interested in hearing the behind the scenes non-
5 public stuff, but non-public I don't know, criminal stuff or stuff that you think is going to hurt
6 the prosecution, or anything like that. It's just stuff that isn't known by the public. [inaudible]

7 CHIEF MOOSE: Right. And I think, I think there is a lot of that, but it is not
8 confidential.

9 COMMISSIONER SHAW: Okay, that's fine. But it's non - public stuff that you were
10 going to include in the book.

11 CHIEF MOOSE: Right. So are we limited on non-public stuff because, I guess, if they
12 want to know what I talk to my wife about, then I think people want to know. And ...

13 COMMISSIONER SHAW: Not, not non-public related to your job. I mean, I think
14 that's a factor in determining whether or not, from a policy point of view, outside employment
15 should be granted. It is whether you are being paid this money because of your job, because it
16 relates to the type of work you are being paid to do ,and because it relates to non-public
17 information which you acquired in the course of your job. And the answer is yes to all of those.

18 CHIEF MOOSE: Well, you know, yeah, and I guess I don't understand the question.
19 But, you know, ...

20 CHAIR KELLAR: It's okay. We all have trouble understanding each other's questions
21 sometimes.

22 COMMISSIONER SHAW: The hardest one you have answered, I think, and that one for
23 a large part or some significant part of book on the sniper case, obviously, and as part of that,

1 non-public information with regard to the sniper case.

2 CHIEF MOOSE: Yes, and I mean, if it's nothing else except that people are like, well,
3 you were so calm and seemed so confident, well I guess part of the book will probably talk about
4 some of my anxiety that thank goodness people didn't see. But I have now, is that, does that
5 belong to the County? The fact that I'm driving home at 3:00 a.m. scared to death that those last
6 three good leads fell off the board, and when I left headquarters there were no leads? And I'm
7 just praying on my drive home that when I get back tomorrow morning, there's going to be some
8 leads. That, that's not public information, but I don't now that it belongs to ...

9 COMMISSIONER SHAW: Well, that's what's going on in your head. But how about,
10 you know, again this is difficult because we're really dealing with a hypothetical here, and we
11 have no information that's provided by you in regards to any of these five things. And it's very
12 difficult frankly and I wish going in back in time, if we had a little more information so we could
13 ask things more intelligently. But what we dealing in a vacuum and I haven't seen it, and maybe
14 you can correct my misunderstanding. But I have to assume that the book is going to contain
15 discussion about the sniper case that involves conversations that you had with your fellow
16 officers, conversations that you had with FBI agents or the other jurisdictions to coordinate the
17 investigation, dealings with your assistants and dealings with your press people on how, I mean
18 there's not a single conversation that's going to be in the book other than what was said at the
19 press conferences? If that's the case, then tell me how that book's going to sell?

20 CHIEF MOOSE: Well, I think , you know, when we're talking to the publisher, there's
21 a couple of things. One, this will, in my mind, be the one place where all of the stuff that is out
22 there will be in one place. And to me that's of tremendous value. Maybe Sandy and I have read
23 it all, but most people haven't because most people barely read one newspaper a day, not four or

1 five. You know, they don't have people sending them all of the articles that have appeared
2 everywhere because they know. So, it will be a chance to put it all in one place. Did I have a
3 conversation with Captain Demme that I'm going to somehow expose in this book? I, I guess
4 my mind doesn't work that way in terms of remembering exact quotes about what people said to
5 the point where I can put it back in there. Will this book talk about some of the strategies that I
6 used to try to provide leadership? Yes. Will it provide some examples of me implementing
7 those strategies? Yes. Will it talk about the fact that Gary Ball and Mike Bouchard and I felt
8 like we were, indeed, a three-legged stool and how you have to do that so that all parties are in
9 on every decision so that people feel valued? Yes, it'll talk about that. But will it talk about on
10 this day at this time Gary said hell no, and Mike and I said hell yes, and so we did it? No, it's
11 not going to take people and do them that way. And I guess, if Dutton doesn't like it, then
12 Dutton won't ever put a hard cover on it. But it's like, I'm not going to do that to people, I'm
13 not going to do that to the law enforcement community. If Dutton never puts a hard back on it,
14 then I'll be going, well I wish I had that third afternoon back. But, it's like, it'll be gone because
15 I put that energy into it. And if the book never sells and never gets published, then it never does.
16 But I'm not going to go over the line for it. It's like, I got a plan about my life, and I will, I'll
17 either add this new piece to it or this new piece will proof to be an interesting exercise. Nobody
18 else will ever take this meeting away from me, but ...

19 CHAIR KELLAR: One of those special moments.

20 CHIEF MOOSE: I'm not, I'm just not going to risk...

21 COMMISSIONER SHAW: I didn't mean to suggest that would be over the line. The
22 conversations that you had with people and strategizing on things, if those people wouldn't care
23 that you've said it, you know, those wouldn't be improper things. But, I, if you're telling me the

1 book won't have conversations in there, telephone calls you made with people in the course of
2 this or any of that, if it has none of that, if you're telling me this, then fine. Is there, I didn't
3 understand, did I understand correctly there were two chapters that were written by the author
4 that were submitted as part of the proposal to Dutton?

5 CHIEF MOOSE: Yes.

6 COMMISSIONER SHAW: And one of those chapters dealt with the sniper case and one
7 dealt with your background. Why wouldn't the one on the sniper case be relevant for our
8 consideration, if that's the thing? I mean, that's you telling the publisher what it is that you're
9 going to put in his book, and rather than deal with all these hypothetical things. That's
10 [inaudible]

11 CHIEF MOOSE: Again, I came here to ask permission to work. I didn't come here to
12 ask you to approve the literary, you know, form.

13 COMMISSIONER SHAW: If you don't want to get into this, that's fine. That's your
14 decision. ...

15 CHIEF MOOSE: Well, I guess, this is your meeting. I, I read the thing, I'm trying to
16 figure out the rules. You know, you don't ask what am I going to teach at Montgomery College,
17 and, and, you know, for class outlines, and so, and when you approve people to do security work,
18 you don't have where they're going to stand. So, I don't know. And so, all it is is

19 UNKNOWN MAN: A security officer standing isn't the same as you disclosing things
20 that I'm paying you the money to do as a taxpayer in this County.

21 CHIEF MOOSE: And all I am saying sir, is that I didn't bring it because I don't know
22 what the rules for this.

23 COMMISSIONER SHAW: I'm not suggesting that you should've have thought to bring

1 anything. I'm just saying, is that something you want to submit for us to make a
2 determination later. I'm not being critical either.

3 CHIEF MOOSE: Okay, all right, can I make

4 BRUCE ROMER: It's something that can be looked at.

5 CHIEF MOOSE: I misunderstood.

6 COMMISSIONER SHAW: No, it's not a problem.

7 CHIEF MOOSE: Okay.

8 MRS. MOOSE: I think that they could collect all the things that are going to be in the
9 book relative to the sniper related book that's coming out in April that the Post writers are
10 writing. Because, they certainly have run around trying to interview everyone for information.
11 And that's all that going to be. And it's already in the *Post*, _____. Are you still going with
12 the public, public ...

13 COMMISSIONER SHAW: The only comments that you're going to be quoting in your
14 book are going to be from the Post book?

15 MRS. MOOSE: No, the story is the source, you know?

16 COMMISSIONER SHAW: Okay. That's the answer to my question.

17 MRS. MOOSE: But his mental impressions are his mental impressions about the story.
18 And that's what you're asking about, isn't it?

19 COMMISSIONER SHAW: It's not about his mental impressions.

20 MRS. MOOSE: Well, then, why, why wouldn't you ask about that? About his mental
21 impressions about the sniper incident. Can he talk about those?

22 COMMISSIONER SHAW: It's not for me to say one way or the other whether he can or
23 can't talk about it.

1 CHAIR KELLAR: In the interest of everyone's time, I'm gonna exercise a prerogative
2 as chair and give a couple of us a chance if we haven't to ask final questions and Jerry do you
3 have any?

4 COMMISSIONER JOSEPH: Well, Chief, I hope you know we're looking at you only as
5 our Chief of Police and nothing else. And you did say this is not a sniper book, is that correct?
6 It's about your life?

7 CHIEF MOOSE: Yes, sir.

8 COMMISSIONER JOSEPH: Part of it is the sniper part. I have nothing else.

9 CHAIR KELLAR: Okay. Veronique?

10 COMMISSIONER SILVERMAN: No.

11 CHAIR KELLAR: Ed, I can't believe you're passing it up.

12 MR. LATTNER: Nah.

13 COMMISSIONER SHAW: I just, maybe I didn't hear this right. You have received
14 money already on the movie part of this?

15 CHIEF MOOSE: Yes sir. It is my understanding that when you get work, then you ask
16 permission. In the Police Department we're also telling people you may proceed until you are
17 told otherwise. And so, when I signed that, they paid David, then David sent me a check. So,
18 you know, I don't know what to do about that. It's like, you don't just, it's not real until you
19 actually ... (end of tape)

20 MR. LATTNER: Um, who sent ... David ...

21 SANDY MOOSE: Excuse me.

22 MR. LATTNER: Yeah, go ahead.

23 CHIEF MOOSE: Okay, Sandy has it and I don't.

1 SANDY MOOSE: Yeah, yeah.

2 MR. LATTNER: Go ahead.

3 SANDY MOOSE: Well, I mean he does, but I opened the checking account with the
4 money. Okay. And it was four thousand two hundred and fifty.

5 MR. LATTNER: No, but that was a check from

6 SANDY MOOSE; from Villiani, the agent. All of a, we agreed in all of our agreements
7 that the money goes to the agent, and he pays us our portion, if there ever is any.

8 MR. LATTNER: Who gave the money to the agent?

9 SANDY MOOSE: Cates/Jody, which is the production company.

10 MR. LATTNER: Oh, I'm, so we are talking about the movie?

11 SANDY MOOSE: We're talking about the movie of the week and that's the only money
12 we received.

13 MR. LATTNER: Okay, I thought he was saying that the book. I'm sorry I missed, when
14 I heard David, oh, David's the agent for, he's the agent for everything. I got you. Okay. But
15 there was no money coming in from the book yet, that's only ...

16 SANDY MOOSE: No. We have not received any money for the book,

17 MR. LATTNER: Okay. Wrong thing.

18 SANDY MOOSE: We've received one sum.

19 MR. LATTNER: Right, from the movie. Right. Got you. Okay, I thought it was for the
20 book thing.

21 SANDY MOOSE: And we did not even accept the highest offer for the movie because
22 of our questions about ethics.

23 MR. LATTNER: What class, what's the class that you teach at the college? At

1 Montgomery College?

2 CHIEF MOOSE: It changes every term.

3 MR. LATTNER: What is it now?

4 CHIEF MOOSE: Uh, you know, kind of a, it's just like Criminal Justice 101 or
5 something. I ...

6 MR. LATTNER: Okay.

7 CHIEF MOOSE: I taught a class on terrorism, I taught a class on organization
8 management, I think this one is Introduction to Law Enforcement. You know, I'll quit
9 Montgomery College if that's an issue with the people here. I just really can't believe that this
10 is, you know.

11 CHAIR KELLAR: I doubt that that's an issue.

12 MR. LATTNER: No, I just wanted to know what the course is.

13 CHAIR KELLAR: Please don't misunderstand when people ask questions. They're just
14 really trying to understand, and

15 CHIEF MOOSE: Well, you know the problem is, the permit that says like everybody
16 else at the Police Department, it says that it's on-going, and it doesn't say which class because
17 the people at the College determine which class that you teach. I don't have any control. And,
18 you know, they may not ask me to ever teach again.

19 MR. LATTNER: No, I just wanted to get an idea about the subject matter. Law
20 enforcement, that's fine. I understand.

21 COMMISSIONER REBACK: Can I ask a quick one, just one question?

22 CHAIR KELLAR: Uh, okay.

23 COMMISSIONER REBACK: It has to do with the consulting services , you said you

1 consult on sexual harassment, race relations, like that? A number of issues. And you haven't
2 entered into any consulting at this point with anybody.

3 SANDY MOOSE: Well, actually no.

4 COMMISSIONER REBACK: Was it typically individuals who you would consult with,
5 or businesses, or how would that go?

6 SANDY MOOSE: Oh, we're not one-on-one consultants. We're, we're teachers, and
7 then we go from there. And we do groups. And the groups we've done here actually, uh, the
8 Crisis Team asking. The Police Department learned that we were speakers and they asked us to
9 teach in their training. And we did it for free.

10 COMMISSIONER REBACK: Okay.

11 SANDY MOOSE: And then they, from that somebody word of mouth learned that we do
12 speaking, and they asked us to speak, and we did a team presentation. And it was more, it wasn't
13 just the Crisis Team, so it was more than leadership and gender difference, gender and race.

14 COMMISSIONER REBACK: So what kind of organizations?

15 SANDY MOOSE: Uh, that was, um, [inaudible name], one of his graduating class from
16 the Citizens' Academy, the Citizens' Academy. And then since the sniper incident, I have, on
17 occasion, been involved with survivors and stuff of police officers. And the National Institute of
18 Justice asked me to come and be a speaker at a conference, and I did. I didn't accept any money
19 except for the travel and I didn't submit anything for reimbursement in terms of my meals which
20 I could have. But, those kinds of things. We get, you know.

21 CHAIR KELLAR: I need to really get up early in the morning and

22 MR. LATTNER: What wasn't signed?

23 CHAIR KELLAR: And you have a big day ahead of you. Yes.

1 CHIEF MOOSE: I do have a question. Obviously. But I think I have a comment and
2 a question. I apologize if I misunderstood any of your questions. You know, I am being touted
3 from my perspective in the media as an ethical violator, as an unethical person. And I find that
4 very troubling, very painful. And I guess I don't know what to do about it, because you're not
5 going to say anything tonight. You're not going to make any decisions, so now I've got to go
6 and it's like what happened. And I guess I'll continue to read that I had a hearing in front of the
7 Ethics Commission and my post-sniper activities are an ethical violation of the County. And I'm
8 at a loss for what to do about that. Maybe it's not your job to help me with that, but anything
9 that you might want to say about that, because again, early on I told the media that if you decide
10 and you read about me teaching at the College, then I will give that up, and I guess I'll take
11 whatever indictment or punishment you want to do. But it needs to happen, because I am still
12 being couched as an ethical violator. I received some things that I consider extra employment,
13 and I submitted the forms. Again, I've been told that until I hear from you, I am to proceed. So,
14 as I proceed, then I'm still being called a violator. It is, it is

15 CHAIR KELLAR: I want to assure you we'll do everything we can to be as expeditious
16 as we can, whatever we're able to between five people. As you can tell from tonight's
17 conversation, a lot of diverse opinions. We may be able to reach conclusions on some things and
18 not others tonight, I don't know. But anything that we can do, we will do in a straight-forward
19 way and we'll get the information out in as clear a way as we're able to. We're at the mercy of
20 how it's interpreted sometimes, but we'll do our best to be straight forward.

21 MR. ROMER: I don't think we, we have to talk to the media.

22 CHAIR KELLAR: No, no we haven't.

23 MR. ROMER: As of this week, none of us have ever talked to the media.

1 CHAIR KELLAR: You understand, ...

2 CHIEF MOOSE: Your staff has said there's lot of ethical problems here. They're
3 quoted in the paper for making these comments.

4 COMMISSIONER REBACK: [inaudible]

5 CHIEF MOOSE: It's like, .. No, I didn't say you sir.

6 COMMISSIONER REBACK: I don't have a staff.

7 COMMISSIONER SHAW None of us have a staff.

8 CHIEF MOOSE: Well, I'm sorry, then whoever. Then you have said that, and I guess if
9 you don't work for these people, then, you know, I have a problem with that. Because you have
10 been quoted, and I am now being painted as unethical as a result of those comments. And so,
11 I'm sorry that you, ...

12 BRUCE ROMER: It is a problem for us.

13 CHIEF MOOSE: Don't have a staff, but you know, I have read that it was the Ethics
14 Commission staff. And, so, again, nobody really knows how this works. But it is a dilemma that
15 I am facing.

16 MR. ROMER: We try to go out of our way to explain to people who will listen that
17 what, our understanding is that once you have approval for secondary employment application,
18 then you can proceed and you're not violating a law by proceeding to engage in that conduct.
19 But it's a point that many times gets lost in the media. That's what Charles is saying.

20 CHAIR KELLAR: As an example. Barbara tells me that, you know, it's not unusual for
21 people to call her the day after a meeting and say was my application approved. And she can tell
22 the person right away. This is an unusual situation because we have people hovering out here.
23 Who will have an expectation of all kinds of things that, you know, all of us know. We can't

1 really,...

2 MR. ROMER: I'm sorry. When you say approval, do you mean approval by you as the
3 _____ Chief?

4 UNKNOWN MAN: Yes

5 MR. ROMER: Okay.

6 Various voices.

7 BRUCE ROMER: Is that correct? Or can we leave it at that?

8 CHAIR KELLAR: [inaudible]

9 BRUCE ROMER: I thought there had to be approval by the Ethics Commission before
10 the individual ...

11 MR. LATTNER: Department heads can approve employment initially, but then you have
12 to get it to the Commission ultimately. Now, it doesn't have exactly, I don't think it has exactly
13 a time period. I guess, one would expect within a reasonable time period. You would then, it's a
14 temp, it's a band-aid. It's a hold on. It gives you, the Department Head, if I want to start
15 teaching, Chuck Thompson could say yeah, you can do that, and I could do that, but ultimately I
16 would have to get Ethics Commission approval.

17 MR. ROMER: And this all has to do with the Montgomery College. And we understand
18 that okay, that's different, but the problem is the Montgomery College thing is something that
19 we'd like to put to rest.

20 Various voices.

21 CHAIR KELLAR: We'll try to get a resolution on that issue tonight after ...

22 CHIEF MOOSE: But I think everything is, you know, even if it's accurate or not,
23 because I think the emphasis is that since the Cates/Jody people sent some money to David and

1 David sent a check to us, that that's some kind of, people are like thinking that's a violation.

2 You know, I can't control, that's the process.

3 COMMISSIONER SHAW: How are people aware of that? I mean, is that fact sitting up
4 front?

5 CHIEF MOOSE: No sir, I'm saying that you are aware of it. And so, I guess if you
6 don't understand why that happened and how that happens, then I guess I don't want you, for me
7 to leave here and you have the impression that I am, like, unethical because it happened that way.

8 COMMISSIONER SHAW: You confessed to the difficult issue of how you want to deal
9 with that. I mean, just speaking for myself, I mean the way I view this thing is that at least
10 you're going forward and you're trying to do the right thing. And we may or may not agree with
11 what you think the right thing is. But it's a matter of going forward. It's my personal view on
12 the way how to discuss this. My personal view is that I don't have any particular problem with
13 how you've conducted yourself in the past, at all. You're bringing it to us, and we're analyzing
14 it, and we're going to do what we think is the right thing.

15 COMMISSIONER JOSEPH: Nor do I, and I'm sorry to hear that they're accusing you of
16 these things.

17 COMMISSIONER REBACK: They're not doing it with the authority from the Ethics.

18 CHAIR KELLAR: We've been very, very careful not to say anything.

19 COMMISSIONER : We've never made any decisions that anything you've done is
20 unethical.

21 UNKNOWN WOMAN: In fact, I wouldn't even acknowledge that you had any pending
22 questions with us.

23 CHIEF MOOSE: Okay. And maybe what I'm really asking in a strange kind of way is,

1 which is maybe for the attorney. Is there any way that you can clarify that as early as
2 tomorrow, you know, knowing that you don't have any decisions, but what you just said is that
3 we met, you talked, you reviewed all of this up to now, you need to make decisions, but you
4 have not found any, you know, it's unfortunate that he didn't turn in the form, but he does his
5 financial ...

6 COMMISSIONER JOSEPH: [unclear]

7 CHIEF MOOSE: Okay.

8 MR. LATTNER: Under the law a secondary employment request is confidential. The
9 deliberation is confidential until it comes out. So, they wouldn't, they won't even be confirming
10 anything, well...

11 COMMISSIONER SHAW: He's asking for an _____

12 Various voices

13 BRUCE ROMER: You haven't found him in violation of the Ethics law. Up to now
14 there's certainly been no decision by the Commission. And that's saying

15 MR. LATTNER: That's up to you, if you want to ...

16 BRUCE ROMER: There hasn't been any decision about any violation at all.

17 MR. LATTNER: Right.

18 BRUCE ROMER: So, whoever's quoting that the Ethics Commission or the Ethics
19 Commission staff that the Chief violated the Ethics law didn't say it with authority from this
20 Commission.

21 COMMISSIONER REBACK: And that's something we can say publicly if that's what
22 the Chief wants to say.

23 SANDY. MOOSE: That would be great because they call me...

1 Various voices

2 COMMISSIONER SILVERMAN: I think I would like to discuss this.

3 CHAIR KELLAR: I think, as you can see, we're in for a lively discussion. I thank you
4 very much for coming to talk to us,. It's tough thing for all of us.

5 MR. ROMER: We really appreciate you're attention. We know these are difficult
6 issues. Let us know, let either one of us know if we can provide any more information for you at
7 any time.

8 CHAIR KELLAR: Thank you. With the indulgence of the Commission. Let me take a
9 five-minute break. I need to get a glass of water.

10 END OF MEETING