



COMMISSION MEMBERS:
ROBERT F. SCHOLZ, *Chairman*
JULIAN L. LAPIDES
ANDREA LEAHY-FUCHECK
JACOB YOSEF MILIMAN
PAUL M. VETTORI

STATE ETHICS COMMISSION

45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

410-260-7770
Toll Free 1-877-669-6085
FAX: 410-260-7747

MICHAEL W. LORD
Executive Director
JENNIFER K. ALLGAIR
General Counsel
DEADRA W. DALY
Assistant General Counsel
WILLIAM J. COLQUHOUN
Staff Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING January 19, 2012

Commission Members Present: Robert F. Scholz, Chair
Julian L. Lapidés
Jacob Yosef Miliman
Paul M. Vettori

Commission Member Absent: Andrea Leahy-FucHECK

Staff Members Present: Michael W. Lord, Executive Director
Jennifer K. Allgair, General Counsel
Deadra W. Daly, Assistant General Counsel
William J. Colquhoun, Staff Counsel
Darlene J. Brocki, Office Manager
Jennifer Whitehead, Legal Assistant
Megan W. Schutz, Legal Assistant

The meeting convened at 9:35 a.m. at the Commission's offices in Annapolis. The Commission staff was introduced to the Commission and then dismissed.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with additions.

ITEM 2: Minutes of the December 8, 2011 Meeting

Discussion: The draft minutes of the December 8, 2011 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 3: Financial Disclosure Additions and Deletions

ITEM 3: Financial Disclosure Additions and Deletions

Discussion: Mr. Lord presented a listing of the proposed additions to the financial disclosure list recommended by State agencies and reviewed by him. The recommendations covered the Department of Environment, State Highway Administration, Maryland Transportation Authority, Baltimore County Department of Health, Attorney Grievance Commission, University of Baltimore, University of Maryland-Baltimore, Montgomery College, and the University of Maryland-College Park. Mr. Lord recommended not adding the Sanitarian II position in the Department of Environment and the Associate Director of Admissions and the Director of Sports Information at the University of Maryland-College Park, which were discussed in detail.

Decision: The Sanitarian, Associate Director of Admissions and the Director of Sports Information were not added to the financial disclosure listing. The Commission approved the remainder of Mr. Lord's recommendations.

ITEM 4: Board and Commission Exemption Requests

Discussion: Mr. Lord briefed the Commission on the following boards and commissions requesting exemptions from financial disclosure requirements:

- State Interagency Coordinating Council for Infants and Toddlers
- Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System
- Invasive Plant Advisory Committee
- Task Force to Study the Creation of a Maryland Center for School Safety
- Task Force to Study the Creation of a Regional Higher Education Center in Northeastern Maryland

Decision: The Commission approved exemptions for the Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System, the Invasive Plant Advisory Committee, the Task Force to Study the Creation of a Maryland Center for School Safety and the Task Force to Study the Creation of a Regional Higher Education Center in Northeastern Maryland. The Commission did not approve exemptions for the State Interagency Coordinating Council for Infants and Toddlers.

ITEM 5: Board and Commission Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on the Board of Directors of the Maryland School for the Blind and the Board of Trustees of the Residential Boarding Education Program as to whether or not they should be considered executive agencies covered by the Ethics Law.

Decision: This matter will be further reviewed at a later meeting.

ITEM 6: Local Government – Exemption Requests

Discussion: Ms. Allgair briefed the Commission on municipalities seeking exemptions and requested that if partial exemptions are granted, it be clearly specified whether such exemptions pertain to lobbying provisions, conflict of interest provisions, or requirements to file financial disclosure.

ITEM 7: Local Government – City of Hyattsville (11-0406)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the City of Hyattsville. E. I. Cornbrooks, IV, Esq. spoke on behalf of the City of Hyattsville.

Decision: The Commission denied the exemption.

ITEM 8: Local Government – City of District Heights (11-0403)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the City of District Heights. E. I. Cornbrooks, IV, Esq. spoke on behalf of the City of District Heights.

Decision: The Commission granted a partial exemption permitting the City of District Heights not to adopt lobbying provisions. The City of District Heights must adopt conflicts of interest and financial disclosure provisions.

ITEM 9: Local Government – Town of Landover Hills (11-038)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Town of Landover Hills. The City Attorney spoke on behalf of the Town of Landover Hills.

Decision: The Commission granted the full exemption.

ITEM 10: Local Government – Town of Sudlersville (11-0474)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Town of Sudlersville.

Decision: The Commission granted the continuation of a full exemption.

ITEM 11: Local Government – Town of Rock Hall (11-0371)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Town of Rock Hall.

Decision: The Commission granted the continuation of a full exemption.

ITEM 12: Local Government – Town of Laytonsville (11-0433)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Town of Laytonsville.

Decision: The Commission granted the continuation of a full exemption.

ITEM 13: Local Government – Town of Chesapeake City (11-0429)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Town of Chesapeake City.

Decision: The Commission granted the continuation of a full exemption.

ITEM 14: Local Government – Village of Martin's Additions (11-0290)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Village of Martin's Additions.

Decision: The Commission granted the full exemption.

ITEM 15: Local Government – Town of St. Michael’s (12-0004) and Town of Crisfield (12-0032)

Discussion: Ms. Allgair briefed the Commission on the consideration of the full exemption request received from the Town of St. Michael’s and the Town of Crisfield.

Decision: The Commission will consider the exemption requests at a future meeting.

ITEM 16: Local Government – Draft and Adopted Policies and Regulations – Boards of Education

Discussion: Ms. Daly briefed the Commission on the proposed ethics policies and regulations received from the Garrett County Board of Education, Somerset County Board of Education, Baltimore County Board of Education, Queen Anne’s County Board of Education, Harford County Board of Education, Washington County Board of Education and Dorchester County. Ms. Daly briefed the Commission on the ethics policies and regulations adopted by the Talbot County Board of Education and St. Mary’s County Board of Education.

Decision: The Commission approved the draft and adopted ethics policies and regulations.

ITEM 17: Local Government – Draft Ethics Laws - Counties

Discussion: Ms. Allgair briefed the Commission on the proposed ethics laws, policies and regulations received from Garrett County, Kent County and Talbot County.

Decision: The Commission approved the proposed ethics laws, policies and regulations for Garrett County and Kent County and recommended changes to the Talbot County proposed ethics law.

ITEM 18: Local Government – Draft Ethics Laws - Municipalities

Discussion: Ms. Allgair and Ms. Daly briefed the Commission on the proposed ethics laws, policies and regulations received from the Town of Bel Air, Town of Elkton, City of Glenarden and the Town of University Park.

Decision: The Commission approved the proposed ethics laws, policies and regulations for the Town of Elkton, City of Glenarden and the Town of University Park and recommended changes to the proposed ethics law of the Town of Bel Air.

ITEM 19: Executive Director’s Report – Special Senate Committee on Ethics Reform

Discussion: Mr. Lord briefed the Commission on questions asked by the Special Senate Committee on Ethics Reform at its initial meeting regarding financial disclosure and who should file, whose forms should be available online and whether past forms should be made available. Mr. Lord and Ms. Daly will meet with this group tomorrow.

Decision: Commission staff will continue to work with this committee and update the Commission on this matter.

ITEM 20: Executive Director’s Report – Discussion of Enforcement Matters

Discussion: Mr. Lord briefed the Commission on a new approach in dealing with enforcement matters that was agreed to by the Chair. Once Mr. Colquhoun briefs the Commission, he and Mr. Lord will excuse themselves from the room prior to consideration of the matters by the Commission.

ITEM 21: Executive Director's Report – Legislative Proposals

Discussion: Mr. Lord briefed the Commission on the three legislative proposals submitted by the Commission to the Governor's Office.

ITEM 22: Executive Director's Report – Contractual Position

Discussion: Mr. Lord briefed the Commission on the tentative approval of an additional contractual position.

ITEM 23: Executive Director's Report – Revolving Door Policy Review

Discussion: Mr. Lord briefed the Commission on the status of his research into the laws in other states related to post-employment restrictions on legislative staff members.

ITEM 24: Executive Director's Report – Campaign Finance Commission

Discussion: Mr. Lord briefed the Commission on his service on the Commission to Study Campaign Finance Reform.

Meeting was closed at 12:00 p.m. to consider confidential advice and enforcement matters.

ITEM 25: Informal Matter – Elected Official (12-0007)

Discussion: Ms. Allgair briefed the Commission on a request received from an elected official regarding the application of the Ethics Law to registered lobbyists' ability to participate in fundraising activities if he runs for a local elected office.

Decision: The Commission determined that Section 15-714 prohibits regulated lobbyists from certain campaign finance activities on behalf of a current elected State official seeking election to a local office.

ITEM 26: Informal Matter - Department of Health and Mental Hygiene (11-0478)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health and Mental Hygiene wanting to serve on a Board of Directors for a private non-profit organization.

Decision: The Commission granted an exception to allow the secondary employment.

ITEM 27: Informal Matter – Department of Human Resources (11-0494)

Discussion: Ms. Daly briefed the Commission on a secondary employment request received from an employee in the Department of Human Resources wanting to be processor for a bank.

Decision: The Commission granted an exception to allow the secondary employment.

ITEM 28: Informal Matter – Department of Natural Resources (11-0513)

Discussion: Ms. Daly briefed the Commission on a secondary employment request received from an employee in the Department of Natural Resources wanting to study paddlefish for an association.

Decision: The Commission granted an exception to allow the secondary employment.

ITEM 29: Informal Matter – Maryland Aviation Administration (11-0552)

Discussion: Ms. Daly briefed the Commission on a secondary employment request received from an employee in the Maryland Aviation Administration wanting to work as an escort into secured areas at the airport.

Decision: The Commission did not grant an exception in this matter.

ITEM 30: Informal Matter – Department of Juvenile Services (12-0001)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request received from an employee in the Department of Juvenile Services wanting to run for a local office.

Decision: The Commission determined that this potential secondary employment is not prohibited by the Public Ethics Law and also provided advice regarding private political activities.

ITEM 31: Informal Matter – State Police (11-0524)

Discussion: Ms. Daly briefed the Commission on a request received from an employee in the Fire Prevention Commission wanting to solicit sponsorship for an educational event.

Decision: The Commission determined that the Public Ethics Law did not prohibit this activity.

ITEM 32: C-182-11

Discussion: There was a confidential Hearing in this matter.

Decision: (Mr. Lord and Mr. Colquhoun did not participate.) Motion to dismiss was granted.

(Senator Lapides did not participate for the remainder of the meeting.)

ITEM 33: Informal Matter – Department of Natural Resources (12-0002)

Discussion: Ms. Allgair briefed the Commission on an employee in the Department of Natural Resources owning a parcel of land which borders a State park and DNR expressed interest in acquiring the property for the State park.

Decision: The Commission determined this activity is allowable.

ITEM 34: Informal Matter – Procurement Matter (12-0013)

Discussion: Mr. Lord briefed the Commission on a request by a business for advice regarding the application of the procurement ethics restrictions to that business' ability to bid on an RFP issued by the State. One of the business' listed subcontractors was involved in developing the specifications for the project.

Decision: The Commission determined that the procurement restrictions of § 15-508 precluded the business from bidding on the solicitation in question.

ITEM 35: Informal Matter – Department of Transportation (12-0008)

Discussion: Ms. Allgair briefed the Commission on a request for post-employment advice received from a Department of Transportation employee who plans to retire from State service and work for a vendor to the Maryland Transit Administration.

Decision: The Commission determined this activity is acceptable.

ITEM 36: A-47-11

Discussion: Mr. Colquhoun briefed the Commission on this matter.

Decision: This matter is not within the Commission's jurisdiction.

ITEM 37: A-48-11

Discussion: Mr. Colquhoun briefed the Commission on this matter.

Decision: This matter will remain on the Preliminary Consideration Docket.

ITEM 38: A-49-11

Discussion: Mr. Colquhoun briefed the Commission on this matter.

Decision: This matter will be closed.

ITEM 39: A-2-12

Discussion: Mr. Colquhoun briefed the Commission on this matter.

Decision: This matter will be closed.

ITEM 40: B-10-11

Discussion: Ms. Whitehead briefed the Commission on this matter.

Decision: This matter will remain on the preliminary inquiry docket.

ITEM 41: B-11-11

Discussion: Mr. Colquhoun briefed the Commission on this matter.

Decision: This matter will be closed with a letter.

ITEM 42: A-3-12

Discussion: Mr. Colquhoun briefed the Commission on this matter.

Decision: The Commission will accept the late filing agreement.

(Mr. Lord, Mr. Colquhoun, Ms. Whitehead and Ms. Schutz did not participate in the decisions regarding items 43-47.)

ITEM 43: Lobbyist Cures (C-196-11, C-200-11, C-202-11, C-205-11, C-206-11 and C-210-11)

Discussion: Mr. Colquhoun briefed the Commission on these matters.

Decision: The Commission accepted the late submission of the activity report as a cure to the complaint.

ITEM 44: Lobbyist Settlement Agreements (C-195-11, C-197-11, C-198-11, C-199-11, C-201-11, C-203-11, C-204-11, C-207-11 and C-208-11)

Discussion: Mr. Colquhoun briefed the Commission on these matters.

Decision: The Commission accepted the Stipulation of Settlement Agreement for all complaints.

ITEM 45: A-1-12

Discussion: Mr. Colquhoun briefed the Commission on these matters.

Decision: Complaints will be issued in these matters. (C-1-12, C-2-12, C-3-12, C-4-12 and C-5-12)

ITEM 46: C-192-11

Discussion: Mr. Colquhoun briefed the Commission on this matter.

Decision: The Commission accepted a cure and the matter will be closed.

ITEM 47: C-193-11

Discussion: Mr. Colquhoun briefed the Commission on this matter.

Decision: The Commission accepted a cure and the matter will be closed.

ITEM 48: A-4-12 (Ms. Allgair did not participate in this matter.)

Discussion: Mr. Colquhoun briefed the Commission on this matter.

Decision: This matter will be closed.

The meeting was adjourned at 2:45 p.m.