



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

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
WILLIAM J. COLQUHOUN
Staff Counsel
KATHERINE P. THOMPSON
Assistant General Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING

September 12, 2013

Commission Members Present: Paul M. Vettori, *Chair*
Robert G. Blue
Julian L. Lapidés
Andrea Leahy-Fuccheck
Jacob Yosef Miliman

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

The meeting convened at 9:30 a.m. at the Commission's offices in Annapolis. Melissa Bunker was introduced to the Commission as the new contractual Special Assistant.

ITEM 1: Annual Election of Chairman (July 1, 2013 to June 30, 2014)

Discussion: Mr. Vettori was unanimously elected chairman for another one-year term.

ITEM 2: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with additions.

ITEM 3: Minutes of the June 27 and July 17, 2013 (conference call) Meetings

Discussion: The draft minutes of the June 27 and July 17, 2013 (conference call) meetings were reviewed and discussed.

Decision: The draft minutes were approved as adjusted.

ITEM 4: Financial Disclosure Additions and Deletions

Discussion: Mr. Lord presented a listing of the proposed additions and deletions to the financial disclosure list recommended by State agencies and reviewed by him. The recommendations covered the Executive Department, Department of Health & Mental Hygiene, Department of Labor, Licensing and Regulation, Department of Housing & Community Development, Department of Natural Resources, Department of Business & Economic Development, State Treasurer's Office, Department of Education, Department of Transportation, State Highway Administration, Maryland Transportation Authority, University of Maryland-Baltimore, University of Baltimore, University of Maryland-College Park, University of Maryland-University College, Towson University, Salisbury University and the Northeast Maryland Waste Disposal Authority.

Decision: The Commission approved Mr. Lord's recommendations.

ITEM 5: Board and Commission Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on the following list as to whether or not they should be considered an executive unit covered by the Ethics Law:

Spay/Neuter Advisory Board
State Advisory Board for Juvenile Services
Local and Regional Transportation Funding Task Force

Decision: The Commission determined the Spay/Neuter Advisory Board, State Advisory Board for Juvenile Services and the Local and Regional Transportation Funding Task Force should be considered executive units covered by the Public Ethics Law.

ITEM 6: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Maryland Educators Service Memorial, Commission on Child Custody Decision Making, Task Force to Study the Applicability of the Maryland Prevailing Wage Law, Task Force to Study a Post-Labor Day Start Date for Maryland Public Schools, Maryland Smart Growth Investment Fund Workgroup, Advisory Council on Universal Newborn-Hearing Screening Program, Advisory Board on Prescription Drug Monitoring, Commission on Special Education Access and Equity, and the Maryland Botanical Heritage Workgroup requests for exemptions from the financial disclosure requirement.

Decision: The Commission approved exemptions for the Maryland Educators Service Memorial, Commission on Child Custody Decision Making, Task Force to Study the Applicability of the Maryland Prevailing Wage Law, Task Force to Study a Post-Labor Day Start Date for Maryland Public Schools, Maryland Smart Growth Investment Fund Workgroup, Advisory Council on Universal Newborn-Hearing Screening Program, Advisory Board on Prescription Drug Monitoring, Commission on Special Education Access and Equity, and the Maryland Botanical Heritage Workgroup.

ITEM 7: Executive Director's Report – Attorney General Opinions

Discussion: Mr. Lord briefed the Commission the status of two requests for opinions of the Attorney General, one requested by the Commission and one requested by the Chesapeake Bay Trust.

Decision: The Commission asked Mr. Lord to convey to the Attorney General its hope that the opinions can be issued more quickly than the current projection of early 2014, and also asked Mr. Lord to bring the

question of the executive unit status of the Maryland Veterans Trust (which had been previously deferred pending issuance of the Attorney General's Opinion on the Chesapeake Bay Trust) to the next meeting.

ITEM 8: Executive Director's Report – Local Government Status

Discussion: Mr. Lord briefed the Commission on the non-compliance of some local governments with the requirements of SB 315 and discussed ideas for addressing the status of local governments as of October 1, the date by which the Law requires local governments to certify compliance to the Commission.

Decision: The Commission directed Mr. Lord to develop a plan for communicating to the General Assembly the compliance status of local governments.

ITEM 9: Executive Director's Report – Local Government Concerns

Discussion: Mr. Lord briefed the Commission on concerns, based on anecdotal information, that some municipalities and boards of education may be having difficulty implementing their laws/policies after adoption, because of lack of training and understanding as to how to actually implement them.

Decision: The Commission directed staff to contact MML and MABE to see if they can provide some information/thoughts on any issues being experienced by their members.

ITEM 10: Executive Director's Report – Legislative Proposals

Discussion: Mr. Lord briefed the Commission on the status of three legislative proposals submitted to the Governor's Office which were approved at the previous Commission meeting. He also suggested submitting another legislative proposal to require all financial disclosure statements be filed electronically.

Decision: The Commission approved the legislative proposal to require mandatory electronic filing of financial disclosure statements.

Meeting was closed at 10:20 a.m. to consider confidential advice matters.

ITEM 11: Informal Matter – Governor's Office (13-0310)

Discussion: Ms. Allgair briefed the Commission on this matter regarding a request for an exception to the participation restrictions of §15-501 of the Public Ethics Law to allow continuation of State duties on energy-related matters involving clients of a lobbying firm whose brother is a partner in the firm. The Requestor and a counsel from the Governor's Office were present. The Governor's Office supports the exception. Confidentiality was not waived.

Decision: The Commission determined to deny the Requestor's participation exception request. The Commission directed staff to draft a letter advising the Requestor not to participate in any State matters involving the lobbying firm as well as provide other general participation advice. The letter will be circulated for Commission approval before being sent to the Requestor.

ITEM 12: Informal Matter – Administrative Office of the Courts (13-032)

Discussion: Mr. Lord briefed the Commission on a secondary employment request concerning whether a Court Administrator can continue to serve on the Board of Directors of the National Center for State Courts.

Decision: The Commission determined the secondary employment is allowable.

ITEM 13: Informal Matter – Department of Transportation (13-0291) (Mr. Vettori did not participate in this matter.)

Discussion: Ms. Allgair briefed the Commission on whether the newly appointed Secretary of the Department of Transportation can continue his service on several boards.

Decision: The Commission determined the service on the boards is allowable but he would have to recuse himself from matters dealing with the Department.

ITEM 14: Informal Matter – Department of Business & Economic Development (13-0232)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Business & Economic Development wanting to continue service on an export council, wanting to continue to receive compensation from past clients and wanting to continue service on the advisory board of a trade association.

Decision: The Commission determined the service on the export council and the trade association is prohibited but he can continue to receive compensation from past work done as an independent business consultant.

ITEM 15: Informal Matter – Department of Education (13-0233)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Education wanting to continue working as a sign language interpreter.

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

ITEM 16: Informal Matter – Department of Human Resources (13-022)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a registrar for a local hospital.

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

ITEM 17: Informal Matter – Department of Human Resources (13-0223)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a residential counselor for a private company.

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

ITEM 18: Informal Matter – Department of Human Resources (12-0573)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to work as a front desk clerk for a YMCA.

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

ITEM 19: Informal Matter – Department of Human Resources (12-0220)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a cashier at a grocery store.

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

ITEM 20: Informal Matter – Department of Human Resources (13-0290)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a stocker at a grocery store.

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

ITEM 21: Informal Matter – Department of Health & Mental Hygiene (13-0260)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health & Mental Hygiene wanting to work as a contractor for a family health administration which is another department within DHMH.

Decision: This request was withdrawn since the Department head did not support it.

ITEM 22: Informal Matter – Circuit Court (13-0317)

Discussion: Ms. Thompson briefed the Commission on a request from an employee in the Circuit Court whose spouse works for a private law group that has offered a free cruise to staff and spouses.

Decision: The Commission determined this gift is acceptable since the law group does not do business with the Circuit Court.

The meeting was reopened at 12:25.

ITEM 23: Local Government – City of Gaithersburg (12-0548)

Discussion: Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from the City of Gaithersburg. Lynn Board, the City Attorney for Gaithersburg, was present and addressed the Commission.

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations.

ITEM 24: Special Informational Memorandums – Gift Law and Reporting

Discussion: Mr. Lord briefed the Commission on a proposed addition to the gift law memorandum and a newly created memorandum on gift reporting for lobbyists.

Decision: The Commission approved both the proposed addition and the new memorandum.

ITEM 25: Special Informational Memorandum – Procurement Lobbying

Discussion: Mr. Lord briefed the Commission on the proposed changes to the procurement lobbying informational memorandum.

Decision: The Commission approved the changes to the memorandum.

ITEM 26: Special Informational Memorandum – Appointee Exemption Disclosure Form Questions and Answers

Discussion: Mr. Lord briefed the Commission on the draft frequently asked questions and sample forms for the appointee exemption disclosure form.

Decision: The Commission approved the draft frequently asked questions and sample forms.

ITEM 27: Local Government – Frederick County (13-0259)

Discussion: Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from Frederick County.

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations.

ITEM 28: Local Government – Town of Hurlock (11-0417)

Discussion: Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from the Town of Hurlock.

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations.

ITEM 29: Local Government – Town of Chevy Chase (12-0399)

Discussion: Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from the Town of Chevy Chase.

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations.

ITEM 30: Local Government – City of Annapolis (12-0256)

Discussion: Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from the City of Annapolis.

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations.

ITEM 31: Local Government – City of District Heights (12-0256)

Discussion: Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from the City of District Heights.

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations.

ITEM 32: Local Government – Town of Westernport (11-0259)

Discussion: Ms. Allgair briefed the Commission on the exemption status of the Town of Westernport.

Decision: This matter will be set for a formal exemption status review at the December meeting.

ITEM 33: Local Government – Town of Port Tobacco (13-0300)

Discussion: Ms. Allgair briefed the Commission on the Town of Port Tobacco's request to continue its full exemption from the requirements to adopt a local ethics law in compliance with COMAR 19A.04.

Decision: The Commission determined to continue the full exemption for the Town of Port Tobacco.

ITEM 34: Local Government – Decennial Review

Discussion: Ms. Allgair briefed the Commission on the continuation of a partial exemption from the lobbying provisions for Berwyn Heights, Elkton, Frostburg, Havre de Grace, North East, Smithsburg and University Park. Also discussed was the continuation of a full exemption for Deer Park, Funkstown and Marydel.

Decision: The Commission granted a continuation of a partial exemption from the requirement to adopt lobbying provisions as part of the local ethics law for Berwyn Heights, Elkton, Frostburg, Havre de Grace, North East, Smithsburg and University Park. The Commission granted a continuation of a full exemption for the Deer Park, Funkstown and Marydel.

Meeting was closed again at 1:10 p.m. to consider confidential enforcement matters.

ITEM 35: A-21-13

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

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

ITEM 36: A-23-13

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-4-13)

ITEM 37: A-24-13

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-5-13)

ITEM 38: A-26-13

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

Decision: The Commission will not issue a complaint in this matter.

ITEM 39: C-19-13

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

Decision: The Complaint will be dismissed.

ITEM 40: A-27-13

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

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

ITEM 41: A-22-13

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

Decision: The Commission accepted the late filing agreement.

ITEM 42: Informal Matter - IWIF Conversion to Chesapeake Employers Insurance

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

ITEM 43: A-25-13

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

Decision: Complaints will be issued in these matters. (C-50-13 through C-54-13)

ITEM 44: C-8-13, C-21-13, C-22-13, C-23-13, C-24-13, C-25-13, C-26-13, C-28-13, C-30-13, C-32-13, C-33-13, C-34-13, C-35-13, C-36-13, C-37-13, C-40-13, C-42-13, C-43-13, C-44-13, C-45-13, C-46-13, C-48-13, and C-49-13

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

Decision: The Commission accepted the late filings as cures in these matters.

(Mr. Lord, Mr. Colquhoun, Ms. Schutz and Ms. Whitehead participated in the briefings but did not participate in the decisions regarding Items 35 through 44.)

The meeting was adjourned at 1:40 p.m.