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MINUTES OF THE STATE ETHICS COMMISSION MEETING

October 24, 2013 - VIA TELEPHONE CONFERENCE CALL

Commission Members Participating: Paul M. Vettori, *Chair*
Robert G. Blue
Julian L. Lapidés
Jacob Yosef Miliman

Staff Members Participating: 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 telephone conference call meeting convened at 9:30 a.m. Commission staff participated in the call at the Commission's offices in Annapolis.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with additions.

ITEM 2: Minutes of the September 12, 2013 Meeting

Discussion: The draft minutes of the September 12, 2013 meeting were reviewed and discussed.

Decision: The draft minutes were approved as adjusted.

ITEM 3: Commission Meeting Dates for Calendar Year 2014

Discussion: The Commission meetings scheduled for calendar year 2014 are January 16, March 6, May 15, June 26, September 11, October 30 and December 11.

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 Business & Economic Development, Department of Housing & Community Development, Chesapeake Employers' Insurance Company, Department of Transportation, Maryland Transportation Authority, University of Maryland College Park, University of Maryland-Baltimore, Frostburg State University, Bowie State University, College of Southern Maryland, Salisbury University, Anne Arundel Community College and Howard Community College.

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:

State Advisory Council on Quality Care at the End of Life
Technology Assistance Program Advisory Council
Maryland Commission for Effective Community Inclusion of Individuals with Intellectual
& Developmental Disabilities
Maryland Veterans Trust

Decision: The Commission determined the State Advisory Council on Quality Care at the End of Life and the Maryland Veterans Trust should be considered executive units covered by the Public Ethics Law.

The Commission determined that the Technology Assistance Program Advisory Council and the Maryland Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities Board were not executive units covered by the Public Ethics Law.

ITEM 6: Chesapeake Employers' Insurance Company and Injured Workers' Insurance Fund

Discussion: There was a discussion regarding the status of the employees who will remain under the Injured Workers' Insurance Fund ("IWIF") and will be involved in lobbying activities for the new organization, Chesapeake Employers' Insurance Company ("Chesapeake"), and a discussion concerning the status of the Board of Directors, formerly with IWIF and now managing Chesapeake.

Decision: With respect to the lobbying activities of IWIF personnel on behalf of Chesapeake, the Commission agreed with Chesapeake's proposed legislative change to address the current prohibition in the Public Ethics Law on employees of the State also serving as lobbyists. With respect to the status of Chesapeake's Board, the Commission agreed with the staff recommendation that the Board is not an executive unit.

ITEM 7: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Maryland State Department of Education Dispute Resolution Workgroup, Workgroup Created by the Council for the Procurement of Health, Education and Social Services, Task Force on Juvenile Court Jurisdiction, Task Force to Study Housing and Supportive Services for Unaccompanied Homeless Youth, Task Force to Study Food Allergy Awareness, Food Safety, and Food Service Facility, and the Workgroup on Cancer Clusters and Environmental Causes of Cancer requests for exemptions from the financial disclosure requirement.

Decision: The Commission approved exemptions for the Maryland State Department of Education Dispute Resolution Workgroup, Workgroup Created by the Council for the Procurement of Health, Education and Social Services, Task Force on Juvenile Court Jurisdiction, Task Force to Study Housing and Supportive Services for Unaccompanied Homeless Youth, Task Force to Study Food Allergy Awareness, Food Safety, and Food Service Facility, and the Workgroup on Cancer Clusters and Environmental Causes of Cancer.

ITEM 8: Executive Director's Report – Executive Department Classification Study

Discussion: Mr. Lord briefed the Commission on the Classification Study to be conducted by the Department of Budget and Management for 7 staff positions at the Ethics Commission.

The meeting was closed at 10:10 a.m. to consider confidential informal advice matters.

ITEM 9: Informal Matter – State Highway Administration (13-0370)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the State Highway Administration working as a bookkeeper for a private company.

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

ITEM 10: Informal Matter – Department of Human Resources (13-0341)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources working as a family service coordinator and mental health therapist for a private foundation.

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

ITEM 11: Informal Advice – Gift Exceptions

Discussion: Mr. Lord briefed the Commission on proposed guidance to be used when a staff member accompanies an official to a ticketed event or participates on a panel or speaking engagement.

Decision: The Commission approved the guidance to be provided in future circumstances.

ITEM 12: Special Informational Memorandum – Gift Law Memo

Discussion: Mr. Lord briefed the Commission on proposed changes to the gift law informational memorandum concerning bonus program points.

Decision: The Commission approved the changes to the memorandum.

ITEM 13: Informal Matter – MdTA Procurement

Discussion: Mr. Lord briefed the Commission on a request made by the MdTA for guidance concerning the application of procurement restrictions to contractors engaged in preliminary work in connection with the Governor Harry W. Nice Memorial Bridge Improvement Project.

Decision: This matter will be further reviewed pending additional information. The Commission agreed, consistent with past practice in such matters, to request the agency to submit a request or requests to the Commission for informal advice with respect to those tasks the agency believes satisfy an exception to the procurement restrictions, with full justification for the agency's position.

The meeting was reopened at 10:30.

ITEM 14: Local Government – Implementation of Ethics Laws/Policies

Discussion: Mr. Lord briefed the Commission on feedback received from MML and MABE concerning the implementation of ethics laws/policies by municipalities and boards of education. Discussion between Commission staff and MABE staff resulted in an agreement for Commission staff to participate in regional training sessions organized by MABE on dates and at locations to be determined.

ITEM 15: Local Government – Report of Certification Status

Discussion: Mr. Lord briefed the Commission on the status of the counties and municipalities certification requirements of the Public Ethics Law as reflected in letters sent to the Governor, the President of the Senate and the Speaker of the House.

ITEM 16: Local Government – Wicomico County (13-0335)

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

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

ITEM 17: Local Government – Town of Chesapeake Beach (13-0323)

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

Decision: The Commission did not approve all of the proposed and adopted ethics laws, policies and regulations.

ITEM 18: Local Government – Town of Forest Heights (13-0330)

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

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

ITEM 19: Local Government – Town of St. Michaels (12-0544)

Discussion: Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from the Town of St. Michaels. Ms. Allgair also briefed the Commission on the status of the local referendum regarding the local ethics law.

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations. The Commission directed staff to continue to update the Commission on the status of the referendum.

ITEM 20: Local Government – Town of Easton (11-0329)

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

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

ITEM 21: Local Government – Town of Brentwood (12-0325)

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

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

ITEM 22: Local Government – Town of Morningside (13-0393)

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

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

The meeting was closed at 10:40 a.m. to consider confidential enforcement matters.

ITEM 23: Financial Disclosure – Delinquent Board and Commission Filers

Discussion: Mr. Lord briefed the Commission on the challenges faced when dealing with financial disclosure compliance of members of boards and commissions.

Decision: The Commission approved a draft letter to be sent to agencies and the Governor.

ITEM 24: A-28-13

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

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

ITEM 25: B-5-13

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

Decision: This matter will be closed.

ITEM 26: C-40-12

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

Decision: The Commission accepted the late filing agreement.

ITEM 27: A-29-13

Discussion: Mr. Colquhoun briefed the Commission on these matters

Decision: Complaints will be issued in these matters. (C-56-13 through C-67-13)

ITEM 28: C-10-11

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

Decision: The Commission accepted the late filing as a cure in this matter.

ITEM 29: C-13-12

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

Decision: The Commission accepted the late filing as a cure in this matter.

ITEM 30: C-39-13

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

Decision: The Commission accepted the late filing as a cure in this matter.

ITEM 31: C-50-13

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

Decision: The Commission accepted the late filing as a cure in this matter.

(Mr. Lord, Mr. Colquhoun, Ms. Schutz and Ms. Whitehead participated in the briefings but did not participate in the decisions regarding Items 24 through 31.)

The meeting was adjourned at 10:45 a.m.