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## STATE ETHICS COMMISSION

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### MINUTES OF THE STATE ETHICS COMMISSION MEETING

December 12, 2013

Commission Members Present: Paul M. Vettori, *Chair*  
Robert G. Blue  
Julian L. Lapidés  
Jacob Yosef Miliman (by phone)

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.

#### ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with additions.

#### ITEM 2: Minutes of the October 24, 2013 (teleconference) and December 6, 2013 Meetings

Discussion: The draft minutes of the October 24, 2013 and December 6, 2013 meetings were reviewed and discussed.

Decision: The draft minutes were approved.

#### ITEM 3: 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 Budget & Management, Department of Information Technology, Department of Housing & Community Development, Maryland Health Benefit Exchange, IWIF/Chesapeake Employers Insurance Company, Maryland State Police, Department of Business & Economic

Development, Department of Public Safety & Correctional Services, Department of Transportation, State Highway Administration, Maryland Aviation Administration, Motor Vehicle Administration, Maryland Transit Administration, Maryland Transportation Authority, University of Maryland-College Park, University of Maryland Center for Environmental Science and Garrett College.

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

ITEM 4: 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:

Task Force to Study Implementing a Civil Right to Counsel in Maryland  
Maryland Longitudinal Data System Center Governing Board

Decision: The Commission determined the Task Force to Study Implementing a Civil Right to Counsel in Maryland should not be considered an executive unit and the Maryland Longitudinal Data System Center Governing Board should be considered an executive unit covered by the Public Ethics Law.

ITEM 5: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the State Advisory Board for Juvenile Services, Commission on the Commemoration of the 100<sup>th</sup> Anniversary of the Passage of the 19<sup>th</sup> Amendment to the United States Constitution, Abuser Registry Workgroup, and the Task Force to Study the Impact of Credit and Noncredit Courses for Students with Intellectual and Developmental Disabilities requests for exemptions from the financial disclosure requirement.

Decision: The Commission approved exemptions for the Abuser Registry Workgroup and the Task Force to Study the Impact of Credit and Noncredit Courses for Students with Intellectual and Developmental Disabilities. The Commission denied an exemption for the Commission on the State Advisory Board for Juvenile Services and the Commission on the Commemoration of the 100<sup>th</sup> Anniversary of the Passage of the 19<sup>th</sup> Amendment to the United States Constitution.

ITEM 6: Executive Director's Report – Proposed Legislation

Discussion: Mr. Lord briefed the Commission on the status of the Commission's proposed legislation.

ITEM 7: Executive Director's Report – Hoffberger Center for Professional Ethics

Discussion: Mr. Lord briefed the Commission on his desire to serve on the Board of Directors of the Hoffberger Center for Professional Ethics.

Decision: The Commission deferred their decision pending additional information on the amount of time that would be required to serve on the Board of Directors.

ITEM 8: Local Government – Town of Boonsboro (13-0467)

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

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

ITEM 9: Local Government – City of Bowie (13-0363)

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

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

ITEM 10: 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.

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

ITEM 11: Local Government – Town of North Beach (13-0444)

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

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

ITEM 12: Local Government – Town of Westernport (13-0459)

Discussion: Ms. Allgair briefed the Commission on the Town of Westernport's request to seek a full exemption from the requirements to adopt a local ethics law.

Decision: The Commission granted a full exemption for the Town of Westernport.

ITEM 13: Local Government – City of Seat Pleasant (13-0442)

Discussion: Ms. Allgair briefed the Commission on the City of Seat Pleasant's request to maintain its current exemption status.

Decision: The Commission granted the City of Seat Pleasant's request to maintain its current exemption status.

Meeting was closed at 10:15 a.m. to consider confidential advice matters and enforcement matters.

ITEM 14: Informal Matter – Maryland Transportation Authority (13-0415)

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. The Requestor and the council to MdTA were present.

Decision: The Commission accepted the MdTA's recommendation that certain specified tasks were preliminary in nature and as such participation by contractors in those tasks would not preclude their participation in later phases of the project.

ITEM 15: Informal Matter – Maryland Energy Administration (13-0357)

Discussion: Ms. Allgair briefed the Commission on a reconsideration request regarding an exception to the participation restrictions of the Public Ethics Law to allow the requestor to be involved in matters before the Maryland Energy Administration involving energy clients of a law firm where the partners of the law firm are also partners with her qualifying relative in a separate entity. The requestor's qualifying relative does not have a financial interest in the law firm.

Decision: The Commission determined that the requestor is not prohibited in participating in matters involving the law firm's clients. However, the participation restrictions would apply to matters involving clients of both the law firm and the other entity.

ITEM 16: Informal Matter – Department of Labor, Licensing and Regulation (13-0433)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Labor, Licensing and Regulation wanting to continue working at a card store as a sales associate.

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

ITEM 17: Informal Matter – Department of Labor, Licensing and Regulation (13-0348)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Labor, Licensing and Regulation wanting to continue working as an EMS for a city fire department.

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

ITEM 18: Informal Matter – Department of Human Resources (13-0421)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to work as a customer service lead at a private company that does business with the Department.

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

ITEM 19: Informal Matter – Department of Human Resources (13-0369)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to serve as a county commissioner if elected.

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

ITEM 20: Informal Matter – Motor Vehicle Administration (13-0437)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Motor Vehicle Administration wanting to serve as an alderman for the City of Frederick.

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

ITEM 21: Informal Matter – Community Health Resources Commission (13-0458)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Community Health Resources Commission wanting to teach two graduate level government courses at a private university.

Decision: The Commission approved the secondary employment request and directed staff to provide the employee with additional guidance related to nonparticipation and financial disclosure requirements.

ITEM 22: Informal Matter – Department of Business & Economic Development (13-0432)

Discussion: Ms. Thompson briefed the Commission on a request from an employee in the Department of Business & Economic Development regarding her ability to receive an individual artist grant from the Maryland Arts Council within DBED.

Decision: The Commission determined this grant is acceptable if awarded.

ITEM 23: Informal Matter – University of Maryland, Baltimore (13-0418)

Discussion: Ms. Allgair briefed the Commission on an exception request from an employee at the University of Maryland, Baltimore for her attributable financial interest in her husband's business that is a vendor to the University.

Decision: The Commission determined to grant the financial disclosure exception and directed staff to provide the employee with advice regarding her financial disclosure requirements.

ITEM 24: Informal Matter – Lobbyist (13-0453)

Discussion: Ms. Allgair briefed the Commission on a request from a lobbyist for advice regarding the application of the lobbying provisions to his ability to serve as the treasurer for an independent expenditure campaign/committee.

Decision: The Commission determined that additional information would need to be requested but tentatively the service on the committee is not allowable.

ITEM 25: A-30-13

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

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

ITEM 26: A-31-13

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

Decision: The Commission determined to reject the complaint

ITEM 27: A-33-13

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

Decision: The Commission accepted the complaint. (C-74-13)

ITEM 28: A-27-13

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

Decision: This matter will be referred to the appropriate agency.

ITEM 29: A-32-13

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-6-13)

ITEM 30: A-34-13

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

Decision: Complaints will be issued in these matters. (C-68-13; C-69-13; C-70-13; C-71-13; C-72-13; C-73-13)

ITEM 31: C-54-13

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

Decision: The Complaint will be dismissed.

ITEM 32: C-21-22

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

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

ITEM 33: C-52-13

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

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

ITEM 34: C-57-13

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

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

ITEM 35: C-62-13

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

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

ITEM 36: C-63-13

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

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

ITEM 37: C-64-13

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

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

ITEM 38: C-66-13

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

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

ITEM 39: C-67-13

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 25 through 39.)

The meeting was adjourned at 12:25 p.m.