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MINUTES OF THE STATE ETHICS COMMISSION MEETING

April 24, 2014

Commission Members Present: Paul M. Vettori, *Chair*
Robert G. Blue
Martin G. Madden
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
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 February 27, 2014 Meeting and March 24, 2014 Phone Conference

Discussion: The draft minutes of the February 27, 2014 meeting and the March 24, 2014 phone conference were reviewed and discussed.

Decision: The draft minutes were approved as adjusted.

ITEM 3: Local Government – Town of St. Michaels

Discussion: Ms. Allgair briefed the Commission on a request for an exemption status review from the Town of St. Michaels. Town Clerk/Manager Jean Weisman and Commissioners Roy Myers and Ann Borders appeared on behalf of the Town of St. Michaels.

Decision: The Commission will review the exemption status request at the June meeting.

ITEM 4: Local Government – Prince George’s County Zoning Questions

Discussion: Mr. Lord briefed the Commission on a question raised regarding whether, when an applicant or agent makes a payment/contribution to a State legislator who later transfers funds to a County Council member, is that transfer prohibited.

Decision: The Commission determined that neither the payment/contribution of funds by an applicant or agent to a State legislator who later makes a transfer of funds to a member of the County Council, nor the transfer itself by the State legislator, are prohibited under the provisions of the Public Ethics Law.

ITEM 5: Local Government – Town of Middletown (14-0090)

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

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations for the Town of Middletown.

ITEM 6: Local Government – City of New Carrollton (14-0121)

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

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations for the City of New Carrollton.

ITEM 7: Executive Director’s Report – Public Official Designation

Discussion: Mr. Lord briefed the Commission on certain inconsistent determinations that were made in the consideration of recent requests by the State Highway Administration with Transportation Engineer II positions.

Decision: The Commission determined that Transportation Engineer II positions in the State Highway Administration should be added to the financial disclosure listing based on the agency’s recommendations. The Commission also approved the Executive Director’s proposal that, in the future when a request to add a position is received where the Commission has previously added an identical position, the staff will not be required to bring the issue to the Commission but instead will simply make an administrative addition to the system, absent some unique circumstance suggesting the Commission’s guidance is required.

ITEM 8: 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 Natural Resources, Treasurer’s Office, Comptroller’s Office, Department of Housing & Community Development, Department of Planning, Department of Health & Mental Hygiene, Maryland Health Benefits Exchange, Chesapeake Employers’ Insurance Company, Department of Business & Economic Development, Department of Education, Department of Human Resources, Higher Education Commission, Register of Wills for Cecil County, State Highway Administration, Aviation Administration, Transit Administration, Historic St. Mary’s Commission, University of Maryland College Park, University of Maryland University College, University of Maryland

Eastern Shore, University of Maryland Baltimore, University of Maryland System, Anne Arundel Community College, and Bowie State University.

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

ITEM 9: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Maryland Offshore Wind Business Development Advisory Committee's request for exemptions from the financial disclosure requirement.

Decision: The Commission approved an exemption for the Maryland Offshore Wind Business Development Advisory Committee.

ITEM 10: Executive Director's Report – Contractual Employees

Discussion: Mr. Lord briefed the Commission on the draft memorandum regarding the applicability of the conflict of interest provisions of the Public Ethics Law to contractual employees.

Decision: The Commission determined to not publish the draft memorandum and ask the Attorney General's Office for an opinion.

ITEM 11: Executive Director's Report – 2014 Legislative Session

Discussion: There was a general discussion of the 2014 legislative session and draft regulations were proposed to assist in implementing passed legislation involving the Public Ethics Law.

Decision: The Commission approved the proposed regulations.

ITEM 12: Executive Director's Report – Capital Area Business Network

Discussion: Mr. Lord briefed the Commission on the Capital Area Business Network and his interest in attending the quarterly luncheons.

Decision: The Commission determined this attendance is allowable.

Meeting was closed at 10:30 a.m. to consider confidential enforcement matters and advice matters.

ITEM 13: A-10-14

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

Decision: This matter will be closed with a letter.

ITEM 14: C-1-14

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

Decision: The Commission did not accept the Stipulation of Settlement Agreement.

ITEM 15: C-74-13

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

Decision: The Commission did not accept the Stipulation of Settlement Agreement.

ITEM 16: A-12-14

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-2-14)

ITEM 17: A-8-14

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

Decision: The Commission accepted the late filing agreement.

ITEM 18: A-9-14

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

Decision: The Commission accepted the late filing agreement.

ITEM 19: A-11-14

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

Decision: The Commission accepted the late filing agreement.

ITEM 20: A-4-14

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

Decision: Complaints will be issued in these matters. (C-2-14; C-3-14; C-4-14; C-5-14; C-6-14)

ITEM 21: C-15-12

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

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

ITEM 22: C-12-13

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

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

ITEM 23: C-58-13

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

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

ITEM 24: C-56-13

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

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

ITEM 25: C-59-13

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

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

ITEM 26: C-68-13

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

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

ITEM 27: C-17-13

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

Decision: A hearing notice will be sent in this matter.

(Mr. Lord, Mr. Colquhoun and Ms. Whitehead participated in the briefings but did not participate in the decisions regarding Items 13 through 27.)

ITEM 28: Informal Matter – Office of the Attorney General (14-0126)

Discussion: Ms. Allgair briefed the Commission on an employee in the Office of the Attorney General seeking an exception to allow her financial interest in a personal training facility regulated by the Office of the Attorney General.

Decision: The Commission granted an exception to allow the financial interest.

ITEM 29: Informal Matter – Department of Health & Mental Hygiene (14-0111)

Discussion: Ms. Allgair briefed the Commission on an employee in the Department of Health & Mental Hygiene wanting to continue her secondary employment as a part-time staff physician in two county hospitals.

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

ITEM 30: Informal Matter – Board of Public Works (14-0127)

Discussion: Ms. Thompson briefed the Commission on an employee in the Board of Public Works wanting to continue her secondary employment on the board of directors of a condominium association.

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

ITEM 31: Informal Matter – Department of Health & Mental Hygiene (14-0089)

Discussion: Ms. Thompson briefed the Commission on an employee in the Department of Health & Mental Hygiene wanting to continue her secondary employment as a pharmacist at a CVS.

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

ITEM 32: Informal Matter – Department of Human Resources (14-0087)

Discussion: Ms. Thompson briefed the Commission on an employee in the Department of Human Resources wanting to have secondary employment as an electro convulsive therapy technician for a private continuum health service.

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

ITEM 33: Informal Matter – Department of Human Resources (14-0105)

Discussion: Ms. Thompson briefed the Commission on an employee in the Department of Human Resources wanting to have secondary employment as an adoption services worker for a private foundation.

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

ITEM 34: Informal Matter – Department of Human Resources (14-0106)

Discussion: Ms. Thompson briefed the Commission on an employee in the Department of Human Resources wanting to have secondary employment as a therapist for a private behavioral health service.

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

ITEM 35: Informal Matter – Towson University (14-0115)

Discussion: Ms. Allgair briefed the Commission on an employee at Towson University wanting to have secondary employment as an office manager for an ice skating rink.

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

ITEM 36: Informal Matter – Department of Human Resources (14-0137)

Discussion: Ms. Allgair briefed the Commission on an employee of the Department of Human Resources wanting to have secondary employment as a school consultant for a private community service.

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

ITEM 37: Informal Matter – Towson University (14-0055)

Discussion: Ms. Allgair briefed the Commission on an employee at Towson University wanting secondary employment as an exam proctor for Educational Testing Services which is administered on the weekends at Towson University.

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

ITEM 38: Informal Matter – Towson University (14-0056)

Discussion: Ms. Allgair briefed the Commission on an employee at Towson University wanting secondary employment as an exam proctor for Educational Testing Services which is administered on the weekends at Towson University.

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

ITEM 39: Informal Matter – Towson University (14-0057)

Discussion: Ms. Allgair briefed the Commission on an employee at Towson University wanting secondary employment as an exam proctor for Educational Testing Services which is administered on the weekends at Towson University.

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

ITEM 40: Informal Matter – Towson University (14-0058)

Discussion: Ms. Allgair briefed the Commission on an employee at Towson University wanting secondary employment as an exam proctor for Educational Testing Services which is administered on the weekends at Towson University.

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

ITEM 41: Informal Matter – Towson University (14-0059)

Discussion: Ms. Allgair briefed the Commission on an employee at Towson University wanting secondary employment as an exam proctor for Educational Testing Services which is administered on the weekends at Towson University.

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

ITEM 42: Informal Matter – Towson University (14-0060)

Discussion: Ms. Allgair briefed the Commission on an employee at Towson University wanting secondary employment as an exam proctor for Educational Testing Services which is administered on the weekends at Towson University.

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

ITEM 43: Informal Matter – Board of Public Works (14-0164).

Discussion: Mr. Lord briefed the Commission on an issue raised by an unsuccessful bidder on a parking management services contract at the University of Maryland, Baltimore (“UMB”), as to whether two former employees of the successful bidder, currently employed by UMB, should have been allowed to participate as members of UMB’s Evaluation Committee.

Decision: The Commission determined this was not a participation issue.

The meeting was adjourned at 11:35 a.m.