



**COMMISSION MEMBERS:**  
PAUL M. VETTORI, *Chairman*  
ROBERT G. BLUE  
MARTIN G. MADDEN  
RACHEL T. MCGUCKIAN  
JACOB YOSEF MILIMAN

## STATE ETHICS COMMISSION

45 CALVERT STREET, 3<sup>RD</sup> 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

June 26, 2014

Commission Members Present: Robert G. Blue, *Acting Chair*  
Martin G. Madden  
Rachel T. McGuckian  
Jacob Yosef Miliman

Staff Members Present: Michael W. Lord, Executive Director  
Jennifer K. Allgair, General Counsel  
William J. Colquhoun, Staff Counsel  
Megan Schutz, Paralegal  
Jennifer Whitehead, Paralegal  
Suzanne De Deyne, Intern  
Phoebe Neseth, Intern

The meeting convened at 9:30 a.m. at the Commission's offices in Annapolis.

The Commission welcomed new Commissioner Rachel McGuckian and said farewell to staff member Melissa Bunker.

#### ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with additions.

#### ITEM 2: Minutes of the April 24, 2014 Meeting

Discussion: The draft minutes of the April 24, 2014 meeting were reviewed and discussed.

Decision: The draft minutes were approved as adjusted.

#### 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 Military

Department, Department of Housing & Community Development, Department of Human Resources, Department of Health & Mental Hygiene, Maryland Health Benefit Exchange, Department of Business & Economic Development, Department of Public Safety & Correctional Services, Maryland Higher Education Commission, Public Broadcasting Commission, State Board of Elections, Department of Transportation, Maryland Aviation Administration, State Highway Administration, Maryland Transportation Authority, University of Maryland College Park, University of Maryland Baltimore, University of Maryland Eastern Shore, Anne Arundel Community College, Chesapeake College, and Morgan State University.

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

#### ITEM 4: Boards and Commissions – Executive Unit Determinations

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

Interagency Council on Homelessness  
Task Force to Study How to Improve Student Achievement in Middle School  
Workgroup on Workforce Development for Community Health Workers  
Maryland Health Care Commission Health Care Provider-Carrier Workgroup  
Naturopathic Medicine Advisory Committee  
Outpatient Services Programs Stakeholder Workgroup  
Community Integrated Medical Home Program Advisory Body  
Task Force to Study Sports Injuries in High School Female Athletes  
Planning Committee to Implement Improved Access to Sexual Assault Medical Forensic Examinations  
in Maryland  
Task Force to Study Access to Pharmacy Services in Maryland  
Council on Open Data  
Task Force to Study the Impact of Ocean Acidification on State Waters  
Task Force to Study State Lottery Revenue  
Statewide Interoperability Radio Control Board  
Maryland College and Career-Ready Standards and Partnership for Assessment of Readiness for  
College and Careers (PARRC) Implementation Review Workgroup  
State Early Childhood Advisory Council  
Youth Apprenticeship Advisory Committee  
Task Force to Study Methods to Reduce the Rate of Uninsured Drivers  
Coast Smart Council  
Amusement Game Advisory Committee  
Joint Committee on Cybersecurity  
Joint Committee on Legislative Information Technology  
Committee to Review Statewide or Regional Hospital Funding Proposals  
State Department of Assessments and Taxation Workgroup to Examine Issues Related to the Property  
Assessment Process  
Joint Committee on Ending Homelessness  
Workgroup to Study and Report on Information Related to Charitable Organizations, Charitable  
Representatives, and Fundraising Counsel  
Public Service Commission Workgroup to Advise the Commission on the Information and  
Recommendations to Include in its Report of Efforts to Provide Appropriate Protections for  
Consumers  
Stakeholder Workgroup to Make Recommendations on Issues Related to Behavioral Health

Workgroup to Study Appropriate National Safety Standards for Mixing, Reconstituting, and other Similar Acts under the Supervision of an Oncologist, Rheumatologist or Hematologist  
Workgroup to Study the Potential Effects of Public Works Contractor Occupational Safety and Health Prequalification Requirements  
Procurement Advisory Council  
Task Force to Study Vocational and Technical Education Programs in Harford County  
Behavior Analyst Advisory Committee  
Maryland Higher Education Commission Advisory Councils

Decision: The Commission determined that the Interagency Council on Homelessness, Task Force to Study How to Improve Student Achievement in Middle School, Naturopathic Medicine Advisory Committee, Community Integrated Medical Home Program Advisory Body, Task Force to Study Sports Injuries in High School Female Athletes, Planning Committee to Implement Improved Access to Sexual Assault Medical Forensic Examinations in Maryland, Task Force to Study Access to Pharmacy Services in Maryland, Council on Open Data, Task Force to Study the Impact of Ocean Acidification on State Waters, Task Force to Study State Lottery Revenue, Statewide Interoperability Radio Control Board, Maryland College and Career-Ready Standards and Partnership for Assessment of Readiness for College and Careers (PARRC) Implementation Review Workgroup, State Early Childhood Advisory Council, Youth Apprenticeship Advisory Committee, Coast Smart Council, Amusement Game Advisory Committee, Committee to Review Statewide or Regional Hospital Funding Proposals, State Department of Assessments and Taxation Workgroup to Examine Issues Related to the Property Assessment Process, Workgroup to Study and Report on Information Related to Charitable Organizations, Charitable Representatives, and Fundraising Counsel, Stakeholder Workgroup to Make Recommendations on Issues Related to Behavioral Health, Workgroup to Study Appropriate National Safety Standards for Mixing, Reconstituting, and other Similar Acts under the Supervision of an Oncologist, Rheumatologist or Hematologist, Procurement Advisory Council, Behavior Analyst Advisory Committee, and Maryland Higher Education Commission Advisory Councils should be considered executive units covered by the Public Ethics Law.

The Commission determined the Workgroup on Workforce Development for Community Health Workers, Outpatient Services Programs Stakeholder Workgroup, Task Force to Study Methods to Reduce the Rate of Uninsured Drivers, Joint Committee on Cybersecurity, Joint Committee on Legislative Information Technology, Joint Committee on Ending Homelessness, Workgroup to Study the Potential Effects of Public Works Contractor Occupational Safety and Health Prequalification Requirements, and Task Force to Study Vocational and Technical Education Programs in Harford County were not executive units covered by the Public Ethics Law.

The Commission deferred its decision on the Maryland Health Care Commission Health Care Provider-Carrier Workgroup and the Public Service Commission Workgroup to Advise the Commission on the Information and Recommendations to Include in its Report of Efforts to Provide Appropriate Protections for Consumers.

#### ITEM 5: 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 rescinded its previous decision to seek advice from the Attorney General. The Commission agreed to publish the proposed memorandum, but determined that it would seek legislative input to clarify the applicability of the conflict of interest provision of the Public Ethics Law to contractual employees.

ITEM 6: Local Government – St. Mary’s County Board of Education (14-0229)

Discussion: Ms. Allgair briefed the Commission on the proposed revisions to the ethics policy received from the St. Mary’s County Board of Education.

Decision: The Commission approved the proposed revisions to the ethics policy for the St. Mary’s County Board of Education.

ITEM 7: Local Government – Baltimore County Board of Education (14-0232)

Discussion: Ms. Allgair briefed the Commission on the proposed revisions to the ethics policy received from the Baltimore County Board of Education.

Decision: The Commission approved the proposed revisions to the ethics policy for the Baltimore County Board of Education.

ITEM 8: Local Government – Maryland Association of Boards of Education (14-0227)

Discussion: Ms. Allgair briefed the Commission on an inquiry received from the Maryland Association of Boards of Education as to whether non-substantive changes to local ethics regulations or laws made by Boards of Education or any local government to simply reflect the October 1, 2014 transfer of the Public Ethics Law from the State Government Article to the new General Provisions Article must be submitted to the Commission for approval.

Decision: The Commission determined that such technical changes do not require submission to the Commission for approval.

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

ITEM 9: Local Government (14-0221)

Discussion: Ms. Allgair briefed the Commission on a Maryland Public Information Act request.

ITEM 10: Informal Matter – Maryland Aviation Administration (14-0181)

Discussion: Ms. Neseth briefed the Commission on an employee in the Maryland Aviation Administration seeking an exception to allow her secondary employment as a sales clerk in a retail store within Baltimore Washington International Thurgood Marshall Airport.

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

ITEM 11: Informal Matter – Department of Human Resources (14-0196)

Discussion: Ms. Allgair briefed the Commission on an employee in the Department of Human Resources seeking an exception to allow his secondary employment as a part-time outpatient therapist.

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

ITEM 12: Informal Matter – Department of Human Resources (14-0226)

Discussion: Ms. Allgair briefed the Commission on an employee in the Department of Human Resources seeking an exception to allow her secondary employment as a concession stand manager.

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

ITEM 13: Informal Matter – Department of Business & Economic Development (14-0231)

Discussion: Ms. Allgair briefed the Commission on an employee in the Department of Business & Economic Development seeking advice in regards to service on two private boards.

Decision: The Commission determined that the DBED's proposed language, with additions, would allow for the service to be considered ex-officio.

ITEM 14: Informal Matter – Technology Development Corporation (14-0118)

Discussion: Ms. Allgair briefed the Commission on a request for advice from the Technology Development Corporation regarding participation and financial interests of site miners.

Decision: The Commission determined it would advise TEDCO that recusal of site miners in a matter would not allow them to hold financial interests in companies party to the matter, that site miners would be able to hold financial interests if granted exemption pursuant to §15-523, and that Johns Hopkins employees are not state employees subject to the Public Ethics Law, would not be able to seek exemptions pursuant to §15-523, and would only be restricted by the site miner policy as established.

ITEM 15: Informal Matter – Department of Housing and Community Development (14-0233)

Discussion: Ms. Allgair briefed the Commission on an employee in the Department of Housing and Community Development seeking advice in regards to receiving program grants administered by his agency.

Decision: The Commission determined that the employee would be prohibited from receiving grants.

ITEM 16: Informal Matter – (14-0238)

Discussion: Ms. Allgair briefed the Commission on an employee in the State Highway Administration seeking advice in regards to participation in matters involving the parent company of his son's employer.

Decision: The Commission determined the employee would be prohibited from participating in matters involving the parent company.

ITEM 17: Informal Matter – (14-0225)

Discussion: Ms. Allgair briefed the Commission on a Maryland Public Information Act request regarding a previous informal matter.

Decision: The Commission directed staff to continue to respond to or deny the request as appropriate under the law.

ITEM 18: Informal Matter – Lobbying Registration (14-0230)

Discussion: Mr. Lord briefed the Commission on a matter questioning whether lobbyist registration is required by a professional association.

Decision: The Commission was split in its position and decided to either discuss the question further at a special meeting or at the September meeting as determined by the Chairman.

ITEM 19: A-13-14

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

Decision: The Commission rejected the complaint but the matter will be placed on the preliminary inquiry docket (B-3-14).

ITEM 20: A-14-14

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

Decision: The Commission rejected the complaint.

ITEM 21: A-15-14

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

Decision: The Commission rejected the complaint.

ITEM 22: A-18-14

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

Decision: The Commission rejected the complaint.

ITEM 23: A-22-14

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

Decision: The Commission rejected the complaints.

ITEM 24: C-1-14

Discussion: Mr. Colquhoun briefed the Commission on this matter. Ms. McGuckian recused herself from the matter and remained outside of the conference room during discussion of the matter.

Decision: The Commission accepted the Stipulation of Settlement Agreement.

ITEM 25: C-74-13

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

Decision: The Commission accepted the Stipulation of Settlement Agreement.

ITEM 26: A-17-14

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

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

ITEM 27: A-19-14

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

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

ITEM 28: A-20-14

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

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

ITEM 29: A-21-14

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

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

ITEM 30: A-23-14

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

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

ITEM 31: A-24-14

Discussion: Ms. De Deyne briefed the Commission on this matter.

Decision: The Commission accepted the late filing agreements as cures.

ITEM 32: A-25-14

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

Decision: The Commission accepted the late filing agreements as cures.

ITEM 33: B-2-14

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

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

ITEM 34: A-26-14

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

Decision: Complaints will be issued in this matter. (C-7-14 through C-9-14, C-12-14, C-14-14, C-16-14 through C-18-14, C-21-14, C-23-14 through C-28-14, C-30-14 through C-32-14, and C-33-17 through C-37-14)

ITEM 35: C-2-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 36: C-6-14

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

Decision: The Commission accepted the filing as a cure.

(Mr. Lord, Mr. Colquhoun, Ms. Schutz, Ms. Whitehead, and Ms. De Deyne participated in the briefings but did not participate in the decisions regarding Items 19 through 36.)

The meeting was adjourned at 1:10 PM.