



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

October 30, 2014

Commission Members Present: Robert G. Blue (Acting Chairman)
Martin G. Madden
Rachel T. McGuckian
Jacob Yosef Miliman

Commission Member Absent: Paul M. Vettori

Staff Members Present: Jennifer K. Allgair, General Counsel
William J. Colquhoun, Staff Counsel
Katherine P. Thompson, Assistant General Counsel
Darlene Brocki, Office Manager
Megan Schutz, Paralegal
Jennifer Whitehead, Paralegal

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 changes.

ITEM 2: Minutes of the September 18, 2014 Meeting

Discussion: The draft minutes of the September 18 meeting were reviewed and discussed.

Decision: The draft minutes were approved as adjusted.

ITEM 3: Financial Disclosure Additions and Deletions

Discussion: Ms. Allgair presented a listing of the proposed additions and deletions to the financial disclosure list recommended by State agencies and reviewed by Mr. Lord. The recommendations covered the Executive Department, Department of Housing & Community Development, Department of Health & Mental Hygiene, Maryland Health Benefit Exchange, Department of Budget & Management, Department

of Information Technology, Department of Business & Economic Development, Department of Education, Maryland Economic Development Corporation, Department of Labor, Licensing & Regulation, State Highway Administration, University of Maryland College Park, College of Southern Maryland, Coppin State University, University System of Maryland, Anne Arundel Community College and the Aviation Administration.

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

ITEM 4: Financial Disclosure Exemption Request

Discussion: Ms. Allgair briefed the Commission on the Workgroup on Workforce Development for Community Health Workers, Behavior Analyst Advisory Commission, Community Integrated Medical Home Program Advisory Board and Interagency Council on Homelessness requests for exemptions from the financial disclosure requirement.

Decision: The Commission approved exemptions for the Workgroup on Workforce Development for Community Health Workers, Behavior Analyst Advisory Commission and the Community Integrated Medical Home Program Advisory Board. The Commission did not approve the exemption for the Interagency Council on Homelessness.

The Commission voted unanimously to close the meeting at 9:45 am to consider confidential enforcement matters.

ITEM 5: C-17-13

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

Decision: The Commission accepted the cure and dismissed the complaint.

ITEM 6: A-32-14

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-8-14)

ITEM 7: A-33-14

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

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

ITEM 8: A-34-14

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

Decision: A complaint will be issued in this matter. (C-52-14)

ITEM 9: B-4-14

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

Decision: This matter will be closed with a letter.

ITEM 10: B-5-14

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

Decision: The Commission accepted the cure and the matter will be closed.

ITEM 11: B-7-14

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

Decision: This matter will be closed.

ITEM 12: A-36-14

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

Decision: A complaint will be issued in this matter. (C-51-14)

ITEM 13: A-35-14

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

Decision: Complaints will be issued in these matters. (C-38-14 through C-50-14)

ITEM 14: C-31-14

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

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

ITEM 15: A-37-14 (Ms. McGuckian disclosed her relationship regarding this matter.)

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

Decision: The Commission did not accept the complaint and this matter will be placed on the Preliminary Inquiry Docket. (B-9-14)

(Mr. Colquhoun, Ms. Schutz and Ms. Whitehead participated in the briefings but did not participate in the decisions regarding Items 5 through 15.)

The meeting was reopened at 10:35 am.

ITEM 16: Local Government – Chevy Chase Village (14-0416)

Discussion: Ms. Allgair briefed the Commission on the proposed changes to the adopted ethics law received from Chevy Chase Village.

Decision: The Commission approved the proposed changes to the Chevy Chase Village ethics law.

ITEM 17: Local Government – Baltimore County Board of Education (14-0388)

Discussion: Ms. Allgair briefed the Commission on the proposed changes to the adopted ethics policies received from the Baltimore County Board of Education.

Decision: The Commission approved the proposed changes to the adopted Baltimore County Board of Education ethics policies.

ITEM 18: Local Government – City of Gaithersburg (14-0419)

Discussion: Ms. Allgair briefed the Commission on the status of the City of Gaithersburg’s ethics law. Ms. Allgair advised that the Commission approved a draft ethics law for the City of Gaithersburg at the December 12, 2013 meeting and that the City of Gaithersburg has not enacted the approved draft as the local ethics law to date. The Commission reviewed a letter from the City of Gaithersburg regarding a request to consider approving a modification to the financial disclosure provisions for elected officials in the City of Gaithersburg related to the limited disclosure of certain property interests, interests in corporations and partnerships and sources of earned income. City Attorney Lynn Board appeared on behalf of the City of Gaithersburg and addressed the City of Gaithersburg’s concerns with the local ethics law requirements and request for a financial disclosure modification.

Decision: The Commission discussed the statutory provisions (§5-209 of the Public Ethics Law) and regulatory provisions (COMAR 19A.04.03.03) related to considering ethics law modification requests from municipal corporations. The Commission discussed factors related to the size of the City of Gaithersburg as set forth in its statute and regulations, and did not set the City of Gaithersburg’s modification request in for further review at a future meeting. The Commission advised that the City of Gaithersburg should take steps to enact the previously approved ethics law draft as a demonstration of a good faith effort toward compliance with Subtitle 8 of the Public Ethics Law.

ITEM 19: Local Government - Town of Chesapeake Beach (12-0563)

Discussion: Ms. Allgair briefed the Commission on the proposed changes to the ethics law received from the Town of Chesapeake Beach. Ms. Allgair outlined recommended changes to the Town of Chesapeake Beach’s proposed prestige of office provision and the limitation of the applicability of the conflict of interest provisions to specific local boards and commissions that do not meet the statutory requirements of Subtitle 8 of the Public Ethics Law or the regulatory requirements of COMAR 19A.04. Town Attorney Elissa Levan appeared on behalf of the Town of Chesapeake Beach and addressed the Commission on this matter. Ms. Levan requested copies of all materials prepared by Commission staff and given to the Commission for review of this matter. Copies were not provided at the meeting.¹

Decision: The Commission did not approve the proposed ethics law as meeting the requirements of Subtitle 8 of the Public Ethics Law and COMAR 19A.04. The Commission approved the letter drafted by General Counsel outlining recommended changes to the proposed ethics laws, policies and regulations from the Town of Chesapeake Beach and requesting a revised ethics law draft for review as a demonstration of a good faith effort toward compliance with Subtitle 8 of the Public Ethics Law.

ITEM 20: Local Government – Town of Mount Airy (14-0420)

Discussion: Ms. Allgair briefed the Commission on the status of the ethics laws, policies and regulations for the Town of Mount Airy. Ms. Allgair advised the Commission that Mount Airy enacted a local ethics law on October 6, 2014, which was not forwarded to the Commission for review and approval prior to

¹ Copies of the requested meeting materials were subsequently emailed to Ms. Levan after the meeting on 10/30/14.

enactment. Ms. Allgair briefed the Commission on two provisions of the enacted Mount Airy ethics law related to the limited financial disclosure of interests in real property and corporations and partnerships that do not meet the statutory requirements of Subtitle 8 of the Public Ethics Law or the regulatory requirements of COMAR 19A.04.

Decision: The Commission did not approve the enacted Mount Airy ethics law as meeting the requirements of Subtitle 8 of the Public Ethics Law and COMAR 19A.04. The Commission approved a letter drafted by General Counsel outlining recommended changes to the local ethics law for the Town of Mount Airy and requesting a revised ethics law for review as a demonstration of a good faith effort toward compliance with Subtitle 8 of the Public Ethics Law.

ITEM 21: Local Government – City of Westminster (12-0208)

Discussion: Ms. Allgair briefed the Commission on the proposed changes to the ethics laws, policies and regulations received from the City of Westminster. Ms. Allgair outlined several recommended changes to the City of Westminster’s proposed conflict of interest, financial disclosure and lobbying provisions that do not meet the statutory requirements of Subtitle 8 of the Public Ethics Law or the regulatory requirements of COMAR 19A.04. The Commission also reviewed a letter from the City of Westminster’s Attorney regarding a request to consider approving a modification to the financial disclosure provisions for elected officials in the City of Westminster related to the limited disclosure of certain property interests, interests in corporations, partnerships and business entities and sources of earned income. Ms. Allgair briefed the Commission on a prior request for financial disclosure modifications from the City of Westminster considered and rejected by the Commission on September 13, 2012. General Counsel noted that the current modifications contained in the proposed draft ethics law from the City of Westminster contained additional disclosure limitations compared to the 2012 modification request. Town Attorney Elissa Levan appeared on behalf of the City of Westminster and addressed the jurisdiction’s concerns with the local ethics law requirements in Subtitle 8 of the Public Ethics Law and the request for a financial disclosure modification. Ms. Levan requested copies of all materials prepared by Commission staff and given to the Commission for review of this matter. Copies were not provided at the meeting.²

Decision: The Commission did not approve all of the proposed changes to the law as meeting the requirements of Subtitle 8 of the Public Ethics Law and COMAR 19A.04. The Commission also discussed the statutory provisions (§5-209 of the Public Ethics Law) and regulatory provisions (COMAR 19A.04.03.03) related to considering ethics law modification requests from municipal corporation. The Commission determined not to set the City of Westminster’s modification request in for further review at a future meeting. The Commission directed Commission staff to make certain additions to the proposed draft letter outlining recommended changes to the local ethics law for the City of Westminster and requesting a revised ethics law for review as a demonstration of a good faith effort toward compliance with Subtitle 8 of the Public Ethics Law.

ITEM 22: Local Government – Town of Hampstead (12-0441)

Discussion: Ms. Thompson briefed the Commission on the status of the ethics laws, policies and regulations received from the Town of Hampstead. Ms. Thompson also briefed the Commission on a letter received from the Mayor of the Town of Hampstead regarding this matter.

² Copies of the requested meeting materials were subsequently emailed to Ms. Levan after the meeting on 10/30/14.

Decision: The Commission directed staff to draft a letter outlining the required changes to the Town of Hampstead's local ethics law and request a revised ethics law draft for review as a demonstration of a good faith effort toward compliance with Subtitle 8 of the Public Ethics Law.

ITEM 23: Local Government – City of Havre de Grace (14-0150)

Discussion: Ms. Allgair briefed the Commission on the status of the ethics laws, policies and regulations received from the City of Havre de Grace. Ms. Allgair reported that she was working with the City Attorney and expected to receive a revised ethics law draft for this jurisdiction by the next Commission meeting.

Decision: The Commission directed staff to continue to work with the City Attorney for the City of Havre de Grace and request a revised ethics law draft for review as a demonstration of a good faith effort toward compliance with Subtitle 8 of the Public Ethics Law.

ITEM 24: Prince George's County – Zoning Matter (14-0394)

Discussion: Mr. Colquhoun briefed the Commission on a request regarding which affidavit form should be used by a limited liability company in a Prince George's County zoning matter.

Decision: The forms will be revised to clarify use by a limited liability company.

The Commission voted unanimously to close the meeting at 12:50 pm to consider confidential advice matters.

ITEM 25: Informal Matter - Department of Juvenile Justice (14-0360)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Juvenile Justice wanting to continue working as a crisis response specialist at a private group.

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

ITEM 26: Informal Matter – Department of Health & Mental Hygiene (14-0357)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Health & Mental Hygiene wanting to continue working as a staff pharmacist at a private hospital.

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

ITEM 27: Informal Matter - Department of Health & Mental Hygiene (14-0342)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Health & Mental Hygiene wanting to continue working as a dietician at a private non-profit group.

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

ITEM 28: Informal Matter – State Highway Administration (14-0325)

Discussion: Ms. Allgair briefed the Commission on a post-employment request regarding a former employee in the State Highway Administration (SHA) who now works for a consulting company that wants to bid as either a prime contractor or subcontractor on two SHA contracts.

Decision: The Commission determined that this former employee is prohibited from participating in the relevant contracts. The Commission also determined that the former employee's employer is prohibited from bidding on either of the two relevant contracts.

ITEM 29: Informal Matter - Governor's Office (14-0387)

Discussion: Ms. Allgair briefed the Commission on a request for advice regarding whether an elected official may be involved in a speakers bureau after leaving office and prior Commission staff advice to the official.

Decision: The Commission approved the prior staff advice given that the elected official may pursue the prospective post-employment in accordance with some prior guidance.

ITEM 30: Informal Matter - Maryland Transportation Authority (14-0417)

Discussion: Ms. Allgair briefed the Commission on proposed Maryland Transportation Authority pre-procurement activities allowable under the Public Ethics Law.

Decision: The Commission determined that some of the proposed pre-procurement activities conducted in public or publicly accessible were allowable and others involving private meetings with potential bidders were prohibited.

The meeting was adjourned at 1:10 pm.