



COMMISSION MEMBERS:
PAUL M. VETTORI, *Chairman*
ROBERT G. BLUE
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

December 11, 2014

Commission Members Present: Paul M. Vettori
Robert G. Blue
Rachel T. McGuckian
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 Brocki, Office Manager
Megan Schutz, Paralegal
Jennifer Whitehead, Paralegal

The meeting convened at 9:40 a.m. at the Commission's offices in Annapolis. Those listed as present participated in all portions of the meeting unless otherwise noted. If other individuals participated in aspects of the meeting, they will be identified in the specific line item where their participation occurred.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with changes.

ITEM 2: Minutes of the October 30, 2014 Meeting

Discussion: The draft minutes of the October 30, 2014 meetings 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 Executive Department, the Department of Housing & Community Development, Department of the Environment, Maryland Health Benefit Exchange, Maryland Transportation Authority, University of Maryland College Park, University of Maryland Baltimore, University of Baltimore and Howard Community College.

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

ITEM 4: Boards and Commissions – Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission as to whether or not the Behavior Analyst Rehabilitation Subcommittee should be considered an executive unit covered by the Public Ethics Law:

Decision: The Commission determined that the Behavior Analyst Rehabilitation Subcommittee should be considered an executive unit and its members are public officials subject to the Public Ethics Law.

ITEM 5: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Task Force to Study Sports Injuries in High School Female Athletes' request for exemption from the financial disclosure requirement.

Decision: The Commission approved the exemption.

ITEM 6: Executive Director's Report – Proposed Regulations

Discussion: Mr. Lord briefed the Commission on the proposed changes to its regulations which were approved by the Commission in September 2014. The comment period has closed and the Commission may review them for final approval on December 16, 2014. Mr. Lord proposed a conference call meeting on December 17, 2014, for the Commission to adopt the regulations.

Decision: The Commission approved the conference call for December 17, 2014.

The Commission voted unanimously to close the meeting at 10:00 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential advice matters per §5-303 of the Public Ethics Law.

ITEM 7: Agency Advice – Proposed Legislation

Discussion: Mr. Lord briefed the Commission on advice requested by a State agency concerning legislation proposed by the agency and its impact on the Public Ethics Law.

Decision: The Commission unanimously determined to advise the agency that it did not object to the agency's proposed legislation.

The meeting was reopened at 10:25 a.m.

ITEM 8: Local Government – Town of St. Michaels (14-0110)

Discussion: Ms. Allgair briefed the Commission on the full exemption request from the Town of St. Michaels. Town Commissioner Ann Borders and Town Attorney Charles MacLeod appeared on behalf of the Town of St. Michaels. St. Michaels Commissioner Myers, and Town Manager Weissman were also present at the meeting.

Decision: The Commission determined to grant the full exemption for the Town of St. Michaels.

ITEM 9: Local Government – City of Westminster (12-0208)

Discussion: Ms. Allgair briefed the Commission on a renewed request to set in for further review a previous request for a modification to the required conflict of interest and financial disclosure provisions of the City of Westminster’s ethics law.

City Attorney Elissa Levan appeared on behalf of the City of Westminster.

Decision: The Commission determined this matter will be reviewed at the February 12, 2015 meeting. Ms. Levan requested that the Commission make a record of the upcoming review. The Commission advised that the meeting will not be recorded by the Commission. The Commission advised Ms. Levan that the City of Westminster may bring a court reporter at the City’s own expense.

ITEM 10: Local Government – Chesapeake Beach (12-0563)

Discussion: Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from the Town of Chesapeake Beach. Town Attorney Elissa Levan appeared on behalf of the Town.

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

ITEM 11: Local Government – Local Government Status Report

Discussion: There was a general discussion on the question of making the Local Government Status Report available on the Commission’s website.

Decision: The Commission approved making the Local Government Status Report available on the Commission’s website.

ITEM 12: Local Government – Frederick County Board of Education (14-0463)

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

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

ITEM 13: Local Government – City of New Carrollton (14-0492)

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 received from the City.

ITEM 14: 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.

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

ITEM 15: Local Government – City of Gaithersburg (14-0419)

Discussion: Ms. Allgair briefed the Commission on the status of the ethics laws, policies and regulations received from the City of Gaithersburg and noted the Commission may wish to reconsider an earlier decision declining to set in for further review a request by the City for a modification to the required conflict of interest and financial disclosure provisions. City Attorney Lynn Board appeared on behalf of the City of Gaithersburg

Decision: The Commission determined this matter will be reviewed at the February 12, 2015 meeting.

ITEM 16: Local Government – Town of Mount Airy (14-0420)

Discussion: Ms. Allgair briefed the Commission on the status of the proposed changes to the ethics laws, policies and regulations received from the Town of Mount Airy.

ITEM 17: Local Government – Town of Hampstead (12-0441)

Discussion: Ms. Thompson briefed the Commission on the status of the proposed changes to ethics laws, policies and regulations received from the Town of Hampstead.

Decision: General Counsel will prepare a public notice to be reviewed at the next Commission meeting.

ITEM 18: Local Government - Montgomery County Ethics Commission (14-0494)

Discussion: Ms. Allgair briefed the Commission on a waiver granted by the Montgomery County Ethics Commission. The Montgomery County Ethics Commission exempted Montgomery County employees from the gift solicitation restrictions in any activities related to the solicitation of donations of leave from fellow employees pursuant to the Montgomery County Personnel Regulation 17-10. The Montgomery County Ethics Commission is required to report such waivers to the State Ethics Commission pursuant to the provisions of the Montgomery County Code.

Decision: The Commission did not take any action on this matter and will file this information in the Montgomery County files in the Commission's office.

The Commission voted unanimously to close the meeting at 11:50 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential advice matters per §5-303 of the Public Ethics Law and confidential enforcement matters per §5-407 of the Public Ethics Law.

ITEM 19: Informal Matter – Department of Human Resources (14-0435)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources who also works as a therapist.

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

ITEM 20: Informal Matter – Department of Human Resources (14-0482)

Discussion: Ms. Thompson briefed the Commission on an employee in the Department of Human Resources wanting to continue working as a staff member at a residential school.

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

ITEM 21: Informal Matter – Department of Human Resources (14-0290)

Discussion: Ms. Allgair briefed the Commission on an employee in the Department of Human Resources wanting to continue working as a customer service representative.

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

ITEM 22: Informal Matter – Towson University (14-0485)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding a Towson University employee who wants to continue working as an exam proctor.

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

ITEM 23: Informal Matter – Towson University (14-0486)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding a Towson University employee who wants to continue working as an exam proctor.

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

ITEM 24: Informal Matter – Department of Health and Mental Hygiene (14-0495)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health and Mental Hygiene who wants to teach prenatal programs at a county hospital.

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

ITEM 25: Informal Matter – State Highway Administration (14-0483)

Discussion: Mr. Allgair briefed the Commission on a State Highway Administration employee who wishes to participate in matters in which a qualifying relative has an interest.

Decision: The Commission granted the exception to allow the participation.

ITEM 26: Informal Matter – Participation (14-0462)

Discussion: Mr. Lord briefed the Commission on a contractor that requested advice on the impact of the Ethics Law's procurement provision on its ability to participate as a member of a proposer team which intended to bid on a State project.

Decision: The Commission determined that the contractor is permitted to participate as a member of the proposer team.

ITEM 27: A-33-14

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

Decision: The matter will be closed.

ITEM 28: A-38-14

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

Decision: This matter will be closed.

ITEM 29: A-39-14

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-10-14)

ITEM 30: A-40-14

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-11-14)

ITEM 31: A-41-14

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-12-14)

ITEM 32: A-42-14

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

Decision: This matter will be further reviewed at a later meeting.

ITEM 33: A-43-14

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

Decision: This matter will be further reviewed at a later meeting.

ITEM 34: B-3-14

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

Decision: The Commission accepted pre-complaint disposition agreement as a cure.

ITEM 35: B-9-14

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

Decision: This matter will be closed.

ITEM 36: A-44-14

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

Decision: The Commission authorized the issuance of complaints for failure to timely file activity reports.

ITEM 37: C-51-14

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

Decision: The Commission accepted the proposed cure.

ITEM 38: A-45-14

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

Decision: Complaints will be issued in these matters. (C-53-14; C-54-15; C-56-14; C-57-14; C-58-14; C-60-14)

ITEM 39: C-24-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 40: C-38-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 41: C-42-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 42: C-43-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 43: C-44-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 44: C-45-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 45: C-47-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 46: C-48-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 47: C-49-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 48: C-50-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 49: C-23-14

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

Decision: The Commission accepted the filing as a cure.

(Mr. Lord, Mr. Colquhoun, Ms. Schutz and Ms. Whitehead participated in the briefings but did not participate in the decisions regarding Items 27 through 49.)

The meeting was adjourned at 1:45 p.m.