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Assistant General Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING

April 16, 2105

Commission Members Present: Paul M. Vettori
Robert G. Blue
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 9:35 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 February 12, 2015 Meeting

Discussion: The draft minutes of the February 12, 2015 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 Department of Budget & Management, Department of Information Technology, Department of Natural Resources, Department of Assessments & Taxation, Department of Juvenile Services, Maryland Higher Education Commission, Injured Worker's Insurance Fund, Department of Transportation, Maryland Transportation Authority, Maryland Port Administration, University of Maryland-College Park, University of Maryland-Baltimore, University of Maryland-Eastern Shore, Anne Arundel Community College, Frederick Community College and Community College of Baltimore County.

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

ITEM 4: Executive Director's Report – Draft Annual Report

Discussion: There was a general discussion of the draft Annual Report.

Decision: The draft Annual Report was approved.

ITEM 5: Executive Director's Report – Revised Gift Law Memorandum

Discussion: Mr. Lord briefed the Commission on changes to the Gift Law memorandum.

Decision: The changes to the Gift Law memorandum were approved.

ITEM 6: Executive Director's Report – Mutual Fund Reporting

Discussion: There was a general discussion of mutual fund reporting on financial disclosure statements, and the advice staff has been providing concerning reporting of interests in instruments similar to mutual funds, including exchange-traded funds.

Decision: The Commission directed the staff to contact offices that are more familiar with mutual funds and similar instruments to determine if additional exemptions from the financial disclosure reporting requirements are appropriate.

ITEM 7: Executive Director's Report – SAFE Program

Discussion: Mr. Lord briefed the Commission on the SAFE Program which protects employees who are victims of domestic violence from disclosing their home addresses, permitting those who participate in the program to provide a PO Box instead. An issue has arisen concerning how an individual whose home address is protected under this Program should address the financial disclosure requirement to report real property interests.

Decision: The Commission will address such circumstances if/when they arise on a case by case basis. In matters involving Members of the General Assembly, the Commission will defer to the Joint Committee on Legislative Ethics per §5-304 of the Ethics Law.

ITEM 8: Executive Director's Report – Legislation Outcome

Discussion: Mr. Lord briefed the Commission on the outcome of legislation involving the Public Ethics Law that was introduced in the 2015 General Assembly.

ITEM 9: Local Government – City of Gaithersburg (14-0419)

Discussion: Ms. Allgair briefed the Commission on the status of the City of Gaithersburg's local ethics law.

Decision: General Counsel will send a letter stating the City of Gaithersburg is not in compliance and ask the City to advise the Commission of its plan for enactment of a compliant law for review at the next meeting.

ITEM 10: Local Government – Town of Hampstead (12-0441)

Discussion: Ms. Allgair briefed the Commission on the status of the Town of Hampstead's local ethics laws since the Commission's Public Notice was issued.

Decision: General Counsel will update the Commission regarding this matter at the next meeting.

ITEM 11: Local Government – Town of Mount Airy (14-0420)

Discussion: Ms. Allgair briefed the Commission on the status of the Town of Mount Airy's local ethics law.

Decision: General Counsel will send a letter stating the Town of Mount Airy is not in compliance and ask the Town to advise the Commission of its plan for enactment of a compliant law for review at the next meeting.

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

Discussion: Ms. Allgair briefed the Commission on the status of the City of Westminster's local ethics law.

Decision: General Counsel will send a letter stating the City of Westminster is not in compliance and ask the City to advise the Commission of its plan for enactment of a compliant law for review at the next meeting.

The Commission voted unanimously to close the meeting at 10:15 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 13: A-7-15

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

Decision: The Commission did not accept the complaint.

ITEM 14: A-8-15

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

Decision: This matter will remain on the preliminary consideration docket.

ITEM 15: B-3-14

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

Decision: The Commission will not revise the previously accepted pre complaint disposition agreement.

ITEM 16: B-12-14

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

Decision: This matter will be closed.

ITEM 17: B-1-15

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

Decision: This matter will be closed.

ITEM 18: B-2-15

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

Decision: This matter will be closed.

ITEM 19: C-52-14

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

Decision: The Commission accepted the proposed Stipulation of Settlement Agreement.

ITEM 20: A-10-15

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

Decision: The Commission authorized the issuance of a complaint for failure to complete training. (C-21-15)

ITEM 21: C-1-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 22: C-2-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 23: C-3-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 24: C-4-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 25: C-5-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 26: C-6-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 27: A-9-15

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

Decision: Complaints will be issued in these matters. (C-13-15 though C-20-15)

ITEM 28: C-53-13

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

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

ITEM 29: C-5-14

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

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

ITEM 30: C-17-14

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

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

ITEM 31: C-36-14

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

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

ITEM 32: C-53-14

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-54-14

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-56-14

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

Decision: This matter is closed.

ITEM 35: C-8-15

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

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

ITEM 36: C-9-15

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 15 through 38.)

ITEM 37: Informal Matter – Department of Agriculture (15-0102)

Discussion: Mr. Lord briefed the Commission on a request for an exemption under extraordinary circumstances from the outside employment restrictions of §5-502(b) of the Public Ethics Law for an appointee in the Department of Agriculture.

Decision: The Commission granted the exemption.

ITEM 38: Informal Matter – Department of Human Resources (15-0072)

Discussion: Ms. Allgair briefed the Commission on the secondary employment request from an employee in the Department of Human Resources who wants to continue the secondary employment with and financial interest in his private engineering technologies business.

Decision: The Commission approved the employee's continued secondary employment and financial interest under the Public Ethics Law.

ITEM 39: Informal Matter – Department of Housing & Community Development (15-0094)

Discussion: Ms. Thompson briefed the Commission on the secondary employment request regarding an employee in the Department of Housing & Community Development who wants to continue employment as a member on a board of directors with an organization that provides housing and supportive services to adults and children with developmental disabilities.

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

ITEM 40: Informal Matter – Department of Human Resources (15-0116)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as an electronics associate in a department store.

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

ITEM 41: Informal Matter – Department of Human Resources (15-0140)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a sales associate in a department store.

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

ITEM 42: Informal Matter – Post-Employment (15-0143)

Discussion: Ms. Thompson briefed the Commission on a post-employment request regarding a former employee in the Department of General Services who wants to work as either a broker/real estate agent or as an equity partner in a real estate company.

Decision: The Commission determined the post-employment provisions of the Public Ethics Law do not prohibit either of these activities.

ITEM 43: Informal Matter – Department of Transportation (15-0134)

Discussion: Ms. Allgair briefed the Commission on a financial interest request in which an employee in the Department of the Transportation requested guidance on whether or not he may lease office space in a commercial building he owns to a member of the Maryland General Assembly.

Decision: The Commission determined that this financial interest was not prohibited under the Public Ethics Law and provided additional participation and prestige of office guidance.

ITEM 44: Informal Matter – Procurement (15-0144)

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 company which intended to bid on a State project.

Decision: The Commission determined that the company was not precluded from bidding on a subsequent procurement related to the project in question.

ITEM 45: Informal Matter – Procurement (15-0145)

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 company which intended to bid on a State project.

Decision: The Commission determined that the company was not precluded from bidding on a subsequent procurement related to the project in question.

The meeting was adjourned at 11:10 a.m.