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MINUTES OF THE STATE ETHICS COMMISSION MEETING

September 10, 2015

Commission Members Present: Paul M. Vettori
Kim L. Coble
Janet E. McHugh
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
Ian Hubbard, Paralegal
Jennifer Whitehead, Paralegal

The meeting convened at 9:30 a.m. at the Commission's offices in Annapolis. Janet McHugh and Kim Coble were introduced as the new Commission members. Mr. Lord introduced Ashley Buckson as the new Compliance Officer. 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 June 18 and July 21, 2015 Meetings

Discussion: The draft minutes of the June 18, 2015 meeting and July 21, 2015 conference call 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, Department of Budget & Management, Department of Information Technology, Department of Business & Economic Development, Department of Health & Mental Hygiene, Department of Assessment & Taxation, Department of Education, Department of Natural Resources, Department of Housing & Community Development, Maryland Longitudinal Data System Center, Department of Juvenile Services, Public Service Commission, Department of Environment, Maryland Insurance Administration, Injured Worker's Insurance Fund, Maryland Higher Education Commission, Department of Transportation, Maryland Transit Administration, Maryland Transportation Authority, University of Maryland Eastern Shore, University of Maryland Baltimore, University of Maryland University College, University of Baltimore, University System of Maryland, Towson University, Montgomery College, Anne Arundel Community College and University of Maryland College Park.

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

ITEM 4: Boards and Commissions – Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on whether or not the Maryland Redistricting Reform Commission should be considered an executive unit covered by the Public Ethics Law.

Decision: The Commission determined that the Maryland Redistricting Reform Commission was not an executive unit covered by the Public Ethics Law.

ITEM 5: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Behavioral Health Advisory Council, Task Force on the Disposition of the Crownsville Hospital Property, Task Force to Study Maternal Mental Health, Commission to Review Maryland's Use of Assessments and Testing in Public Schools, Justice Reinvestment Coordinating Council and Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers requests for exemptions from the financial disclosure requirement.

Decision: The Commission approved exemptions for all those boards and commissions listed above.

The Commission voted unanimously to close the meeting at 9:50 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential enforcement matters per §5-407 of the Public Ethics Law.

ITEM 6: A-12-15

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

Decision: This matter will be closed with a letter.

ITEM 7: A-18-15

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

Decision: This matter is not within the Commission's jurisdiction.

ITEM 8: Proposed Audit Program

Discussion: There was a general discussion of the Commission's proposed audit program to review random lobbyist activity reports.

ITEM 9: A-20-15

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

Decision: Complaints will be issued in these matters. (C-71-15 through C-73-15)

ITEM 10: C-29-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 11: A-11-15

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

Decision: These matters will be closed.

ITEM 12: A-19-15

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

Decision: Complaints will be issued in these matters. (C-56-15 through C-70-15)

ITEM 13: C-22-15

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

Decision: The Commission accepted the settlement agreement.

ITEM 14: C-23-15

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

Decision: The Commission accepted the settlement agreement.

ITEM 15: C-25-15

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

Decision: The Commission accepted the settlement agreement.

ITEM 16: C-26-15

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

Decision: The Commission accepted the settlement agreement.

ITEM 17: C-51-15

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

Decision: The Commission dismissed the complaint.

ITEM 18: C-39-14

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

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

ITEM 19: C-58-14

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

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

ITEM 20: C-30-15

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

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

ITEM 21: C-31-15

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

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

ITEM 22: C-32-15

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

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

ITEM 23: C-33-15

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

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

ITEM 24: C-34-15

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

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

ITEM 25: C-36-15

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

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

ITEM 26: C-38-15

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

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

ITEM 27: C-41-15

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

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

ITEM 28: C-43-15

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

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

ITEM 29: C-44-15

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

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

ITEM 30: C-45-15

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

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

ITEM 31: C-46-15

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

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

ITEM 32: C-48-15

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

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

ITEM 33: C-49-15

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

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

ITEM 34: C-50-15

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

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

ITEM 35: C-52-15

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

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

ITEM 36: C-53-15

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

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

ITEM 37: C-54-15

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

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

ITEM 38: C-55-15

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

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

(Mr. Lord, Mr. Colquhoun, Ms. Whitehead and Mr. Hubbard participated in the briefings but did not participate in the decisions regarding Items 6 through 38.)

The meeting was reopened at 10:45 a.m.

ITEM 39: Local Government – Status Update

Discussion: Ms. Allgair briefed the Commission on the status of local ethics laws for Anne Arundel County, Carroll County, Town of Mt. Airy and the City of Westminster.

Decision: The Commission determined to issue a public notice of noncompliance with Subtitle 8 of the Public Ethics Law for the Town of Mount Airy, City of Westminster and Carroll County. The Commission directed staff to provide additional updates for Anne Arundel County.

ITEM 40: Local Government – Harford County (15-0359)

Discussion: Ms. Thompson briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from Harford County.

Decision: The Commission did not approve the proposed ethics laws, policies and regulations and directed staff to provide recommended changes to the local ethics law to Harford County officials.

ITEM 41: Local Government – Montgomery County (15-0358/15-0393)

Discussion: Ms. Thompson and Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from Montgomery County. Ms. Allgair briefed the Commission on information regarding a class waiver recently issued by the Montgomery County Ethics Commission regarding public employees being compensated as union representatives and negotiating with their employing agencies.

Decision: The Commission did not approve the proposed ethics laws, policies and regulations and directed staff to provide recommended changes to the local ethics law to Montgomery County officials.

ITEM 42: Local Government – City of Gaithersburg (15-0431)

Discussion: Ms. Allgair briefed the Commission on the enacted ethics laws, policies and regulations received for City of Gaithersburg. Commission staff obtained the enacted local ethics law from the City's website, as the City did not provide a copy of its enacted law to the Commission for review with the City's letter advising that it had adopted changes to the local ethics law.

Decision: The Commission did not approve the enacted ethics laws, policies and regulations and directed staff to provide recommended changes to the local ethics law to Gaithersburg's City Attorney.

ITEM 43: Local Government – City of Hagerstown (15-0353)

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

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

ITEM 44: Local Government – Town of University Park (15-0354)

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

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

ITEM 45: Local Government – Frederick County (15-0323)

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

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

ITEM 46: Executive Director's Report – Staff Changes / Meeting Schedule

Discussion: Mr. Lord briefed the Commission on the changes to the Commission staff and the need to schedule meetings for calendar year 2016.

ITEM 47: Executive Director's Report – Sunlight Foundation Report

Discussion: Mr. Lord briefed the Commission on an article printed in the Carroll County Times that discussed a report by the Sunlight Foundation regarding the lobbying disclosure practices. The report gave Maryland a grade of "B". He noted that only seven states received higher grades.

The Commission voted unanimously to close the meeting at 11:45 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 48: Informal Matter – Register of Wills (15-0324)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding whether a Register of Wills can serve as an expert witness in a will interpretation case in a county circuit court.

Decision: The Commission did not grant an exception to allow the secondary employment.

ITEM 49: Informal Matter – Department of Transportation (15-0347)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Transportation who wants to serve as a board member on a State-chartered public corporation that oversees a general aviation airport.

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

ITEM 50: Informal Matter – Department of Health & Mental Hygiene (15-0313)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Health & Mental Hygiene who wants to continue working as a clinical supervisor for a private treatment service.

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

ITEM 51: Informal Matter – State Highway Administration (15-0287)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the State Highway Administration wanting to continue as an independent software developer for a private store.

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

ITEM 52: Informal Matter – Department of Labor, Licensing & Regulation (15-0312)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Labor, Licensing & Regulation who wants to continue working and having a financial interest in her private technology business.

Decision: The Commission approved the secondary employment and the financial interest.

ITEM 53: Informal Matter - Department of Health & Mental Hygiene (15-0351)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Health & Mental Hygiene who wants to continue as a registered nurse for a private hospital.

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

ITEM 54: Informal Matter – Financial Interest of Elected Official (15-0361)

Discussion: Ms. Allgair briefed the Commission on a financial interest exception request from an elected official who wants to retain ownership interests in several private businesses.

Decision: The Commission granted an exception to allow the financial interest and approved the proposed nonparticipation plan outlined by the elected official.

ITEM 55: Informal Matter – University of Maryland College Park (15-0342)

Discussion: Mr. Lord briefed the Commission on a financial interest exception request from an employee at the University of Maryland College Park who wants to retain a financial interest in a private LLC where he serves as one of three managing members and holds approximately 30% of the outstanding equity.

Decision: The Commission did not grant an exception to allow the financial interest.

ITEM 56: Informal Matter – Former State Highway Administration Employee (15-0210)

Discussion: Ms. Allgair briefed the Commission on a post-employment request from a former employee in the State Highway Administration wanting guidance on procurement ethics restrictions for her and her new employer working on SHA contracts.

Decision: The Commission determined that the former employee is precluded from working on certain SHA contracts for the former employee's new employer due to significant participation in those contracts while employed by the State. The Commission also determined that the former employee did not assist in drafting specifications, evaluations or other procurement matters involving specific SHA contracts. The former employee's new employer will be eligible to bid on those specific contracts, but the former employee will not be able to work on those matters for the new employer.

ITEM 57: Informal Matter – Gift Memo Revisions

Discussion: Mr. Lord briefed the Commission on a proposed addition to the Commission's Gift Law memo regarding charitable fundraising.

Decision: The Commission approved the addition to the Gift Law memo.

ITEM 58: Informal Matter – Procurement (15-0284)

Discussion: Mr. Lord briefed the Commission on a request for advice from an engineering company concerning the eligibility of the company to pursue design/build or public private partnership opportunities with respect to a construction project for the Maryland Transportation Authority.

Decision: The Commission determined the company is permitted to participate in the project.

ITEM 59: Informal Matter – Department of General Services (15-0360)

Discussion: Mr. Lord briefed the Commission on a letter received from an Assistant Attorney General that sought the Commission's advice regarding policies and procedures within the Department of General Services.

Decision: The Commission approved a draft reply stating this matter is not within the Commission's jurisdiction.

ITEM 60: Informal Matter – Draft Policies - Public-Private Partnerships (15-0345/15-0346)

Discussion: Mr. Lord briefed the Commission on draft procedures to be employed by the University of Maryland University College as required by the Public-Private Partnership Act and a draft policy from the University System of Maryland Board of Regents on High Impact Economic Development Activities.

Decision: The Commission approved the University of Maryland University College procedures pursuant to §5-525 of the Public Ethics Law and the Board of Regents' policy insofar as it relates to the Public Ethics Law.

The meeting was adjourned at 1:00 p.m.