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MINUTES OF THE STATE ETHICS COMMISSION MEETING

April 6, 2017

Commission Members Present: Janet E. McHugh, Chair
James R. Benjamin, Jr. (participated by phone)
Kim L. Coble
Jacob Yosef Miliman
Craig D. Roswell

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 J. Brocki, Office Manager
Jennifer D. Whitehead, Paralegal
Maura M. Pizzi, Paralegal
Amanda L. Iavarone, Legal Assistant
Dawn Stern, Intern

The meeting convened at 9:37 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 16, 2017 Meeting

Discussion: The draft minutes of the February 16, 2017 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

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 Health & Mental Hygiene, Department of Natural Resources, Department of Housing & Community Development, Department of General Services, State Board of Elections, Department of Commerce, University of Baltimore, University of Maryland-College Park, Towson University, Frostburg State University, Howard Community College, Community College of Baltimore County, Department of Transportation, Montgomery College and the Maryland Transit Administration.

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

ITEM 4: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the State Department of Education Stakeholder Workgroup to Review the Current Statutory and Regulatory Requirements of the Master Plan and the New Requirements of the Federal Every Student Succeeds Acts request for exemption from the financial disclosure requirement.

Decision: The Commission approved the exemption.

The Commission voted unanimously to close the meeting at 9:45 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 5: A-5-17

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

Decision: This matter will be closed.

ITEM 6: A-6-17

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

Decision: This matter will be closed with a letter.

ITEM 7: A-7-17

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-1-17)

ITEM 8: A-8-17

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

Decision: The Commission will not issue a complaint in this matter.

ITEM 9: C-82-16

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

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

ITEM 10: C-85-16

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

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

ITEM 11: C-86-16

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

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

ITEM 12: C-89-16

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

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

ITEM 13: C-92-16

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

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

ITEM 14: C-96-16

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

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

ITEM 15: C-2-17

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

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

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

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

ITEM 16: Local Government – Frederick County (17-0091)

Discussion: Ms. Thompson briefed the Commission on proposed amendments to the previously approved local ethics law for Frederick County.

Decision: The Commission approved the proposed amendments.

ITEM 17: Local Government – Calvert County (17-0073)

Discussion: Ms. Thompson briefed the Commission on proposed amendments to the previously approved local ethics law for Calvert County.

Decision: The Commission approved the proposed amendments.

ITEM 18: Local Government – City of Greenbelt (17-0128)

Discussion: Ms. Allgair briefed the Commission on proposed amendments to the previously approved local ethics law for the City of Greenbelt.

Decision: The Commission approved the proposed amendments.

ITEM 19: Local Government – City of New Carrollton (17-0072)

Discussion: Ms. Allgair briefed the Commission on proposed amendments to the previously approved local ethics law for the City of New Carrollton.

Decision: The Commission approved the proposed amendments.

ITEM 20: Local Government – City of Chesapeake Beach (16-0298)

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

Decision: The Commission approved the issuance of a public notice concerning the failure of compliance pursuant to §5-812 of the Public Ethics Law for the City of Chesapeake Beach.

The Commission voted unanimously to close the meeting at 11:10 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 21: Informal Matter – Maryland Transportation Authority (17-0113)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Maryland Transportation Authority wanting to continue working as a tow truck driver for a private company who has a permit to contract with the Maryland Transportation Authority. He is restricted from responding to calls from MDTA.

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

ITEM 22: Informal Matter – Department of Human Resources (17-0095)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a city council member.

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

ITEM 23: Informal Matter – Department of Human Resources (17-0068)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a customer service attendant with a county parks and recreation department.

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

ITEM 24: Informal Matter – Department of Human Resources (17-0097)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an

employee in the Department of Human Resources wanting to continue working as an aide for a private organization providing persons with disabilities vocational services.

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

ITEM 25: Informal Matter – Department of Natural Resources (17-0112)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Natural Resources wanting to continue working as a motor boat operator for a city harbor master.

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

ITEM 26: Informal Matter – Maryland Environmental Services (17-0102)

Discussion: Mr. Lord briefed the Commission on a request for guidance regarding a board member for the Maryland Environmental Services (“MES”) who subsequently obtained employment with a company that contracts with MES. He resigned from the board and was then reappointed and disclosed the employment on an appointee exemption disclosure form. He has asked if two additional contracts his company might be awarded are covered by his previous disclosure.

Decision: The Commission will defer the decision until the contracts have been issued.

ITEM 27: Informal Matter – Department of Labor, Licensing & Regulation (17-0144)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Labor, Licensing & Regulation wanting to continue working as a real estate agent.

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

ITEM 28: Informal Matter – State Board of Education (17-0153)

Discussion: Mr. Lord briefed the Commission on a request for guidance regarding a member of the State Board of Education and her employment with a private institution.

Decision: The Commission determined the board member should follow the participation restrictions of the Public Ethics Law during the limited time remaining on her employment with the institution.

ITEM 29: Informal Matter – Department of Human Resources (17-0149)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working with adults as a residential counselor for adults with disabilities.

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

ITEM 30: Informal Matter – Allegany County Board of Education (17-0140)

Discussion: Ms. Allgair briefed the Commission on an advisory opinion request regarding complaint and advice policies and procedures followed by a local board of education.

Decision: An advisory opinion will not be issued since the Commission does not have jurisdiction over this particular matter.

ITEM 31: Executive Director Report – Electronic Version of Commission Documents

Discussion: There was a general discussion concerning the electronic transmission of meeting materials electronically to the Commission members instead of providing paper materials.

Decision: The Commission agreed to have materials sent via Google mail to those who desire to go paperless; the rest will receive materials in paper format.

ITEM 32: Executive Director Report – Annual Report

Discussion: Mr. Lord briefed the Commission on the draft annual report

Decision: The Commission approved the draft annual report.

ITEM 33: Executive Director Report – Legislative Summary

Discussion: Mr. Lord briefed the Commission on the status of bills affecting the Public Ethics Law. The bills include: HB 283 – Procurement Prohibitions on Participation, HB 879 – Public Integrity Act, HB 1073 – Maryland Technology Development Corporation, HB 1386 – Members and Employees of Boards of License Commissioners, HB 1619 Maryland Stadium Authority – Maryland Sports and Affiliated Foundations – Establishment, SB 18 – Bicounty Commissions – Financial Disclosure.

The meeting was adjourned at 12:30 p.m.