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MINUTES OF THE STATE ETHICS COMMISSION MEETING

April 19, 2018

Commission Members Present: Janet E. McHugh, Chair
James R. Benjamin, Jr.
Kim L. Coble
Craig D. Roswell

Commission Member Absent: Jacob Yosef Miliman

Staff Members Present: Michael W. Lord, Executive Director
Jennifer K. Allgair, General Counsel
William J. Colquhoun, Staff Counsel
Katherine Thompson, Assistant General Counsel
Darlene J. Brocki, Office Manager
Maura M. Pizzi, 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 (note Commission Chair Janet E. McHugh arrived at the beginning of ITEM 9 as indicated in these minutes). 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 as adjusted.

ITEM 2: Minutes of the February 15, 2018 Meeting

Discussion: The draft minutes of the February 15, 2018 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 Human Services, Maryland Environmental Service, Department of the Environment, Department of Juvenile Services, Department of Health, Department of General Services, Department of Housing & Community Development, Lottery & Gaming Control Agency, Department of Natural Resources, Maryland Technology Development Corporation, Maryland Transit Administration, Motor Vehicle Administration, Maryland Transportation Authority, University of Maryland-University College, University of Maryland-Baltimore, University of Baltimore, Salisbury University, Harford Community College and Bowie State University.

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

The Commission voted unanimously to close the meeting at 9:40 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 4: A-2-18

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

Decision: This matter is not within the Commission's jurisdiction. A complaint will not be issued.

ITEM 5: A-4-18

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

Decision: A complaint will not be issued.

ITEM 6: A-5-18

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

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

ITEM 7: A-7-18

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

Decision: This matter is not within the Commission's jurisdiction. A complaint will not be issued in this matter.

ITEM 8: A-8-18

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

Decision: A complaint will not be issued in this matter.

ITEM 9: A-11-18 (Commission Chair Janet E. McHugh arrived at this time.)

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-1-18)

ITEM 10: B-6-17

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

Decision: This matter will be closed with a letter.

ITEM 11: A-3-18

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

Decision: The Commission accepted the Lobbyist Filing Agreements.

ITEM 12: A-6-18

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

Decision: Complaints will be issued in these matters. (C-9-18, C-14-18)

ITEM 13: A-9-18

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

Decision: Complaints will be issued in these matters. (C-1-18 to C-8-18, C-10-18 to C-13-18, C-15-18)

(Mr. Lord, Mr. Colquhoun and Ms. Pizzi participated in the briefings, but did not participate in the decisions regarding Items 4 through 13.)

Meeting was reopened at 10:10 a.m.

ITEM 14: Local Government – Town of Chesapeake Beach (18-0124)

Discussion: Ms. Thompson briefed the Commission on the proposed amendments to the local ethics law for the Town of Chesapeake Beach.

Decision: The Commission approved the proposed amendments.

ITEM 15: Local Government – Town of Snow Hill (18-0123)

Discussion: Ms. Thompson briefed the Commission on the proposed amendments to the local ethics law for the Town of Snow Hill.

Decision: The Commission approved the proposed amendments.

ITEM 16: Local Government – Carroll County (18-0134)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for Carroll County.

Decision: The Commission did not approve the proposed amendments. There are a few changes that are necessary. These issues will be communicated to the jurisdiction.

ITEM 17: Local Government – City of Seat Pleasant (18-0136)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for the City of Seat Pleasant.

Decision: The Commission did not approve the proposed amendments. There are a few changes that are necessary. These issues will be communicated to the jurisdiction.

ITEM 18: Local Government – Town of Perryville (18-0137)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for the Town of Perryville.

Decision: The Commission did not approve the proposed amendments. There are a few changes that are necessary. These issues will be communicated to the jurisdiction.

ITEM 19: Local Government – Town of Berlin (18-0138)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for the Town of Berlin.

Decision: The Commission approved the proposed amendments.

ITEM 20: Local Government – Town of Capitol Heights (18-0139)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for the Town of Capitol Heights.

Decision: The Commission did not approve the proposed amendments. There are a few changes that are necessary. These issues will be communicated to the jurisdiction.

ITEM 21: Local Government – City of Aberdeen (18-0177)

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

Decision: The Commission did not approve the proposed amendments. There are a few changes that are necessary. These issues will be communicated to the jurisdiction.

ITEM 22: Local Government – Garrett County Board of Education (18-0140)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for the Garrett County Board of Education.

Decision: The Commission did not approve the proposed amendments. There are a few changes that are necessary. These issues will be communicated to the jurisdiction.

ITEM 23: Local Government – Frederick County Board of Education (18-0178)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for the Frederick County Board of Education.

Decision: The Commission approved the proposed amendments.

The Commission voted unanimously to close the meeting at 10:25 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 24: Informal Matter – Department of Health (18-0149)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a shift supervisor at a local pharmacy.

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

ITEM 25: Informal Matter – Department of Human Services (18-0106)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a social worker for a private hospice every other weekend.

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

ITEM 26: Informal Matter – Department of Human Services (18-0188)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a social worker for a private hospice.

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

ITEM 27: Informal Matter – Department of Human Services (18-0099)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a cashier at a department store.

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

ITEM 28: Informal Matter – Department of Human Services (18-0116)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as an outpatient therapist for a private health system.

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

ITEM 29: Informal Matter – Department of Legislative Services (18-0087)

Discussion: Ms. Thompson briefed the Commission on the status of the secondary employment request regarding an employee in the Department of Legislative Services wanting to continue as a temporary Executive Director for a caucus.

Decision: The Commission allowed the employment to continue until the agreed, imminent, termination date.

ITEM 30: Informal Matter – Maryland Institute for Emergency Medical Services Systems (18-0111)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Maryland Institute for Emergency Medical Services Systems wanting to work as a part-time paramedic for a local fire department.

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

ITEM 31: Informal Matter – Circuit Court of Frederick County (18-0092)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Circuit Court of Frederick County who wants to serve as an orphans' court judge in the same county if elected.

Decision: The Commission granted an exception to allow this secondary employment if elected with restrictions.

ITEM 32: Informal Matter – Department of Information Technology (18-0102)

Discussion: Mr. Lord briefed the Commission on staff advice provided to an employee in the Department of Information Technology who wanted to participate in a real estate closing related to the sale of private property on behalf of a client he has been representing in this matter since prior to becoming a State employee.

Decision: The Commission concurred in the advice provided by staff.

ITEM 33: Informal Matter – University System of Maryland Board of Regents (18-0192)

Discussion: Mr. Lord briefed the Commission on a request from a member of the Board of Regents for the University System of Maryland whose company was asked to work as an engineering consultant with expertise in public utilities and water and wastewater systems on a piece of property a USM institution is planning to purchase.

Decision: The Commission determined that specified design work and analysis may be performed while the ownership of the property still remains in the hands of its current owner, prior to its transfer to the institution.

ITEM 34: Informal Matter – Baltimore City Liquor Board (18-0184)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding an employee of the Baltimore City Liquor Board who wants to serve on a neighborhood community council.

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

ITEM 35: Informal Matter – Department of Natural Resources (18-0145)

Discussion: Ms. Allgair briefed the Commission on a financial interest exception where an employee in the Department of Natural Resources who has a piece of property that Program Open Space was interested in purchasing.

Decision: The Commission granted an exception to allow the financial interest.

ITEM 36: Informal Matter – Department of Transportation (18-0159)

Discussion: Ms. Thompson briefed the Commission on the status of a previously granted financial interest exception where an employee in the Department of Transportation's spouse's business has taken an additional contract with the employee's agency.

Decision: The Commission continued the exception to allow the financial interest.

ITEM 37: Informal Matter – Coppin State University (18-0172)

Discussion: Ms. Thompson briefed the Commission on a participation exception request regarding an employee at Coppin State University whose son works for a private company that the University purchases services and items from.

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

ITEM 38: Informal Matter – Department of Commerce Board Members (18-0118)

Discussion: Mr. Lord briefed the Commission on a participation exception request concerning board members in the Department of Commerce wanting to participate in tax benefits programs managed by the Department.

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

ITEM 39: Informal Matter – Office of Secretary of State (18-0173)

Discussion: Mr. Lord briefed the Commission on advice requested by a State agency concerning its ability to accept a gift of funding to cover certain employee travel expenses from an organization regulated by that agency.

Decision: The Commission determined this did not qualify as a gift to the State and the agency should not accept funding for travel expenses.

Meeting was reopened at 12:05 p.m.

ITEM 40: Executive Director's Report – Annual Report

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

Decision: The Commission approved the draft Annual Report.

ITEM 41: Executive Director's Report – Legislative Update

Discussion: Mr. Lord briefed the Commission on the status of legislation enacted during the 2018 Legislative Session.

Decision: The Commission directed staff to develop regulations as necessary to implement newly-enacted legislation and discuss at the June meeting.

The meeting was adjourned at 12:40 p.m.