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MINUTES OF THE STATE ETHICS COMMISSION MEETING

October 25, 2018

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

Commission Members 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
Jennifer Whitehead, Paralegal
Maura M. Pizzi, Paralegal
Jill Etzler, Legal Assistant

The meeting convened at 11:10 a.m. at the Commission's offices in Annapolis following Sexual Harassment in the Workplace training from the Maryland Commission on Civil Rights. 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 as adjusted.

ITEM 2: Minutes of the August 23, 2018 Meeting

Discussion: The draft minutes of the August 23, 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 Budget & Management, Department of Housing & Community Development, Department of Labor, Licensing & Regulation, Department of Juvenile Services, Department of Health, Department of Natural Resources, State Highway Administration, Maryland Transit Administration, Maryland Port Administration, University of Maryland-Baltimore, Bowie State University, Frostburg State University, Anne Arundel Community College, Harford Community College, Frederick Community College and Garrett College.

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

ITEM 4: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Workgroup to Advise the Department of Health on the Medicaid Family Planning Program, Task Force to Study Access to Home Health Care for Children and Adults with Medical Disabilities, Objective Criteria Committee of the Board of Trustees, State Retirement and Pension System, Task Force on the Canal Place Preservation and Development Authority and the Commission to Advance Next Generation 9-1-1 Across Maryland's requests for exemption from the financial disclosure requirement.

Decision: The Commission approved the exemptions.

ITEM 5: Commission Meeting Dates for 2019

Discussion: The Commission approved the following 2018 meeting dates: February 21, 2019, April 18, 2019, June 13, 2019, August 22, 2019, October 24, 2019 and December 19, 2019.

The Commission voted unanimously to close the meeting at 11:20 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-30-18

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

Decision: The Commission accepted the disciplinary action taken by the agency and this matter will be closed with a letter.

ITEM 7: A-31-18

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-5-18)

ITEM 8: A-32-18

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

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

ITEM 9: B-2-18

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

Decision: This matter will be closed with a letter.

ITEM 10: B-4-18

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

Decision: The Commission accepted the disciplinary action taken by the agency and this matter will be closed.

Meeting was reopened at 11:35 a.m.

ITEM 11: Local Government – Anne Arundel County (18-0542) Laura A. Corby, Assistant Administrative Officer to the Anne Arundel County Council, was present for this matter.

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

Decision: The Commission approved the proposed amendments.

ITEM 12: Local Government – Prince George's County (18-0430)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for Prince George's County.

Decision: The Commission approved the proposed amendments.

ITEM 13: Local Government – Harford County (18-0585)

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

Decision: The Commission approved the proposed amendments.

ITEM 14: Local Government – Howard County (18-0533)

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

Decision: The Commission approved the proposed amendments.

ITEM 15: Local Government – Montgomery County (18-0593)

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

Decision: The Commission approved the proposed amendments.

ITEM 16: Local Government – St. Mary’s County (18-0555)

Discussion: Ms. Thompson briefed the Commission on the proposed amendments to the local ethics law for St. Mary’s County.

Decision: The Commission approved the proposed amendments.

ITEM 17: Local Government – City of Salisbury (18-0592)

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

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

ITEM 18: Local Government – Town of Bel Air (18-0485)

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

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

ITEM 19: Local Government –Town of North East (18-0534)

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

Decision: The Commission approved the proposed amendments.

ITEM 20: Local Government – City of Hyattsville (18-0584)

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

Decision: The Commission approved the proposed amendments.

ITEM 21: Local Government – Town of Oakland (18-0577)

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

Decision: The Commission did not approve the proposed amendments and will request clarification.

ITEM 22: Local Government – Town of Emmitsburg (18-0583)

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

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

ITEM 23: Local Government – City of Laurel (18-0600)

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

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

ITEM 24: Adoption of Regulations

Discussion: The Commission discussed the proposed regulation changes as published in the August 3, 2018 Maryland Register.

Decision: The Commission approved the regulations.

The Commission voted unanimously to close the meeting at 12:25 p.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 and 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 25: A-16-18

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

ITEM 26: A-33-18

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

Decision: Complaints will be issued in these matters. (C-18-18; C-19-18, C-21-18; C-26-18, C-37 through 40-18; and C-42 through 44-18)

ITEM 27: A-34-18

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

Decision: A complaint will be issued in this matter. (C-45-18)

ITEM 28: C-13-18

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

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

ITEM 29: Jurisdiction – Clerks of the Court

Discussion: Mr. Lord briefed the Commission on the status of this matter regarding a question that was raised concerning jurisdiction over the Clerks of the Circuit Court under the Public Ethics Law.

Decision: No decision. For information only.

(Mr. Lord, Mr. Colquhoun, Ms. Whitehead and Ms. Pizzi participated in the briefings, but did not participate in the decisions regarding Items 6 through 10 and 25 through 29.)

ITEM 30: Informal Matter – Department of Environment (18-0557)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Environment who wants to continue serving on a city board of zoning appeals.

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

ITEM 31: Informal Matter – Maryland Transit Administration (18-0484)

Discussion: Ms. Thompson briefed the Commission on a request from an employee in the Maryland Transit Administration who wants to continue his attributable financial interest in his wife's company.

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

ITEM 32: Informal Matter – Department of Human Services (18-0501)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services who wants to continue working as a social worker for a private hospital.

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

ITEM 33: Informal Matter – Department of Health (18-0576)

Discussion: Ms. Thompson briefed the Commission on a secondary employment and financial interest exception request regarding an employee in the Department of Health wanting to continue a financial interest and employment with a private nursing service.

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

ITEM 34: Informal Matter - Department of Human Services (18-0498)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services who wants to continue working as a cashier and customer services representative for a local drug store.

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

ITEM 35: Informal Matter - Department of Human Services (18-0531)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services who wants to continue working as a front desk employee with a county department of recreation.

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

ITEM 36: Informal Matter - Department of Human Services (18-0497)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services who wants to continue working as a clerk for a local gas station.

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

ITEM 37: Informal Matter - Department of Human Services (18-0545)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services who wants to continue working as a nursing assistant.

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

ITEM 38: Informal Matter - Department of Human Services (18-0550)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services who wants continue working as a circulatory nurse in a private surgery center.

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

ITEM 39: Joint Chairmen's Report 2018

Discussion: Mr. Lord briefed the Commission on the status of this matter.

Decision: The Commission approved the draft letter.

Meeting was reopened at 1:05 p.m.

ITEM 40: Executive Director's Report – Upgrading Commission's Training and Online Filing Programs

Discussion: Mr. Lord briefed the Commission on the progress of the work to upgrade the online training modules with the cooperation of the University of Maryland and the work to upgrade the financial disclosure and lobbyist filing systems.

The meeting was adjourned at 1:10 p.m.