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MINUTES OF THE STATE ETHICS COMMISSION MEETING

February 14, 2019

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
Maura M. Pizzi, Paralegal

The meeting convened at 9:34 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 as adjusted.

ITEM 2: Minutes of the October 25, 2018 Meeting

Discussion: The draft minutes of the October 25, 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 Financial Disclosure Administrator Young Smith and him. The recommendations covered the Department of Aging, Department of Budget & Management, Department of Health, Department of Planning, Department of Labor, Licensing & Regulation, Department of Education, Department of Natural Resources, Department of Environment, Maryland Small Business Retirement Savings Program, Department of Juvenile Services, State Highway Administration, Maryland Transit Administration, University of Maryland College Park, University of Maryland Baltimore, University of Maryland University College, Anne Arundel Community College, Baltimore City Community College, Coppin State University, Executive Department, Maryland Center for School Safety, Department of General Services, Maryland Technology Development Corporation, State Board of Elections, Department of Commerce, Department of Transportation, University System of Maryland, Bowie State University, Salisbury University, Community College of Baltimore County and Prince George's Community College.

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 following boards and commissions should be considered executive units covered by the Public Ethics Law:

Workgroup to Analyze Results of the Juvenile Services Education County Pilot Program
Central Maryland Regional Transit Plan Commission
Digital Recruitment Steering Committee
Commission to Study Mental and Behavioral Health in Maryland

Decision: The Commission determined the Workgroup to Analyze Results of the Juvenile Services Education County Pilot Program, Central Maryland Regional Transit Plan Commission, the Digital Recruitment Steering Committee, and the Commission to Study Mental and Behavioral Health in Maryland were executive units and therefore covered by the Ethics Law.

ITEM 5: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Task Force to Study Maryland's Criminal Gang Statutes, the Task Force on the Social Determinations of Health in Baltimore City, the Advisory Board for the Task Force on the Social Determinants of Health in Baltimore City, and the Digital Recruitment Steering Committee requests for exemption from the financial disclosure requirement.

Decision: The Commission approved an exemption for Task Force to Study Maryland's Criminal Gang Statutes, the Advisory Board for the Task Force on the Social Determinants of Health in Baltimore City, and the Digital Recruitment Steering Committee. The Commission did not approve the exemption for the Task Force on the Social Determinants of Health in Baltimore City.

The Commission voted unanimously to close the meeting at 9:49 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-1-19

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-1-19)

ITEM 7: A-2-19

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

Decision: This matter will be closed.

ITEM 8: A-3-19

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

Decision: A complaint will be issued in this matter. (C-1-19)

ITEM 9: A-5-19

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-3-19)

ITEM 10: A-4-19

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-2-19)

ITEM 11: A-6-19

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

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

ITEM 12: B-7-17

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

Decision: This matter will be closed with a letter.

ITEM 13: B-3-18

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

Decision: This matter will be closed with a letter.

ITEM 14: C-2-18

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

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

ITEM 15: C-5-18

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

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

ITEM 16: C-24-18

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

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

ITEM 17: C-26-18

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

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

ITEM 18: C-39-18

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

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

ITEM 19: C-42-18

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

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

ITEM 20: C-43-18

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

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

ITEM 21: C-44-18

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

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

ITEM 22: C-45-18

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

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

ITEM 23: Jurisdiction – Clerks of the Court

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

(Mr. Lord, Mr. Colquhoun and Ms. Pizzi participated in the briefings, but did not participate in the decisions regarding Items 6 through 22.)

The meeting was reopened at 10:48 a.m.

ITEM 24: Local Government – Baltimore City (18-0698)

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

Decision: The Commission approved the proposed amendments.

ITEM 25: Local Government – Kent County (19-0075)

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

Decision: The Commission approved the proposed amendments.

ITEM 26: Local Government – Queen Anne’s County (18-0662)

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

Decision: The Commission did not approve the proposed amendments.

ITEM 27: Local Government –Montgomery County Board of Education (18-0709)

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

Decision: The Commission approved the proposed amendments.

ITEM 28: Local Government –St. Mary’s County Board of Education (19-0027)

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

Decision: The Commission approved the proposed amendments.

ITEM 29: Local Government – City of Aberdeen (18-0699)

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

Decision: The Commission approved the proposed amendments.

ITEM 30: Local Government – City of Annapolis (18-0049)

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

Decision: The Commission approved the proposed amendments.

ITEM 31: 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 approved the proposed amendments.

ITEM 32: Local Government – Town of Capital Heights (18-0659)

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

Decision: The Commission approved the proposed amendments.

ITEM 33: Local Government – Town Chestertown (18-0677)

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

Decision: The Commission did not approve the proposed amendments.

ITEM 34: Local Government – City of Hagerstown (19-0084)

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

Decision: The Commission did not approve the proposed amendments.

ITEM 35: Local Government – City of Havre de Grace (19-0050)

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

Decision: The Commission approved the proposed amendments.

ITEM 36: Local Government – Town of Indian Head (18-0658)

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

Decision: The Commission approved the proposed amendments.

ITEM 37: 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 approved the proposed amendments.

ITEM 38: Local Government – City of New Carrollton (19-0051)

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

Decision: The Commission approved the proposed amendments.

ITEM 39: 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 approved the proposed amendments.

ITEM 40: Local Government – Town of Riverdale Park (18-0660)

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

Decision: The Commission approved the proposed amendments.

The Commission voted unanimously to close the meeting at 11:22 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 41: Informal Matter – Board of Liquor License Commissioners (19-0010)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding an employee in a Board of Liquor License Commissioners who is seeking appointment to a Democratic Central Committee.

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

ITEM 42: Informal Matter – Department of Commerce (18-0680)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Commerce wanting to work as a board member for a county convention center.

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

ITEM 43: Informal Matter – Department of Commerce (19-0009)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Commerce wanting to work as a President of a planning association.

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

ITEM 44: Informal Matter –Department of the Environment (18-0620)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of the Environment wanting to work as an operator with a wastewater treatment company.

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

ITEM 45: Informal Matter – Department of Health (18-0682)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as support staff with adults and children with intellectual and developmental disabilities.

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

ITEM 46: Informal Matter – Department of Human Services (19-0015)

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 contract therapist with a youth service bureau.

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

ITEM 47: Informal Matter – Department of Human Services (18-0613)

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 grocery store.

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

ITEM 48: Informal Matter – Department of Human Services (18-0629)

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 for a department store.

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

ITEM 49: Informal Matter –Department of Health (18-0619)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work in a nursing home.

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

ITEM 50: Informal Matter –Department of Health (18-0646)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a case manager in a private hospital.

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

ITEM 51: Informal Matter – Department of Human Services (18-0651)

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 pharmacy technician in a local pharmacy.

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

ITEM 52: Informal Matter –Department of Labor, Licensing & Regulation (18-0679)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Labor, Licensing & Regulation wanting to work in a local grocery store providing customer service.

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

ITEM 53: Informal Matter – Department of Health (18-0686)

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

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

ITEM 54: Informal Matter –Department of Human Services (19-0003)

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 in a county medical center.

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

ITEM 55: Informal Matter –Department of Human Services (18-0672)

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 deli clerk at a grocery store.

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

ITEM 56: Informal Matter –Department of Human Services (19-0016)

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 in a grocery store.

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

ITEM 57: Informal Matter –Department of Human Services (19-0013)

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 customer service associate at a convenience store.

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

ITEM 58: Informal Matter –Department of Health (19-0063)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work at a residential school.

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

ITEM 59: Informal Matter – Department of Human Services (19-0083)

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 this secondary employment.

ITEM 60: Informal Matter – Department of Labor, Licensing & Regulation (19-0070)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Labor, Licensing & Regulation wanting to work as a cashier in a grocery store.

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

ITEM 61: Informal Matter – Department of Human Services (18-0701)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work for an entity providing in-home residential services.

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

ITEM 62: 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: The Commission granted an exception to allow this secondary employment with restrictions.

ITEM 63: Informal Matter – Howard County (19-0082)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding an elected official of Howard County wanting to continue owning and running a security business.

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

ITEM 64: Informal Matter – Department of Information Technology (18-0597)

Discussion: Ms. Thompson briefed the Commission on a financial interest exception request regarding an employee in the Department of Information Technology owning stock in a company that is a vendor of the Department.

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

ITEM 65: Informal Matter – Department of Health (18-0648)

Discussion: Ms. Thompson briefed the Commission on a financial interest exception and secondary employment request regarding an employee in the Department of Health owning a residential services agency that is regulated by the Department.

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

ITEM 66: Executive Director’s Report – Electronic Systems

Discussion: Mr. Lord briefed the Commission on the status of the electronic financial disclosure and lobbying systems along with new online trainings for ethics and lobbying.

ITEM 67: Executive Director’s Report – Auditor

Discussion: Mr. Lord briefed the Commission on discussions with an auditor.

ITEM 68: Executive Director’s Report – Climate Survey

Discussion: Mr. Lord briefed the Commission on a climate survey on workplace harassment.

ITEM 69: Executive Director’s Report – Legislative Summary

Discussion: Mr. Lord briefed the Commission on the status of legislation affecting the Public Ethics Law, discussed the expected impact of those bills if enacted, and obtained the Commission’s guidance on the approach to take on the bills. The bills include: SB 79 (Public Ethics – Lobbyist Registration and Reporting – Mandatory Electronic Filing), SB 90/HB 43 (Elections – Legislative and Congressional Redistricting and Apportionment – Commission and Process), HB 227 (Prince George’s County - Ethics – Limitations on Applicant Campaign Contributions), SB 619 (University of Maryland Medical System Corporation – Board of Directors – Conflicts of Interest – Prestige of Office, and Financial Disclosure), SB 710 (Anne Arundel County – Ethics – Prohibitions and Requirements Regarding Qualifying Contributions During Pendency of Zoning Application), HB 617 (Public Ethics – Meals and Receptions – Governmental Unit That Employs an Individual Regulated Lobbyist), HB 355 (Public Ethics Law – School Boards – Disclosures and Requirements (School System Ethics and Transparency Act of 2019), SB 872/ HB 679 (Workplace Harassment – Prohibitions, Liability, and Enforcement), SB 414 (Public Funding and Small Donor Act for General Assembly Elections), and HB 673 (Frederick County – Ethics and Campaign Activity – County Board and Commission Members and Board of License Commissioners).

The meeting was adjourned at 1:05 p.m.