



COMMISSION MEMBERS:
JANET E. McHUGH, *Chair*
KIM L. COBLE
ARUNA MILLER
CRAIG D. ROSWELL
GENEAU M. THAMES

STATE ETHICS COMMISSION

45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770 / 1-877-669-6085
FAX: 410-260-7746

MICHAEL W. LORD
Executive Director
JENNIFER K. ALLGAIR
General Counsel
WILLIAM J. COLQUHOUN
Staff Counsel
KATHERINE P. THOMPSON
Assistant General Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING

April 18, 2019

Commission Members Present: Janet E. McHugh, Chair
Kim L. Coble
Aruna Miller
Craig D. Roswell
Geneau M. Thames

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
Stephen Garrett, Paralegal
Emma Craig, Legal Assistant

The meeting convened at 9:35 a.m. at the Commission's offices in Annapolis. There was an introduction of the two new members of the Commission, Aruna Miller and Geneau Thames and two new staff members, Emma Craig and Stephen Garrett. 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 February 14, 2019 Meeting

Discussion: The draft minutes of the February 14, 2019 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 Executive Department, Department of Information Technology, Department of Human Services, State Police, Department of Juvenile Services, Department of Health, Department of Labor, Licensing and Regulation, Department of Natural Resources, Department of General Services, Food Center Authority, Public Service Commission, State Retirement Agency, Maryland 529, Department of Environment, Maryland Environmental Service, Department of Transportation, State Highway Administration, Maryland Transit Administration, Maryland Port Administration, University of Maryland College Park, University System of Maryland, Towson University, Harford Community College, Howard Community College, Garrett College, Prince George's Community College, Treasurer's Office and the Department of Commerce.

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 Complete Count Committee should be considered an executive unit covered by the Public Ethics Law.

Decision: The Commission determined the Maryland Complete Count Committee is an executive unit and therefore covered by the Ethics Law.

ITEM 5: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Active Assailant Interdisciplinary Work Group, Commission to Study Mental and Behavioral Health in Maryland and the Workgroup to Analyze Results of the Juvenile Services Education County Pilot Program requests for exemption from the financial disclosure requirement.

Decision: The Commission approved exemptions for the Active Assailant Interdisciplinary Work Group, the Commission to Study Mental and Behavioral Health in Maryland and the Workgroup to Analyze Results of the Juvenile Services Education County Pilot Program.

The Commission voted unanimously to close the meeting at 10:00 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-7-19

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

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

ITEM 7: A-9-19

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

Decision: The Commission will review this matter at a later date.

ITEM 8: A-10-19

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

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

ITEM 9: B-2-19

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

Decision: This matter will be closed with a letter.

ITEM 10: C-16-18

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

Decision: A Notice of Hearing will be issued in this matter.

ITEM 11: Miscellaneous Matter xxxx

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

ITEM 12: C-14-18

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

Decision: The complaint will be dismissed in this matter.

ITEM 13: A-8-19

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

Decision: The Commission will accept the Lobbyist Filing Agreement as a cure.

ITEM 14: Jurisdiction – Clerks of the Court

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

Decision: The Commission will not pursue any further action in this matter, being satisfied to continue with its longstanding position that clerks of the court and registers of wills fall under its jurisdiction in light of the conclusions in an Attorney General's advice letter. The Commission did direct Mr. Lord to advise the Chief Judge of the Court of Appeals of its position, so that the Court may seek further clarification if desired. The Commission also directed Mr. Lord to notify the Conference of Circuit Court Clerks and the Association of Registers of Wills concerning the conclusions reached in the Attorney General's advice letter.

(Mr. Lord, Mr. Colquhoun, Ms. Pizzi and Mr. Garrett participated in the briefings, but did not participate in the decisions regarding Items 6 through 13.)

The meeting was reopened at 11:40 a.m.

ITEM 15: Local Government – Baltimore County (19-0208)

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

Decision: The Commission approved the proposed amendments.

ITEM 16: Local Government – Talbot County (19-0146)

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

Decision: The Commission did not approve the proposed amendments.

ITEM 17: Local Government – Wicomico County (19-0145)

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

Decision: The Commission did not approve the proposed amendments.

ITEM 18: Local Government – Town of LaPlata (19-0144)

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

Decision: The Commission approved the proposed amendments.

ITEM 19: Local Government – Town of Chesapeake Beach (19-0107)

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 20: Local Government – City of Rockville (19-0231)

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

Decision: The Commission approved the proposed amendments.

The Commission voted unanimously to close the meeting at 11:55 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 - Department of Commerce (19-0221)

Discussion: Ms. Allgair briefed the Commission on a request for guidance on the application of the conflict of interest provisions of the Ethics Law relating to agency fundraising.

Decision: The Commission determined this activity is allowable with restrictions and the Department Secretary may participate in these activities.

ITEM 22: Informal Matter – Department of Natural Resources (19-0131)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Natural Resources who also has a financial interest in her spouse's private business where she works providing graphic and web design services and administrative functions.

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

ITEM 23: Informal Matter – Department of Health (19-0088)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a community health worker at a local health education center.

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

ITEM 24: Informal Matter – Department of Human Services (19-0122)

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 house manager for a non-profit organization that provides for women and children in need of housing and support services.

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

ITEM 25: Informal Matter – Department of Health (19-0157)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a field supervisor/research assistant with a private school of public health.

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

ITEM 26: Informal Matter – Department of Health (19-0108)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as an addictions counselor with a private behavioral health facility.

Decision: The Commission did not grant an exception to allow this secondary employment since direct referrals were being made.

ITEM 27: Informal Matter – Department of Housing & Community Development (19-0202)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Housing & Community Development wanting to serve as a member of a mortgage bankers and brokers association.

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

ITEM 28: Informal Matter – Department of Human Services (19-0106)

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

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

ITEM 29: Informal Matter –Department of Health (19-0158)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a food team member at a department store.

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

ITEM 30: Informal Matter –Department of Health (19-0155)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to serve on a board of directors for a private clinic.

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

ITEM 31: Informal Matter – Department of Health (19-0154)

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

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

ITEM 32: Informal Matter –Department of Human Services (19-0118)

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 merchandiser at a warehouse store.

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

ITEM 33: Informal Matter – Department of Health (19-0136)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a psychology associate at a private counseling center.

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

ITEM 34: Informal Matter –Department of Human Services (19-0217)

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

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

ITEM 35: Informal Matter –Department of Health (19-0139)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a consultant for a nutrition and wellness center.

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

ITEM 36: Informal Matter –Department of Human Services (19-0141)

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 convenience store.

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

ITEM 37: Informal Matter –Department of Health (19-0211)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work for a fish pond installer.

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

ITEM 38: Informal Matter – Military Department (19-0218)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Military Department wanting to serve on an orchestra board.

Decision: The Commission determined to allow this secondary employment with restrictions.

ITEM 39: Informal Matter – Department of Transportation (19-0215)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Transportation wanting to work as port agent for a cruise service company.

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

ITEM 40: Informal Matter – Executive Department (19-0192)

Discussion: Mr. Lord briefed the Commission on a request for advice from the Governor's Office of Crime Control and Prevention on the application of certain conflict of interest provisions to members of the Justice Reinvestment Oversight Board.

Decision: The Commission approved the guidance proposed by Mr. Lord.

ITEM 41: Informal Matter – Towson University (19-0189)

Discussion: Ms. Thompson briefed the Commission on a Towson University employee who seeks an exception to the participation restrictions to allow his participation involving his daughter's employer who may bid on a University contract.

Decision: The Commission granted the exception to allow the employee to participate in matters involving his daughter's employer.

The meeting was reopened at 12:45 p.m.

ITEM 42: Executive Director's Report – Auditor's Inquiry

Discussion: Mr. Lord briefed the Commission on discussions with an auditor concerning the Commission's new training programs.

ITEM 43: Executive Director's Report – Legislative Summary

Discussion: Mr. Lord briefed the Commission on the status of legislation enacted during the 2019 Legislative Session.

ITEM 44: Executive Director's Report - Draft Annual Report

Discussion: There was a general discussion of the Commission's draft Annual Report.

Decision: The Commission approved the draft Annual Report.

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