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MINUTES OF THE STATE ETHICS COMMISSION MEETING

August 22, 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 9:05 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 July 11, 2019 Meeting

Discussion: The draft minutes of the July 11, 2019 meeting were reviewed and discussed.

Decision: The draft minutes were approved as adjusted.

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 General Services, Department of Health, Department of Natural Resources, Maryland Higher Education Commission, Department of Transportation, State Highway Administration, University of Maryland-College Park, Garrett College, Montgomery College, Harford Community College and the University of Maryland-Baltimore.

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

ITEM 4: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Task Force on Maryland Maternal and Child Health, Maryland Lynching Truth and Reconciliation Commission, Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, Student Data Privacy Council, Maryland Easy Enrollment Health Insurance Program Advisory Workgroup and the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors requests for exemption from the financial disclosure requirement.

Decision: The Commission approved exemptions for the Commission on the Task Force on Maryland Maternal and Child Health, Maryland Lynching Truth and Reconciliation Commission, Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, Student Data Privacy Council, Maryland Easy Enrollment Health Insurance Program Advisory Workgroup and the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors.

ITEM 5: Local Government – Howard County Board of Education (19-0389)

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

Decision: The Commission will notify the jurisdiction of the necessary changes to be in compliance.

ITEM 6: Local Government – Carroll County Board of Education (19-0423)

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

Decision: The Commission will notify the jurisdiction of the necessary changes to be in compliance.

The Commission voted unanimously to close the meeting at 09:15 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 and confidential advice matters per §5-303 of the Public Ethics Law.

ITEM 7: A-27-19

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

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

ITEM 8: C-9-18

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

Decision: The complaint will be dismissed.

ITEM 9: A-13-19 (Ms. Coble did not participate in a portion of this matter.)

Discussion: Mr. Colquhoun briefed the Commission on the lobbying audit report.

ITEM 10: A-28-19

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

Decision: Complaints will be issued in these matters. (C-5-19, C-22-19, C-24-19, C-26-19 to C-27-19, C-29-19 to C-32-19)

ITEM 11: C-10-19

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

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

ITEM 12: C-7-19

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

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

ITEM 13: C-8-19

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

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

ITEM 14: C-11-19

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

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

ITEM 15: C-14-19

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

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

ITEM 16: C-17-19

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

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

ITEM 17: C-18-19

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

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

ITEM 18: C-19-19

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

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

ITEM 19: C-20-19

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

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

ITEM 20: C-21-19

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 and Mr. Garrett participated in the briefings, but did not participate in the decisions regarding Items 7 through 20.)

ITEM 21: Informal Matter – Department of Health (19-0450)

Discussion: Ms. Thompson briefed the Commission on an issue regarding an employee in the Department of Health who wants to receive grant money in connection with the Department.

Decision: The Commission determined the employee was allowed to take part in this program with strict participation and prestige restrictions.

ITEM 22: Informal Matter – State Highway Administration (19-0409)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the State Highway Administration who wants to serve as a non-compensated board member of a board of education's building commission.

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

ITEM 23: Informal Matter – Department of Human Services (19-0380)

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 overnight phone line operator for a county mental health facility.

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

ITEM 24: Informal Matter – Department of Health (19-0421)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as an inpatient provider with a regional medical center.

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

ITEM 25: Informal Matter – Department of Health (19-0422)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a medical director of an addiction treatment center.

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

ITEM 26: Informal Matter – Department of Health (19-0415)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a PRN physician with a private medical center.

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

ITEM 27: Informal Matter – Department of Health (19-0464)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as an attainment provider for a local mental health authority in another county.

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

ITEM 28: Informal Matter – State Highway Administration (19-0408)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee at the State Highway Administration wanting to work as a sales associate for an auto parts store.

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

ITEM 29: Informal Matter – Department of Health (19-0414)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a lecturer at a local college.

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

ITEM 30: Informal Matter – Department of Health (19-0430)

Discussion: Ms. Allgair 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 31: Informal Matter – Executive Department (19-0420)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Executive Department wanting to serve as a board member of a non-profit cooperative network of churches, civic organizations and individuals to provide support and services for those in need.

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

ITEM 32: Informal Matter – Department of Human Services (19-0381)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as an outpatient mental health therapist with a mental health clinic.

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

ITEM 33: Informal Matter – Department of Human Services (19-0442)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a sales associate at a thrift store.

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

ITEM 34: Informal Matter – Department of Health (19-0434)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as vice chair of a board of directors for a non-profit center that provides support for those with medical needs and disabilities.

Decision: The Commission did not approve the secondary employment exception for this employee.

ITEM 35: Informal Matter –University of Maryland (19-0446)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding an employee at the University of Maryland who wished to serve on the board of a private organization.

Decision: The Commission considered the request of the employee and granted an exception to allow this secondary employment for this employee as well as for others similarly situated, subject to conditions. The Commission also approved at this time changes to the Secondary Employment memorandum.

ITEM 36: Informal Matter – Department of Health (19-0462) (Ms. Coble did not participate in this matter.)

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

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

ITEM 37: Informal Matter –Department of Health (19-0463)

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

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

The meeting was reopened at 10:20 a.m.

ITEM 38: Executive Director's Report – New Registration and Reporting System for Lobbyists

Discussion: Mr. Lord briefed the Commission on the status of the development of the new lobbyist registration and reporting system. The current plan is to launch the new system in mid-September.

ITEM 39: Executive Director's Report – Lobbyist Climate Survey

Discussion: Mr. Lord advised the Commission that the response rate from lobbyists participating in the climate survey initiated by the Department of Legislative Services in the spring was only 15%. The substantive comments will not be available until the fall.

ITEM 40: Executive Director's Report – Legislative Proposal

Discussion: Mr. Lord briefed the Commission on the status of the legislative proposal approved at the July meeting.

ITEM 41: Executive Director's Report – Meeting Schedule

Discussion: Mr. Lord discussed the process for identifying meeting dates for calendar year 2020. He will ascertain the availability of the staff and Commission members in the weeks prior to the next meeting and after dates are identified that are acceptable they will be submitted for the Commission's approval at the October meeting. Mr. Lord also inquired about whether the Commission was amenable, despite at least one conflict, to hold the next meeting on October 24 as currently scheduled.

Decision: The Commission determined to leave the next meeting on the October 24 date as 4 Commissioners anticipate being able to attend.

The meeting was adjourned at 10:35 a.m.