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MINUTES OF THE STATE ETHICS COMMISSION MEETING

February 20, 2020

Commission Members Present: Janet E. McHugh, Chair
Aruna Miller
James N. Robey, Jr.
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
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 December 19, 2019 and January 9, 2020 Meetings

Discussion: The draft minutes of the December 19, 2019 and January 9, 2020 meetings 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 Executive Director, Michael Lord. The recommendations covered Department of Labor, Department of Information Technology, Department of Juvenile Services, Department of the Environment, Department of Housing & Community Development, Maryland Public Broadcasting Commission, Department of Transportation, State Highway Administration, University of Maryland College Park, University of Maryland Global Campus, University of Maryland Baltimore County, Morgan State University, Salisbury University, Frostburg State University, Garrett College, Anne Arundel Community College, Harford Community College, Bowie State University, Prince George's Community College and Howard Community College.

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

ITEM 4: Local Government – City of Rockville (20-0054)

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

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

ITEM 5: Local Government – Howard County Board of Education (20-0072)

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 – Baltimore County (19-0737)

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

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government – Baltimore City (19-0652)

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

Decision: The Commission approved the proposed amendments.

The Commission voted unanimously to close the meeting at 9:15 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 8: A-1-20

Discussion: Mr. Colquhoun briefed the Commission on this matter for informational purposes only.

ITEM 9: A-2-20

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-1-20)

ITEM 10: A-3-20

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

Decision: Complaints will be issued in these matters. (C-1-20 to C-11-20, C-13-20)

ITEM 11: A-4-20

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

Decision: The Commission authorized a complaint, but it will not be issued in this matter unless the employee fails to complete training.

ITEM 12: C-3-19

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

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

ITEM 13: C-28-19

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

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

ITEM 14: A-6-20

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

Decision: This matter will be further reviewed at the next meeting.

(Mr. Lord, Mr. Colquhoun, Ms. Thompson, Mr. Garrett and Ms. Craig participated in the briefings, but did not participate in the decisions regarding Items 8 through 14.)

ITEM 15: Informal Matter – Elected Official (20-0079)

Discussion: Ms. Thompson briefed the Commission on a prestige issue and whether an elected official can use their title for fundraising and endorsing.

Decision: The Commission decided this activity is allowable.

ITEM 16: Informal Matter – Department of Commerce (19-0734)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding an employee at the Department of Commerce wanting to continue working with a non-profit organization whose mission is to strengthen and grow the State and national economies.

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

ITEM 17: Informal Matter – Prescription Drug Affordability Board (20-0085)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding a member of the Prescription Drug Affordability Board who wants to continue his outside consulting practice.

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

ITEM 18: Informal Matter – Department of Housing & Community Development (19-0714)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Housing & Community Development wanting to serve on the board of directors for a chamber of commerce.

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

ITEM 19: Informal Matter – Department of Human Services (20-0001)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services wanting to work as a therapist at a private mental health facility.

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

ITEM 20: Informal Matter – Department of Health (19-0736)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Health wanting to work at a private behavioral health facility conducting mental health assessments.

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

ITEM 21: Informal Matter – Department of Health (20-0023)

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

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

ITEM 22: Informal Matter – Department of Human Services (20-0047)

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

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

ITEM 23: Informal Matter – Department of Health (20-0039)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Health wanting to work as a social worker providing hospice and palliative care at a private center.

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

ITEM 24: Informal Matter – Department of Human Services (20-0032)

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

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

ITEM 25: Informal Matter – Maryland Aviation Administration (20-0048)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Maryland Aviation Administration wanting to work as the Emergency Services Director with a county government.

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

ITEM 26: Informal Matter – Department of Human Services (20-0036)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services wanting to work as a clinician at a private mental health clinic.

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

ITEM 27: Informal Matter – Department of Human Services (20-0084)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services wanting to work as a residential counselor at a non-profit mental health clinic.

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

ITEM 28: Informal Matter – Department of Health (20-0074)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Health wanting to work as a house manager at an inpatient treatment center.

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

ITEM 29: Informal Matter – Department of Health (20-0075)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Health wanting to work as a peer recovery specialist at a non-profit substance abuse treatment program.

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

ITEM 30: Informal Matter – Department of Health (20-0076)

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

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

ITEM 31: Informal Matter – Department of Health (20-0073)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a counselor for an outpatient facility.

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

ITEM 32: Informal Matter – Department of Human Services (20-0095)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at 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 33: Informal Matter – Department of Human Services (20-0094)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services wanting to work as a therapist with a mental health provider.

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

ITEM 34: Informal Matter – Department of Human Services (20-0096)

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

ITEM 35: Informal Matter – Maryland Automobile Insurance Fund (20-0090)

Discussion: Mr. Lord briefed the Commission on the filing requirement for board and commission members who receive an annual compensation equal to or greater than 25% of the lowest step of a Grade level 16 and whether waiving this compensation would allow a board or commission to file Form 2 instead of Form 1, which is more comprehensive.

Decision: The Commission determined that waiving the receipt of eligible compensation by a board member does not exempt the board member from filing Form 1.

The meeting reopened at 11:45 a.m.

ITEM 36: 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: HB 159 (State Ethics Commission – Determination of Public Officials in an Executive Unit – Information from Units of State Government); HB 190/SB 348 (Public Ethics – Officials and Lobbyists – Reporting Ceremonial Gifts and Awards of Insignificant Monetary Value); HB 282 (Prince George's County - Ethics – Limitations on Applicant Campaign Contributions); HB 315/SB 202 (Public Ethics - Executive Branch - Lobbying by Former Secretaries of Principal Departments (Shut the Revolving Door Act of 2020)); HB 346/SB 284 (Redistricting Reform Act of 2020); HB 360/ SB 283 (Ethics and Accountability in Government Act); HB 370 (Bicounty Commissions - Annual Reports - Conflicts of Interest and Lobbying); HB 397/SB803 (Public Ethics - Legislative Unit – Definition); HB 953/SB 927 (Public Ethics - Issue Lobbying Communications - Lobbyist Registration and Disclosure Requirements); HB 1055/ SB 974 (Public Ethics – Lobbyists – Gift Exception and Regulated Activities Exemption and SB 970 (Public Ethics – Disclosures and Fines and Penalties- Revisions); HB 1404 (Public Ethics – Financial Disclosure – Requirements (Conflicts of Interest Act)); HB 1565/HB 1544 (Campaign contributions by zoning applicants); SB 970 (Public Ethics – Disclosures and Fines and Penalties – Revisions).

ITEM 37: Executive Director's Report – Proposed Lobbying Regulation Changes

Discussion: Mr. Lord briefed the Commission on the status of the proposed lobbying regulation changes.

ITEM 38: Executive Director's Report – Climate Survey of Lobbyists

Discussion: Mr. Lord briefed the Commission on the Climate Survey Report that addressed lobbyists and was part of a larger survey undertaken by a contractor engaged by the Department of Legislative Services.

The Commission voted unanimously to close the meeting at 12:10 p.m. pursuant to §3-305(b)(1) of the Open Meetings Act to consider confidential personnel matters.

The meeting was adjourned at 2:12 p.m.