



COMMISSION MEMBERS:

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WILLIAM J. COLQUHOUN
Staff Counsel
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Assistant General Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING

April 16, 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

The meeting started at 9:10 a.m. with all participants joining remotely on Google Hangouts; the public portion of the meeting was streamed live. Those listed as present participated remotely 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 20, 2020 Meeting

Discussion: The draft minutes of the February 20, 2020 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 3: Boards and Commissions - Executive Unit Determination

Discussion: Mr. Lord briefed the Commission on whether or not the Provider Review Panel of the State Emergency Medical Services Board should be considered an executive unit covered by the Public Ethics Law.

Decision: The Commission determined that the Provider Review Panel of the State Emergency Medical Services Board is an executive agency and its members are public officials covered by the Ethics Law.

ITEM 4: 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 the Environment, University of Maryland College Park, Department of Natural Resources, Technology Development Corporation, Department of General Services, Military Department, Department of Juvenile Services, Anne Arundel Community College, State Highway Administration, Howard Community College, University of Maryland Global Campus, Department of Health, Executive Department and the Public Broadcasting Commission.

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

ITEM 5 Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Stakeholder Workgroup in the Governor's Office of Small, Minority and Women Business Affairs' request for exemption from the financial disclosure requirement.

Decision: The Commission approved an exemption for the Stakeholder Workgroup in the Governor's Office of Small, Minority and Women Business Affairs.

ITEM 6: Local Government – Anne Arundel County (20-0127)

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

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government –Town of Mt. Airy (20-0125)

Discussion: Ms. Allgair briefed the Commission on the status of the proposed amendments to the local ethics ordinance for the Town of Mt. Airy.

ITEM 8: Executive Director's Report – Status of Regulation Changes

Discussion: Mr. Lord briefed the Commission on the status of the changes to the Commission's regulations.

ITEM 9: Executive Director's Report – Mold Remediation

Discussion: Mr. Lord briefed the Commission on the mold remediation that is occurring in the Commission's office which will hopefully be completed by the time we are able to return.

ITEM 10: Executive Director's Report – Update on Legislation

Discussion: Mr. Lord briefed the Commission on the outcome of significant ethics-related legislation that had been considered by the General Assembly during the recent Legislative Session.

The Commission voted unanimously to close the meeting at 9:34 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 11: A-6-20

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

Decision: This matter will remain on the preliminary consideration docket.

ITEM 12: A-7-20

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

Decision: This matter will remain on the preliminary consideration docket.

ITEM 13: A-8-20

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

Decision: The Commission did not issue the complaint.

ITEM 14: A-10-20

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-2-20)

ITEM 15: B-4-19

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

Decision: The Commission accepted the Pre-Complaint Disposition Agreements.

ITEM 16: A-9-20

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 17: A-11-20

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

Decision: Complaints will be issued in these matters. (C-12-20, C-14-20, C-15-20, C-17-20 and C-18-20)

ITEM 18: A-12-20

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

Decision: A complaint will be authorized in this matter, but not issued if the individual takes the required training.

ITEM 19: Financial Disclosure Deadline

Discussion: Mr. Lord briefed the Commission on whether to extend the financial disclosure deadline in light of the complications caused by the COVID-19 crisis, noting the issues that maintaining the regular April 30 deadline will create concerning enforcement and staff support.

Decision: The financial disclosure deadline will be moved to June 5, 2020.

ITEM 20: C-1-20

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

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

ITEM 21: C-4-20

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

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

ITEM 22: C-5-20

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

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

ITEM 23: C-7-20

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

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

ITEM 24: C-8-20

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

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

ITEM 25: C-9-20

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

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

ITEM 26: C-10-20

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

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

ITEM 27: C-13-20

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

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

(Mr. Lord, Mr. Colquhoun and Ms. Thompson participated in the briefings, but did not participate in the decisions regarding Items 11 through 27.)

ITEM 28: Informal Matter – Executive Department (20-0163)

Discussion: Mr. Lord briefed the Commission on an employee in the Executive Department who wants to participate, along with the employee's spouse, in the State's resident curatorship program.

Decision: The Commission conditionally granted an exception to allow the participation, subject to receipt of favorable recommendations from the employee's supervisor and department head.

ITEM 29: Informal Matter – State Highway Administration (20-0185)

Discussion: Ms. Allgair briefed the Commission on an employee in the State Highway Administration whose spouse has a financial interest in her family's business, an IT vendor that does business with the State Highway Administration.

Decision: The Commission determined that the employee met the regulatory criteria and granted an exception to allow this attributable financial interest.

ITEM 30: Informal Matter – State Highway Administration (20-0186)

Discussion: Ms. Allgair briefed the Commission on an employee in the State Highway Administration who has a financial interest (stocks from an Employee Stock Option Plan) in her former employer's engineering and construction consulting company. The company does not currently do business with the State Highway Administration.

Decision: The Commission determined that the employee met the regulatory criteria and granted an exception to allow this financial interest.

ITEM 31: Informal Matter – Board of Public Works (20-0139)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding an employee in the Board of Public Works who wants to serve on the board of a community development association.

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

ITEM 32: Informal Matter – Board of Morticians and Funeral Directors (20-0187)

Discussion: Mr. Lord briefed the Commission staff advice provided to a member of the Board of Morticians and Funeral Directors who wanted to accept short-term contractual employment with the Department of Health as co-Director of the Temporary Mortuary Affairs Center.

Decision: The Commission concurred in the advice provided by staff.

ITEM 33: Informal Matter – Department of Human Services (20-0152)

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 family wellness counselor at a private addiction service.

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

ITEM 34: Informal Matter – University of Maryland System (20-0175)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee with the University of Maryland System wanting advice on the application of the Ethics Law if she wins the election for a county board of education.

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

ITEM 35: Informal Matter – Maryland Historical Trust (20-0099)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee with the Maryland Historical Trust wanting to continue working with a conservation publication fellowship.

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

ITEM 36: Informal Matter – Community College of Baltimore County

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee with the Community College of Baltimore County wanting to work as a Fellow with a leadership success program.

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

ITEM 37: Informal Matter – Department of Housing and Community Development (20-0107)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee with the Department of Housing and Community Development wanting to be an independent sales agent with a realty company.

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

ITEM 38: Informal Matter – Department of Human Services (20-0116)

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

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

ITEM 39: Informal Matter – Department of Housing and Community Development (20-0176)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee with the Department of Housing and Community Development wanting to work as a realtor.

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

ITEM 40: Informal Matter – Department of Health (20-0178)

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

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

ITEM 41: Informal Matter –Department of Health (20-0113)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee with the Department of Health wanting to work as a community health nurse for a University of Maryland System hospital.

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

ITEM 42: Informal Matter – Department of Transportation (19-0616)

Discussion: Ms. Thompson briefed the Commission on a post-employment request regarding a former employee with the Department of Transportation wanting to bid on a contract with his own business that he signed off on while employed with the Department.

Decision: The Commission agreed with the previous advice given that this activity is significant participation that prevents the employee, and his company, from participating in this contract.

The meeting was adjourned at 12:35 p.m.