



COMMISSION MEMBERS:

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MINUTES OF THE STATE ETHICS COMMISSION MEETING

September 22, 2021

Commission Members Present: Janet E. McHugh, Chair
Bonnie A. Kirkland
Craig D. Roswell

Commission Member Absent: James N. Robey, Jr.
Geneau M. Thames

Staff Members Present: Jennifer K. Allgair, Executive Director
William J. Colquhoun, General Counsel
Katherine P. Thompson, Staff Counsel
Kirsten S. Krogen, Assistant General Counsel
Darlene J. Gavel, Office Manager
Maura Pizzi, Paralegal
Emma Craig, Legal Assistant

The meeting convened at 9:07 a.m. at 580 Taylor Avenue in the 1st Floor conference room. 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: Introduction of New Member / Remembrance of Former Member

Discussion: Bonnie A. Kirkland was introduced as the new Commission member. Former Commission member, Senator Julian “Jack” Lapidés, was remembered for his contribution to the Ethics Commission.

ITEM 2: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved during the open meeting.

ITEM 3: Minutes of the June 10, 2021 Meeting

Discussion: The draft minutes of the June 10, 2021 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 4: Boards and Commissions - Executive Unit Determination

Discussion: Ms. Allgair briefed the Commission on whether or not the Maryland Primary Care Advisory Council, Maryland Health Benefit Exchange Standing Advisory Committee, Juvenile Services Education Board and the Health Equity Commission Data Advisory Committee should be considered an executive unit covered by the Public Ethics Law:

Decision: The Commission determined that the Maryland Health Benefit Exchange Standing Advisory Committee, Juvenile Services Education Board and the Health Equity Commission Data Advisory Committee were executive agencies and its members are public officials covered by the Ethics Law.

The Commission determined the Maryland Primary Care Advisory Council was not an executive unit.

ITEM 5: Financial Disclosure Exemption Request

Discussion: Ms. Allgair briefed the Commission on the requests for exemption from the financial disclosure requirement from the Task Force on Oral Health in Maryland, Workgroup to Study Electrical Licensing and the Provision of Electrical Services in Maryland, Maryland Mental Health & Substance Use Disorder Registry & Referral System Advisory Committee, Accountability & Implementation Board Nominating Committee, Maryland Food System Resiliency Council and the Commission on Trauma-Informed Care.

Decision: The Commission granted exemptions for the Task Force on Oral Health in Maryland, Workgroup to Study Electrical Licensing and the Provision of Electrical Services in Maryland, Maryland Mental Health & Substance Use Disorder Registry & Referral System Advisory Committee, Accountability and Implementation Board Nominating Committee and the Maryland Food System Resiliency Council.

The Commission did not grant an exemption from the financial disclosure requirement for the Commission on Trauma-Informed Care.

ITEM 6: Financial Disclosure Additions and Deletions

Discussion: Ms. Allgair 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, Jennifer Allgair. The recommendations covered the Department of Labor, Department of Natural Resources, Executive Department, Coppin State University, Towson University, Maryland Transportation Authority, Department of Health, Maryland Office of the Inspector General for Education, Maryland Aviation Administration, Morgan State University, Department of General Services, Comptroller's Office, Department of the Environment, Maryland Port Administration, Department of Transportation, College of Southern Maryland, University of Maryland Global Campus, Montgomery College, Maryland Commission on Civil Rights, Department of Juvenile Services, University of Maryland-Baltimore, Department of Public Safety & Correctional Services and the Maryland Technology Development Corporation.

Decision: The Commission approved Ms. Allgair's recommendations.

ITEM 7: Review of 2021 Changes to Local Government Regulations

Discussion: There was a general discussion of the regulation changes that affect local governments which include quasi-governmental entity definition and disclosures, attributable interest, changes to the gift provisions, additional financial disclosure requirements and a prohibition on retaliation provision. The Commission staff is working on a draft for approval by the Commission at a future meeting before the regulation changes are submitted for review and publication.

Decision: The Commission approved the staff's proposed plan for regulations and will review the matter again in October before the submission process begins.

ITEM 8: Local Government – City of Frederick (21-0406)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for the City of Frederick.

Decision: The Commission approved the proposed amendments.

ITEM 9: Local Government – City of Cambridge (21-0510)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for the City of Cambridge.

Decision: The Commission did not approve the proposed amendments.

ITEM 10: Local Government – Prince George's County (21-0542)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for Prince George's County.

Decision: The Commission approved the proposed amendments.

ITEM 11: Local Government – Prince George's County Board of Education (21-0538)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for Prince George's County Board of Education.

Decision: The Commission did not approve the proposed amendments.

ITEM 12: Executive Director's Report – Regulations Update

Discussion: The Commission staff is working on proposed changes to the regulations in response to 2021 legislative changes. A meeting will be scheduled for the Commission to review the proposed changes in October.

ITEM 13: Executive Director's Report – Updates to Financial Disclosure and Training Systems

Discussion: Ms. Allgair briefed the Commission on the changes submitted for the financial disclosure and training systems to incorporate the 2021 legislative changes.

ITEM 14: Executive Director's Report – Return to 45 Calvert Street

Discussion: Ms. Allgair briefed the Commission on the progress of 45 Calvert Street and the plan to be back in the office sometime in January 2022.

ITEM 15: New Commission Meeting Dates

Discussion: The next Commission meeting dates are tentatively scheduled for March 2, 2022, April 20, 2022, June 16, 2022, September 15, 2022 and November 17, 2022.

The Commission voted unanimously to close the meeting at 9:59 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider personnel matters, confidential enforcement matters per §5-407 of the Public Ethics Law and confidential advice matters per §5-303 of the Public Ethics Law.

ITEM 16: Executive Director's Report – Personnel Discussion

Discussion: Ms. Allgair briefed the Commission on some personnel matters.

ITEM 17: A-20-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be closed with a letter.

ITEM 18: A-27-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be closed.

ITEM 19: A-32-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-5-21)

ITEM 20: A-34-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-6-21)

ITEM 21: A-35-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be closed.

ITEM 22: A-36-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be closed.

ITEM 23: A-37-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be closed.

ITEM 24: B-2-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: The Commission will grant the financial interest exception contingent on a signed Non-Participation Agreement, and this matter will be closed with letters.

ITEM 25: A-26-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 26: A-28-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 27: A-29-21

Discussion: Ms. Thompson briefed the Commission on the status of this matter.

Decision: This matter will be closed. The Commission wanted to note the importance of this matter and to thank the staff for all the work completed on this matter.

ITEM 28: A-30-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 29: A-31-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 30: A-38-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be closed.

ITEM 31: A-39-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: The Commission authorized complaints in this matter, but none were issued.

ITEM 32: A-33-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: The Commission authorized a complaint in this matter, but it was not issued.

(Ms. Thompson, Ms. Pizzi and Ms. Allgair participated in the briefings to the Commission, but did not participate in the decisions regarding Items 17 through 32.)

ITEM 33: Informal Matter – State Highway Administration Non-Participation and Mitigation Agreements

Discussion: The staff presented five non-participation agreements or mitigation agreements provided by the State Highway Administration and approved by the staff. The matters included 21-0340, 21-0393, 21-0413, 21-0414, 21-0418, 21-0466, 21-0516, 21-0550, 21-0593 and 21-0594.

ITEM 34: Informal Matter – Department of the Environment (21-0363)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of the Environment wanting to work as a consultant to a private University that is regulated by the Department.

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

ITEM 35: Informal Matter – Department of Human Services (21-0397)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a patient care assistant at a private hospital that receives referrals from the Department.

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

ITEM 36: Informal Matter – Department of Health (21-0377)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue working as a behavioral specialist at an entity that is regulated by the Department.

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

ITEM 37: Informal Matter – Department of Health (21-0411)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work in a health care center that receives payments from the Department.

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

ITEM 38: Informal Matter – Department of Human Services (21-0428)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a contractor for an entity that receives referrals from the Department.

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

ITEM 39: Informal Matter – Department of Human Services (21-0435)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a therapist with a private therapy practice that receives referrals from the Department.

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

ITEM 40: Informal Matter – Department of Planning (21-0474)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Planning wanting to work as a grants management specialist for an entity that does business with an entity that falls under the Maryland Historical Trust.

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

ITEM 41: Informal Matter – Department of Natural Resources (21-0487)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Natural Resources wanting to work as a park manager for a county entity that receives funding from the Department.

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

ITEM 42: Informal Matter – Department of Human Services (21-0503)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a clinical therapist for an entity that receives referrals from the Department.

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

ITEM 43: Informal Matter – Department of Human Services (21-0504)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a behavioral health clinician as a health system that receives referrals from the Department.

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

ITEM 44: Informal Matter – Department of Human Services (21-0505)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a visitation facilitator with a county visitation center.

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

ITEM 45: Informal Matter –Department of Health (21-0509)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health who wants to continue working at a registered nurse with a University of Maryland system hospital.

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

ITEM 46: Informal Matter – Department of Health (21-0409)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work on a board of directors whose clients are on Medicaid.

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

ITEM 47: Informal Matter – Department of Health (21-0478)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to be an office assistant at a grocery store.

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

ITEM 48: Informal Matter – Department of Human Services (21-0490)

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

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

ITEM 49: Informal Matter – Department of Housing & Community Development (21-0528)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Housing & Community Development wanting to work as a client solutions specialist for an entity that received a grant from the Department.

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

ITEM 50: Informal Matter – Department of Human Services (21-0603)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to train students for medical fields in rural areas.

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

ITEM 51: Informal Matter – Executive Department (21-0306)

Discussion: Ms. Krogen briefed the Commission on a request for a review of a financial interest regarding an employee in the Executive Department who wants to sell a land preservation easement to the Maryland Agricultural Land Preservation Foundation.

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

ITEM 52: Informal Matter – Maryland General Assembly (21-0568)

Discussion: Ms. Allgair briefed the Commission on a post-employment request regarding an employee of the Maryland General Assembly who wants to start a communication and public affairs firm.

Decision: The Commission will provide the employee with appropriate guidance and advise that the proposed post-employment plan provided is not prohibited by the Public Ethics law.

The meeting was adjourned at 12:14 p.m.