



COMMISSION MEMBERS:

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JAMES N. ROBESY, JR.
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STATE ETHICS COMMISSION

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General Counsel
KATHERINE P. THOMPSON
Staff Counsel
ANA L. HENRY
Assistant General Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING

January 6, 2022

Commission Members Present: Janet E. McHugh, Chair
Bonnie A. Kirkland (participated via Google Meet)
James N. Robey, Jr.
Craig D. Roswell
Geneau M. Thames

Staff Members Present: Jennifer K. Allgair, Executive Director
William J. Colquhoun, General Counsel
Katherine P. Thompson, Staff Counsel
Ana L. Henry, Assistant General Counsel
Darlene Gavel, Office Manager
Jill Byczek, Legal Assistant/Paralegal
Stephen Garrett, Paralegal (participated via Google Meet)
Maura Pizzi, Paralegal (participated via Google Meet)

The meeting convened at 9:00 a.m. at 45 Calvert Street, 3rd 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 Staff

Discussion: Ana Henry and Jill Byczek were introduced as the new Assistant General Counsel and Legal Assistant/Paralegal, respectively.

ITEM 2: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved as amended.

ITEM 3: Minutes of the September 22, 2021 and October 12, 2021 Meetings

Discussion: The draft minutes of the September 22, 2021 and October 12, 2021 meetings were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 4: Minutes of the June 10, 2021 Meeting

Discussion: Changes to the minutes of the June 10, 2021 meeting were reviewed and discussed.

Decision: The change to Item No. 4 from the minutes of June 10, 2021 were approved

ITEM 5: Boards and Commissions - Executive Unit Determination

Discussion: Ms. Allgair briefed the Commission on whether or not the Maryland Commission for the Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings should be considered an executive unit covered by the Public Ethics Law.

Decision: The Commission determined that the Maryland Commission for the Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings was an executive agency and its members are public officials covered by the Ethics Law.

ITEM 6: Financial Disclosure Exemption Request

Discussion: Ms. Allgair briefed the Commission on the requests for exemption from the financial disclosure requirement from the Maryland Health Benefit Exchange Standing Advisory Committee and the Task Force to Study Canine Breeding Facilities and Sourcing Standards.

Decision: The Commission granted exemptions for the Maryland Health Benefit Exchange Standing Advisory Committee and the Task Force to Study Canine Breeding Facilities and Sourcing Standards.

ITEM 7: 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 Juvenile Services, Department of Health, Morgan State University, Department of Aging, Department of Natural Resources, Department of Information Technology, Maryland Aviation Administration, Department of Public Safety & Correctional Services, Governor's Office of Crime Prevention, Youth and Victim Services, Department of Transportation, University of Baltimore, Howard Community College, University of Maryland-Baltimore, State Highway Administration, Maryland Technology Development Corporation, Executive Department, Maryland Office of the Inspector General, State Retirement Agency, Allegany College, Maryland Transportation Authority, St. Mary's College, Maryland Transit Administration, Montgomery College and the Department of Veterans Affairs.

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

ITEM 8: Local Government - City of College Park (21-0597)

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

Decision: The Commission approved the proposed amendments.

ITEM 9: Local Government – City of Cambridge (21-0651)

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

Decision: The Commission approved the proposed amendments.

ITEM 10: Local Government – City of Takoma Park (21-0653)

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

Decision: The Commission approved the proposed amendments.

ITEM 11: Local Government – Kent County Board of Education (21-0613)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics policy for the Kent County Board of Education.

Decision: The Commission approved the proposed amendments.

ITEM 12: Final Approval of Proposed Regulations

Discussion: The Commission reviewed the proposed regulations that were published in the Maryland Register on November 19, 2020. The Commission posted the proposed regulations on its website. The Commission did not receive any comments on the proposed regulations during the public comment period. The Commission held 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.

Decision: The Commission unanimously voted in favor of final approval the proposed regulations for the following:

- 19A.01.01 - Procedures
- 19A.03.01 – Financial Disclosure by Members of Boards and Commissions
- 19A.03.03 – Financial Disclosure by Public Officials, State Officials and Candidates to be State Officials
- 19A.04.01 – Local Government Ethics Law, General Procedures
- 19A.04.02 – Local Government Review Criteria
- Subtitle 04 - Appendix A and B – Local Government Ethics Law, Model Laws A & B
- 19A.05.01 – Board of Education Ethics Regulations, General Provisions
- 19A.05.02 – Board of Education Review Criteria
- Subtitle 05 – Appendix A and B – Model Board of Education Ethics Regulations

ITEM 13: Executive Director's Report – Return to 45 Calvert Street

Discussion: Ms. Allgair briefed the Commission on the return to 45 Calvert Street and the extension of the current office hybrid telework schedule until January 18, 2022.

ITEM 14: Executive Director's Report – Memo to Elected Executive Branch Officials, Secretaries of Principal Departments and the Counsels to the Principal Departments

Discussion: Ms. Allgair briefed the Commission on the memo to elected officials regarding changes to the Ethics Law as a result of 2021 legislative changes.

ITEM 15: Recognition of Michael Lord, Former Executive Director

Discussion: The Commission wanted to formally recognize Michael Lord for his service to the Commission as Executive Director and will present him with a Citation after the meeting.

The Commission voted unanimously to close the meeting at 9:26 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 and receive the advice of counsel.

ITEM 16: A-40-21

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-1-22)

ITEM 17: A-41-21

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-2-22)

ITEM 18: A-42-21

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

Decision: This matter will be closed with a letter to the Office of the Attorney General.

ITEM 19: A-44-21

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-3-22)

ITEM 20: A-45-21

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

Decision: This matter will be closed.

ITEM 21: A-46-21

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-4-22)

ITEM 22: A-47-21

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-5-22)

ITEM 23: A-50-21

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

Decision: This matter will be closed.

ITEM 24: B-3-21

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

Decision: This matter will remain on the Preliminary Inquiry Docket.

ITEM 25: A-49-21

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

Decision: The Commission authorized a complaint in this matter. No complaint was issued.

ITEM 26: A-48-21

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

Decision: The Commission authorized complaints in these matters. No complaints were issued.

ITEM 27: A-51-21

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

ITEM 28: Executive Director's Report – 2022 Proposed Legislation

Discussion: Ms. Allgair 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 and advice of counsel on the approach to take on the bills. The bills include: HB 59 - Ethics – Local Governments – Registration of Lobbyists and HB 152 - Public Advocate Act of 2022.

(Ms. Thompson and Ms. Allgair participated in the briefings to the Commission, but did not participate in the decisions regarding Items 16 through 27.)

ITEM 29: Memo on Non-Participation Plans and Mitigation Agreements

Discussion: Mr. Colquhoun presented five non-participation agreements or mitigation agreements provided and approved by the staff. The matters included B-2-21, 21-0701, 21-0720, 21-0794, and 21-0800.

ITEM 30: Informal Matter – University of Maryland Baltimore (21-0741)

Discussion: Mr. Colquhoun briefed the Commission on a participation exception regarding an employee in the University of Maryland Baltimore who wants to participate in matters relating to a software company that employs her daughter.

Decision: The Commission approved the participation exception.

ITEM 31: Informal Matter – University System of Maryland (21-0663)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the University System of Maryland would like to serve as President of the Board of Directors of a non-profit organization to which USM belongs and pays dues.

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

ITEM 32: Informal Matter – Department of Health (21-0664)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue working as an ORP coordinator for an entity that has a referral relationship with the Department.

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

ITEM 33: Informal Matter – Governor’s Office of Crime Prevention, Youth and Victim Services (21-0690)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Governor’s Office of Crime Prevention, Youth and Victim Services (GOCOPYVS) wanting to work as a registered nurse for a University hospital that receives reimbursement from GOCOPYVS for services they provide to sexual assault victims.

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

ITEM 34: Informal Matter – Department of Human Services (21-0697)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a mental health therapist for a private health system.

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

ITEM 35: Informal Matter – Department of Commerce (21-0699)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Commerce wanting to serve on a board of directors of a non-profit organization that receives grants from and has a licensing agreement with the Department.

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

ITEM 36: Informal Matter – Department of Health (21-0717)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a cashier for a local pharmacy.

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

ITEM 37: Informal Matter – Department of Human Services (21-0730)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a security specialist with a non-profit organization.

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

ITEM 38: Informal Matter – Department of Human Services (21-0756) Mr. Colquhoun did not participate in this matter.

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a food pantry assistant at a homeless shelter.

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

ITEM 39: Informal Matter – Department of Human Services (21-0803)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a crisis specialist at a domestic violence shelter.

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

ITEM 40: Informal Matter – Department of Human Services (21-0685)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a cashier at a general store.

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

ITEM 41: Informal Matter – Department of Health (21-0687)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a medical care support supervisor for a private medical center that is regulated by the Department.

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

ITEM 42: Informal Matter – Department of Health (21-0688)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a direct care provider for an addictions center that is regulated by the Department.

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

ITEM 43: Informal Matter – Department of the Environment (21-0747)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of the Environment wanting to work to prepare orders for a shipping company that is a vendor of the Department.

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

ITEM 44: Informal Matter – Department of Human Services (21-0758)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in 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 45: Informal Matter –Department of the Environment (21-0774)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of the Environment wanting to work as an associate at a shipping company that is vendor of the Department.

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

ITEM 46: Informal Matter – Department of Human Services (21-0782)

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

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

ITEM 47: Informal Matter – Department of Human Services (21-0788)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in 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 48: Informal Matter – Department of Human Services (21-0802)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a checkout assistant at a department store.

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

ITEM 49: Informal Matter – University of Maryland College Park (21-0567)

Discussion: Mr. Colquhoun briefed the Commission on an employee at the University of Maryland College Park (UMCP) wanting to have a financial interest in and secondary employment with, and be employed by,

an entity seeking a traffic data contract issued by UMCP with members of a transportation coalition through his company.

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

ITEM 50: Informal Matter – Post-Employment (21-0801)

Discussion: Ms. Allgair briefed the Commission on a former employee of the General Assembly that is now working in a county government position. Ms. Allgair previously provided post-employment guidance to this former employee and presented the Commission with a copy of the advice letter for review.

Decision: The Commission confirmed advice given by staff.

The meeting was adjourned at 11:46 a.m.