



COMMISSION MEMBERS:

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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

April 20, 2022

Commission Members Present: Janet E. McHugh, Chair
Bonnie A. Kirkland
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
Maura Pizzi, Paralegal

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: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved.

ITEM 2: Minutes of the March 2, 2022 Meeting

Discussion: The draft minutes of the March 2, 2022 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 3: Financial Disclosure Exemption Request

Discussion: Ms. Allgair briefed the Commission on a request for exemption from the financial disclosure requirement from the Prescription Drug Affordability Stakeholder Council.

Decision: The Commission granted an exemption for the Prescription Drug Affordability Stakeholder Council.

ITEM 4: 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 Worker's Compensation Commission, Department of Health, Department of Public Safety & Correctional Services, Governor's Office of Crime Prevention, Youth and Victim Services, Maryland Transportation Authority, Department of Natural Resources, Department of Information Technology, Department of Budget & Management, Department of Veterans Affairs, Department of Juvenile Services, Maryland Technology Development Corporation, Department of General Services, Department of Transportation, Department of Education, State Highway Administration, Prince George's Community College, University of Maryland Global Campus, Department of Agriculture, Maryland 529 and the Department of Human Services.

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

ITEM 5: Local Government – Maryland Association of Counties (MACO) – HB 363 (The Director of MACO was present.)

Discussion: The Director of the Maryland Association of Counties appeared before the Commission to discuss HB 363 from the 2021 General Assembly session. Mr. Colquhoun briefed the Commission on the HB 363 changes to the gift provisions of the Public Ethics Law which added certain associations representing local governments to the definition of a controlled donor under the gift provisions of the Ethics Law. Mr. Colquhoun discussed the Commission's updated local government regulations and Model Laws to reflect these legislative changes and is in the process of working with local governments to amend, review and approve local ethics laws. The Commissioners and Mr. Colquhoun discussed these matters and MACo's concerns with the changes. Mr. Colquhoun also offered to meet with MACo representatives and other local government association representatives to discuss the various exceptions contained in the Public Ethics Law and address specific gift questions in the future.

Decision: The Commission suggested that the Director consult with Commission staff or return to the General Assembly for clarifying legislation.

ITEM 6: Local Government – Kent County Board of Education (22-0180)

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

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government – Howard County (22-0186)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for Howard County.

Decision: The Commission approved the proposed amendments.

ITEM 8: Local Government – Talbot County (22-0232)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for Talbot County.

Decision: The Commission approved the proposed amendments.

ITEM 9: Executive Director’s Report – 2022 Legislative Update

Discussion: Ms. Allgair briefed the Commission on legislation that passed affecting the Public Ethics Law. The bills include: HB246 – Open Meetings Act-Notices, Closed Sessions, and Minutes – Retention Peroids, Online Posting, Public Inspection; SB15/HB340 – Election Law – Campaign Finance – Enforcement; SB589/HB907 – University of Maryland – Employees – Authorization to Fund-Raise; and HB1059 – Bi-county Commissions – Ethics – Certification of Compliance.

ITEM 10: Executive Director’s Report – New Training Module

Discussion: Ms. Allgair briefed the Commission on the proposed new training module for elected officials effective January 1, 2023 and provided an outline of the training.

ITEM 11: Executive Director’s Report – Financial Disclosure System

Discussion: Ms. Allgair briefed the Commission on the proposed changes to the Financial Disclosure Statement Form 1 for certain State officials as a result of legislation passed during last session effective January 1, 2023.

ITEM 12: Executive Director’s Report – Cyber Security Project

Discussion: Ms. Allgair briefed the Commission on DoITs collaboration with an outside vendor to perform an IT assessment from all agencies relating to cyber security.

The Commission voted unanimously to close the meeting at 9:48 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 13: A-5-22

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

Decision: This matter will be closed with a letter.

ITEM 14: A-7-22

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

Decision: This matter will be closed.

ITEM 15: A-8-22

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

Decision: This matter will be closed with a letter.

ITEM 16: A-9-22

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-7-22)

ITEM 17: A-11-22

Discussion: Ms. Thompson briefed the Commission on these matters.

Decision: This matter be referred to the Office of the State Prosecutor.

ITEM 18: B-2-22

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

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

ITEM 19: B-3-22

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

Decision: This matter will be closed with a letter.

ITEM 20: A-6-22

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 21: A-3-22

Discussion: Ms. Thompson briefed the Commission on these matters.

Decision: Complaints will be issued in these matters. (C-1-22 to C-5-22)

ITEM 22: A-10-22

Discussion: Ms. Thompson briefed the Commission on these matters.

Decision: The Commission authorized complaints in these matters.

(Ms. Thompson, Ms. Allgair, Ms. Pizzi and Mr. Garrett participated in the briefings to the Commission, but did not participate in the decisions regarding Items 13 through 22.)

ITEM 23: Memo on Non-Participation Plans and Mitigation Agreements

Discussion: Mr. Colquhoun presented three non-participation agreements or mitigation agreements provided and approved by the staff. The matters included 22-0112, 22-0113 and 22-0250.

ITEM 24: Informal Matter – Department of Transportation (22-0102)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Transportation working as a boards and commissions coordinator with an office of a county executive.

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

ITEM 25: Informal Matter – Institute for Emergency Medical Services Systems (22-0106)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Institute for Emergency Medical Services Systems working as an on-call paramedic with a county Department of Emergency Services.

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

ITEM 26: Informal Matter – Department of Public Safety & Correctional Services (22-0115)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Public Safety & Correctional Services serving as a board member for a transitional housing program that has a relationship with the Department.

Decision: The Commission did not grant an exception to allow this secondary employment.

ITEM 27: Informal Matter – Department of Department of Human Services (22-0116)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services working as a therapist with a private health care that received referrals from the Department.

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

ITEM 28: Informal Matter – Department of Health (22-0132)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Health who is seeking election as a member of a county board of education.

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

ITEM 29: Informal Matter – Department of Housing & Community Development (22-0133)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Housing & Community Development working as an Executive Director of a nonprofit that seeks funding from the Department.

Decision: The Commission did not grant an exception to allow this secondary employment.

ITEM 30: Informal Matter – Department of Health (22-0187)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health working as a therapist with an institute that is regulated by the Department.

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

ITEM 31: Informal Matter – Department of Health (22-0190)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health working as a group home manager for a mental health rehabilitation program that is regulated by the Department.

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

ITEM 32: Informal Matter – Department of Health (22-0229)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health working as an administrative assistant with a substance abuse rehabilitation facility that is regulated by the Department.

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

ITEM 33: Informal Matter – Department of Labor (22-0194)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Labor working a county public school that receives grants from the Department.

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

ITEM 34: Informal Matter – Department of Labor (22-0195)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Labor working at a county library system that receives grants from the Department.

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

ITEM 35: Informal Matter – Department of Labor (22-0193)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Labor working as a real estate agent.

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

ITEM 36: Informal Matter – Department of Labor (22-0222)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Labor working as a real estate agent.

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

ITEM 37: Informal Matter – Department of Labor (22-206)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Labor working as a real estate agent.

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

ITEM 38: Informal Matter – Department of Labor (22-0199)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Labor working at a local union apprentice school.

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

ITEM 39: Informal Matter – Department of Labor (22-0197)

Discussion: Ms. Henry briefed the Commission on an employee in the Department of Labor who wants to have a financial interest and secondary employment in an entity that is regulated by the Department.

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

ITEM 40: Informal Matter – Department of Labor (22-0198)

Discussion: Ms. Henry briefed the Commission on an employee in the Department of Labor who wants to have a financial interest and secondary employment in an entity that is regulated by the Department.

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

ITEM 41: Informal Matter – Office of the State’s Attorney (22-0148)

Discussion: Mr. Colquhoun briefed the Commission related to an official in the Office of the State’s Attorney regarding a prestige matter involving a book contract.

Decision: The Commission staff will draft a letter stating that Commission neither approves of, nor endorses the idea of the official authoring a book at this time based on the information provided by the official. The letter will include information relating to the prestige, confidential information, secondary employment, and other provisions of the Public Ethics Law.

The meeting was adjourned at 11:33 a.m.