



COMMISSION MEMBERS:

JANET E. McHUGH, *Chair*
BONNIE A. KIRKLAND
JAMES N. ROBEY, JR.
CRAIG D. ROSWELL
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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

June 16, 2022

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

Commission Member Absent: 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
Anastasia Couch, Intern

The meeting convened at 9:04 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 as adjusted with one deletion.

ITEM 2: Minutes of the April 20, 2022 Meeting

Discussion: The draft minutes of the April 20, 2022 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 3: Boards and Commissions – Executive Unit Determinations

Discussion: Ms. Allgair briefed the Commission on whether or not the following should be considered an executive unit covered by the Public Ethics Law:

- Maryland Consortium on Coordinated Community Supports
- Modernize Maryland Oversight Commission
- Task Force to Study Public Information Act Requests Made to Law Enforcement
- Advisory Commission in Maryland Alcohol Manufacturing
- Student Data Privacy Council
- Commission on Juvenile Justice Reform and Emerging and Best Practices
- Maryland Suicide Fatality Review Committee
- Parkinson’s Disease Registry Advisory Committee
- Palliative Care Services Workgroup
- Workgroup on Black, Latino, Asian American Pacific Islander and Other Underrepresented Behavioral Health Professionals
- Workgroup to Study Best Practices for a Vulnerable Adult Registry in Maryland
- State Board of On-Site Wastewater Professionals
- Commission to Study the Division of Rehabilitation Services (Student Job Training Reformation Act)
- Western Maryland Economic Future Investment Board
- Prevent Workplace Violence in Health Care Setting Public Awareness Campaign Workgroup
- Commission to Establish a Maryland Women Veteran Memorial
- Cannabis Public Health Advisory Council
- Commission on Juvenile Justice Reform and Emerging and Best Practices
- Task Force to Study Transparency Standards for State’s Attorneys
- Task Force to Study the Practice Known as Swatting
- Building Energy Transition Implementation Task Force
- Parks and Recreation Commission
- Commission to Study Healthcare Workforce Crisis in Maryland
- Opioid Restitution Fund Advisory Council
- Just Transition Employment and Retraining Working Group
- Energy Industry Revitalization Work Group
- Energy Resilience and Efficiency Working Group
- Solar Photovoltaic Systems Recovery, Reuse and Recycling Working Group
- Transportation Trust Fund Workgroup
- Task Force on the Howard County and Montgomery County Adult Day Health Care Services Pilot Program.
- Workgroup to Study the Fiscal and Operational viability of Public-Private Partnerships for Charles County Public Schools
- Workgroup on the Membership and Operation of the Prince George’s County Board of Education
- Joint MDH And Department of Labor Workgroup To Study Expanding State Apprenticeship Programs To The Health Care Workforce
- Workgroup on Maryland Loan Assistance Program Fund For Nurses and Nursing Support Staff
- Workgroup Related to Establishment of A Small Business and Nonprofit Health Insurance Subsidies Program

- Workgroup on Recommendations to Improve Transparency and Accessibility of Consumer Information About Abortion Care Coverage
- Workgroup on Recommendations for Reimbursement of Pharmacists Who Provide Medical Services
- Workgroup on Primary Care Investment Analysis, Ways to Improve Quality and Access to Primary Care

Decision: The Commission determined that the following were executive units covered by the Public Ethics Law:

- Maryland Consortium on Coordinated Community Supports
- Modernize Maryland Oversight Commission
- Advisory Commission in Maryland Alcohol Manufacturing
- Student Data Privacy Council
- Commission on Juvenile Justice Reform and Emerging and Best Practices
- Maryland Suicide Fatality Review Committee
- Parkinson’s Disease Registry Advisory Committee
- Palliative Care Services Workgroup
- Workgroup on Black, Latino, Asian American Pacific Islander and Other Underrepresented Behavioral Health Professionals
- Workgroup to Study Best Practices for a Vulnerable Adult Registry in Maryland
- State Board of On-Site Wastewater Professionals
- Commission to Study the Division of Rehabilitation Services (Student Job Training Reformation Act)
- Western Maryland Economic Future Investment Board
- Prevent Workplace Violence in Health Care Setting Public Awareness Campaign Workgroup
- Commission to Establish a Maryland Women Veteran Memorial
- Cannabis Public Health Advisory Council
- Commission on Juvenile Justice Reform and Emerging and Best Practices
- Task Force to Study Transparency Standards for State’s Attorneys
- Task Force to Study the Practice Known as Swatting
- Building Energy Transition Implementation Task Force
- Parks and Recreation Commission
- Commission to Study Healthcare Workforce Crisis in Maryland
- Opioid Restitution Fund Advisory Council
- Just Transition Employment and Retraining Working Group
- Energy Industry Revitalization Work Group
- Energy Resilience and Efficiency Working Group
- Solar Photovoltaic Systems Recovery, Reuse and Recycling Working Group

The Commission determined that the following were not executive units covered by the Public Ethics Law:

- Task Force to Study Public Information Act Requests Made to Law Enforcement
- Transportation Trust Fund Workgroup
- Task Force on the Howard County and Montgomery County Adult Day Health Care Services Pilot Program.
- Workgroup to Study the Fiscal and Operational viability of Public-Private Partnerships for Charles County Public Schools
- Workgroup on the Membership and Operation of the Prince George’s County Board of Education
- Joint MDH And Department of Labor Workgroup To Study Expanding State Apprenticeship Programs To The Health Care Workforce

- Workgroup on Maryland Loan Assistance Program Fund For Nurses and Nursing Support Staff
- Workgroup Related to Establishment of A Small Business and Nonprofit Health Insurance Subsidies Program
- Workgroup on Recommendations to Improve Transparency and Accessibility of Consumer Information About Abortion Care Coverage
- Workgroup on Recommendations for Reimbursement of Pharmacists Who Provide Medical Services
- Workgroup on Primary Care Investment Analysis, Ways to Improve Quality and Access to Primary Care

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 Department of Commerce, Department of Health, State Highway Administration, Accountability and Implementation Board, Department of Natural Resources, Department of General Services, Maryland Transit Administration, Towson University, Department of the Environment, College of Southern Maryland, Maryland Transportation Authority, University of Maryland Global Campus, Department of Juvenile Services, St. Mary's College of Maryland, Wor-Wic Community College, Howard Community College and University of Maryland-Baltimore.

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

ITEM 5: Annual Election of Chair (July 1, 2022 to June 30, 2023)

Discussion: Ms. McHugh was unanimously elected chair for a one-year term.

ITEM 6: Local Government – Prince George's County (22-0354)

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 7: Local Government – Garrett County Board of Education (22-0297)

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

Decision: The Commission approved the proposed amendments.

ITEM 8: Local Government – Washington County Board of Education (22-0305)

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

Decision: The Commission approved the proposed amendments.

ITEM 9: Local Government – Queen Anne's County Board of Education (22-0325)

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

Decision: The Commission approved the proposed amendments.

ITEM 10: Local Government – Cecil County Board of Education (22-0328)

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

Decision: The Commission approved the proposed amendments.

ITEM 11: Local Government – Howard County Board of Education (22-0347)

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

Decision: The Commission approved the proposed amendments.

ITEM 12: Executive Director’s Report – BOT Update

Discussion: Ms. Allgair briefed the Commission on the status of the updates to the automated auditing system for financial disclosure statements.

ITEM 13: Executive Director’s Report – Ethics Training Update

Discussion: Ms. Allgair briefed the Commission on changes needed to the current Conflicts of Interest training module identified by the Department of Disabilities to make it 508 compliant.

ITEM 14: Executive Director’s Report – Financial Disclosure System

Discussion: Ms. Allgair briefed the Commission on the proposed new training module, which may have to go through the procurement process because of the cost.

ITEM 15: Executive Director’s Report –Maintenance Agreement

Discussion: Ms. Allgair briefed the Commission on the proposed maintenance agreement to cover the Financial Disclosure and Lobbying systems at a reduced cost of \$16,000 per year based on past-dedicated hours.

The Commission voted unanimously to close the meeting at 9:30 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: 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 22-0264, 22-0276, 22-0295 and 22-0302.

ITEM 17: Informal Matter – Department of Emergency Management (22-0266)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Emergency Management serving as a commissioner with a county fire

commission.

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

ITEM 18: Informal Matter – Department of Assessments & Taxation (22-0279)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Assessments & Taxation serving as a county councilmember.

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

ITEM 19: Informal Matter – Department of Housing & Community Development (22-0291)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Housing & Community Development serving as a board member of a neighborhood association.

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

ITEM 20: Informal Matter – Department of Health (22-0299)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health working as a home inspector for an entity that is regulated by the Department.

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

ITEM 21: Informal Matter – Department of Labor (22-0298)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Labor wanting to serve as a member of a county central committee.

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

ITEM 22: Informal Matter – Department of Health (22-0304)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Health working as a nurse with an entity that is regulated by the Department.

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

ITEM 23: Informal Matter – University of Maryland Baltimore (22-0368)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee with the University of Maryland Baltimore serving as a board member with a nonprofit.

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

ITEM 24: Informal Matter – Department of Human Services (22-0261)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services working as a cashier at a gas station.

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

ITEM 25: Informal Matter – Department of the Environment (22-0321)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of the Environment working at a fulfillment center that is a vendor of the Department.

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

ITEM 26: Informal Matter – Department of Human Services (22-0330)

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

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

ITEM 27: Informal Matter – Department of Transportation (22-0393)

Discussion: Ms. Henry briefed the Commission on an employee in the Department of Transportation who wants to have a financial interest and secondary employment in a cleaning business.

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

ITEM 28: Informal Matter – Executive Department (22-0429)

Discussion: Ms. Allgair briefed the Commission on a post-employment request regarding a former employer in the Executive Department working at a government relations firm.

Decision: The Commission determined this post-employment is not prohibited and will provide guidance.

ITEM 29: A-12-22

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-8-22)

ITEM 30: A-15-22

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-9-22)

ITEM 31: A-16-22

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

Decision: The Commission issued a Complaint in part of this matter. (C-7-22)

ITEM 32: A-17-22

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

Decision: The Commission issued a Complaint in this matter. (C-8-22)

ITEM 33: A-19-22

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

Discussion: This matter will be closed with letters.

ITEM 34: A-20-22

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-10-22)

ITEM 35: A-25-22

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

Decision: The Commission issued a Complaint in this matter. (C-9-22)

ITEM 36: B-4-22

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

Decision: The Commission approved the audit letter.

ITEM 37: B-6-22

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

Decision: This matter will be closed with a letter.

ITEM 38: B-7-22

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

Decision: The Commission issued a Complaint in this matter. (C-6-22)

ITEM 39: A-13-22

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 40: A-14-22

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 41: A-18-22

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 42: A-21-22

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 43: A-23-22

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

Decision: The Commission authorized complaints in these matters.

ITEM 44: A-24-22

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

Decision: The Commission authorized complaints in these matters.

ITEM 45: C-1-22

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

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

ITEM 46: C-2-22

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

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

ITEM 47: C-4-22

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

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

ITEM 48: C-5-22

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

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

ITEM 49: B-6-21 (The subject of the matter and his attorney were present.)

Discussion: Ms. Thompson briefed the Commission on this matter. The subject of the matter answered questions from the Commission.

Decision: The Commission determined that the subject was prohibited from participating in one matter involving his former employing agency and closed the matter with a letter.

(Ms. Thompson, Ms. Allgair, Ms. Pizzi, Mr. Garrett and Ms. Couch participated in the briefings to the Commission, but did not participate in the decisions regarding Items 29 through 49.)

ITEM 50: Executive Director's Report – Personnel Matters

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

The meeting was adjourned at 12:45 p.m.