



COMMISSION MEMBERS:

JANET E. McHUGH, *Chair*
BONNIE A. KIRKLAND
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

September 15, 2022

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

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

The meeting convened at 9:18 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.

Former Commission member, Jacob Yosef Miliman, was remembered for his contribution to the Ethics Commission. He passed away on 12/5/21.

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 June 16, 2022 Meeting

Discussion: The draft minutes of the June 16, 2022 meeting were reviewed and discussed.

Decision: The draft minutes were approved as adjusted.

ITEM 3: Boards and Commissions – Executive Unit Determinations

Discussion: Ms. Allgair briefed the Commission on whether or not the Maryland Loan Assistance Repayment Program Advisory Council for Physicians and Physician Assistants should be considered an executive unit covered by the Public Ethics Law.

Decision: The Commission determined that the Maryland Loan Assistance Repayment Program Advisory Council for Physicians and Physician Assistants was an executive unit covered by the Public Ethics Law.

ITEM 4: Financial Disclosure Exemption Requests

Discussion: Ms. Allgair briefed the Commission on requests for exemption from the financial disclosure requirement from the Commission to Study Health Care Workforce Crisis in Maryland, Parkinson’s Disease Registry Advisory Committee, Commission on Juvenile Justice Reform and Emerging and Best Practices, Task Force to Study the Practice Known as “Swatting”, Student Data Privacy Council, Workgroup on Palliative Care and the Workgroup on Black, Latino, Asian American Pacific Islander, and other Underrepresented Behavioral Health Professionals.

Decision: The Commission granted exemptions for the Commission to Study Health Care Workforce Crisis in Maryland, Parkinson’s Disease Registry Advisory Committee, Commission on Juvenile Justice Reform and Emerging and Best Practices, Task Force to Study the Practice Known as “Swatting”, Student Data Privacy Council, Workgroup on Palliative Care and the Workgroup on Black, Latino, Asian American Pacific Islander, and other Underrepresented Behavioral Health Professionals.

ITEM 5: 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 Health, Department of Natural Resources, Department of Information Technology, Department of the Environment, Maryland Transportation Authority, University of Maryland-Baltimore, State Highway Administration, Department of Transportation, Department of Commerce, Department of General Services, Comptroller’s Office, Department of Juvenile Services, Chesapeake College, Towson University, Governor’s Office of Crime Prevention, Youth, and Victim Services, Executive Department and the Community College of Baltimore County.

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

ITEM 6: Financial Disclosure Deletions – Department of Public Safety & Correctional Services

Discussion: Ms. Allgair briefed the Commission on the request from the Department of Public Safety & Correctional Services to delete six positions from the financial disclosure requirement, which include Parole and Probation Agent Senior, HR Officer II, Correctional Case Management Specialist II, Int. Investigation Detective Sergeant, Special Detective Investigator and Warrant Apprehension Unit Detective.

Decision: The Commission approved the Department’s request to delete those six positions.

ITEM 7: Local Government – St. Mary’s County (22-0388)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for St. Mary’s County.

Decision: The Commission approved the proposed amendments.

ITEM 8: Local Government –Anne Arundel County (22-0390)

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

Decision: The Commission approved the proposed amendments.

ITEM 9: Local Government – Frederick County (22-0434)

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

Decision: The Commission approved the proposed amendments.

ITEM 10: Local Government –Calvert County (22-0459)

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

Decision: The Commission approved the proposed amendments.

ITEM 11: Local Government – City of Cambridge (22-0437)

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 12: Local Government – Town of Hurlock (22-0568)

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

Decision: The Commission approved the proposed amendments.

ITEM 13: Local Government – Frederick County Board of Education (22-0263)

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

Decision: The Commission approved the proposed amendments.

ITEM 14: Local Government – Prince George’s County Board of Education (22-0544)

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

Decision: The Commission approved the proposed amendments.

ITEM 15: Executive Director's Report – 508 Compliance for Ethics Training

Discussion: Ms. Allgair briefed the Commission on the recent updates to the ethics training for accessibility issues, which were approved by the Department of Disabilities. We are experiencing problems getting it uploaded properly in the system but hope to have it resolved soon.

ITEM 16: Executive Director's Report – Work Order for Updates Effective 1/1/23

Discussion: Ms. Allgair briefed the Commission on the work order requested to update the financial disclosure statement and add an additional training due to changes in the Ethics Law effective January 1, 2023. The work order was submitted to DoIT and waiting for an approval to proceed.

ITEM 17: Executive Director's Report – Alternate Delivery of Meeting Materials

Discussion: Ms. Allgair briefed the Commission on the possible need to change how the meeting materials are delivered due to exceeding limits in email. It was suggested to test a different platform for the upcoming meeting.

ITEM 18: Executive Director's Report – Upcoming Transition

Discussion: Ms. Allgair briefed the Commission on letters sent to the primary campaign winners for the Governor's race to offer any assistance with interpreting the Ethics Law.

The Commission voted unanimously to close the meeting at 9:39 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 19: 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 22-0335, 22-0470, 22-0473, 22-0511 and 22-0552.

ITEM 20: Informal Matter – Department of Transportation (22-0501)

Discussion: Mr. Colquhoun briefed the Commission on a participation exception regarding an employee at the Maryland Department of Transportation who wishes to participate in matters related to his brother's employer.

Decision: The Commission approved the participation exception.

ITEM 21: 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 regarding

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

ITEM 22: Informal Matter – Department of Housing & Community Development (22-0356)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Housing and Community Development serving as a member of a board that receives funding from the Department.

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

ITEM 23: Informal Matter – Department of Housing & Community Development (22-0364)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee with the Department of Housing and Community Development serving as a member of a board that receives funding from the Department.

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

ITEM 24: Informal Matter – Department of Human Services (22-0377)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services serving as a member of a board that has a referral relationship with the Department.

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

ITEM 25: Informal Matter – Department of Human Services (22-0378)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services serving as a member of a board that has a referral relationship with the Department.

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

ITEM 26: Informal Matter – Department of Health (22-0387)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health working as a mental health treatment provider with an entity that is regulated by the Department.

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

ITEM 27: Informal Matter – Department of Transportation (22-0400) (Mr. Roswell did not participate in this matter.)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Department of Transportation working as a bookkeeper for an entity that has a contract with the Department.

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

ITEM 28: Informal Matter – Department of Health (22-0430)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Department of Health working as Psychologist/Therapist for an entity that is regulated by the Department.

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

ITEM 29: Informal Matter – Department of Health (22-0436)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Department of Health performing clinical evaluations with an entity that is a subcontractor with the Department.

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

ITEM 30: Informal Matter – Department of Health (22-0449)

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

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

ITEM 31: Informal Matter – Department of Health (22-0515)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health serving as a board member in which the board has a regulatory relationship with the Department.

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

ITEM 32: Informal Matter – Department of Health (22-0517)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health serving as a board member in which the board has a regulatory relationship with the Department.

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

ITEM 33: Informal Matter – Department of Health (22-0526)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Department of Health wanting to work as a Fellow in a national association.

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

ITEM 34: Informal Matter – Department of Education (22-0535)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Education wanting to serve as a board member of a private school that is regulated and funded by the Department.

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

ITEM 35: Informal Matter – Department of Health (22-0538)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health working as a family physician at a medical clinic that is regulated by the Department.

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

ITEM 36: Informal Matter – Department of General Services (22-0570)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of General Services who wants to work for a gaming company.

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

ITEM 37: Informal Matter – Department of Human Services (22-0467)

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 department store.

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

ITEM 38: Informal Matter – Department of Human Services (22-0482)

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 convenience store.

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

ITEM 39: Informal Matter – Department of Human Services (22-0577)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services working as a mental health therapist at a private outpatient mental health clinic.

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

ITEM 40: Informal Matter – Department of Human Services (22-0580)

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

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

ITEM 41: Informal Matter – Department of Human Services (22-0588)

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 drugstore.

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

ITEM 42: Informal Matter – Department of Health (22-0376)

Discussion: Ms. Henry briefed the Commission on a financial interest and secondary employment request regarding an employee in the Department of Health who owns a private practice and who also provides psychiatric evaluations to children for an entity regulated by the Department.

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

ITEM 43: Informal Matter – Department of Transportation (22-0413)

Discussion: Ms. Henry briefed the Commission on a financial interest and secondary employment request regarding an employee in the Department of Transportation who works at and owns a tag and title business which is regulated by the Department.

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

ITEM 44: Informal Matter – Department of Health (22-0469)

Discussion: Ms. Henry briefed the Commission on a financial interest and secondary employment request regarding an employee in the Department of Health who works at and owns a pediatric medical business that is regulated by the Department.

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

ITEM 45: Informal Matter – Department of Transportation (22-0441)

Discussion: Mr. Colquhoun briefed the Commission on a financial interest request regarding an employee in the Department of Transportation whose spouse owns an interest in an electric company that subcontracts with the Department.

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

ITEM 46: Informal Matter – University of Maryland Baltimore (22-0532)

Discussion: Ms. Henry briefed the Commission on a financial interest request regarding an employee at the University of Maryland Baltimore who owns stock in a medical technology company that does business with the University.

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

ITEM 47: Informal Matter – Department of Transportation (22-0188)

Discussion: Ms. Henry briefed the Commission on a post-employment request from a former employee in the Department of Transportation working for a consulting company that has contracts with the Department.

Decision: The Commission determined the former employee is prohibited from working on the first two phases of the project but is allowed to work on the final two phases.

ITEM 48: Informal Matter – USM Board of Regents Policy Review (22-0525)

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

ITEM 49: Tentative Commission Meeting Dates for 2023

Discussion: The tentative Commission meetings for 2023 are January 5, 2023, March 2, 2023, April 6, 2023, June 15, 2023, September 7, 2023 and November 16, 2023.

ITEM 50: A-27-22 (Ms. Kirkland did not participate in this matter.)

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

Decision: These matters will be placed on the Preliminary Inquiry Docket. (B-11-22 and B-12-22)

ITEM 51: A-28-22

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-13-22)

ITEM 52: A-29-22

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

Decision: This matter will be closed.

ITEM 53: A-30-22

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-14-22)

ITEM 54: A-31-22

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

Decision: The Commission issued a Complaint in this matter. (C-11-22)

ITEM 55: A-32-22

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-15-22)

ITEM 56: A-33-22

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

Decision: The Commission issued a Complaint in this matter. (C-12-22)

ITEM 57: A-34-22

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

Decision: This matter will be further reviewed at a later meeting.

ITEM 58: A-35-22 (Ms. Henry did not participate in this matter.)

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-16-22)

ITEM 59: B-5-22

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

Decision: The Commission accepted the agreement and the matter was closed.

ITEM 60: B-8-22

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

Decision: This matter will be closed with a letter.

ITEM 61: B-10-22

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

Decision: This matter will be closed with a letter.

ITEM 62: A-26-22

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

ITEM 63: A-23-22

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

Decision: The Commission issued a Complaint in this matter. (C-10-22)

ITEM 64: A-36-22

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

Decision: The Commission authorized complaints in this matter.

ITEM 65: A-37-22

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

Decision: The Commission authorized complaints in this matter.

(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 50 through 65.)

The meeting was adjourned at 11:31 a.m.