



COMMISSION MEMBERS:

JANET E. McHUGH, *Chair*
BONNIE A. KIRKLAND
JAMES N. ROBESY, JR.
CRAIG D. ROSWELL
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STATE ETHICS COMMISSION

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Staff Counsel
ANA L. HENRY
Assistant General Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING

November 17, 2022

Commission Members Present: Janet E. McHugh
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 (appeared remotely)
Ana L. Henry, Assistant General Counsel
Jill Byczek, Legal Assistant/Paralegal
Stephen Garrett, Paralegal
Maura Pizzi, Paralegal

The meeting convened at 9:10 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.

ITEM 2: Minutes of the September 15, 2022 Meeting

Discussion: The draft minutes of the September 15, 2022 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 3: Financial Disclosure Exemption Requests

Discussion: Ms. Allgair briefed the Commission on requests for exemption from the financial disclosure requirement from the Preventable Workplace Violence in Health Care Setting Public Awareness Campaign Workgroup, Workgroup to Study Best Practices for Vulnerable Adult Registry (Vulnerable Adult Abuse Workgroup), Department of State Police Law Enforcement Coordinating Council, Department of State Police Regional Law Enforcement Councils, Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants and the Maryland Suicide Fatality Review Committee.

Decision: The Commission granted exemptions for the Preventable Workplace Violence in Health Care Setting Public Awareness Campaign Workgroup, Workgroup to Study Best Practices for Vulnerable Adult Registry (Vulnerable Adult Abuse Workgroup), Department of State Police Law Enforcement Coordinating Council, Department of State Police Regional Law Enforcement Councils, Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants and the Maryland Suicide Fatality Review Committee.

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 Budget & Management, Department of the Environment, Department of Natural Resources, University of Maryland-Baltimore, Department of Health, University System of Maryland, Department of Juvenile Services, Baltimore City Community College, Harford Community College and the Executive Department,

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

ITEM 5: Local Government – City of Frostburg (22-0599)

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

Decision: The Commission approved the proposed amendments.

ITEM 6: Local Government – Town of Leonardtown (22-0622)

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

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government – City of Salisbury (22-0624)

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

Decision: The Commission approved the proposed amendments.

ITEM 8: Local Government –City of Crisfield (22-0628)

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

Decision: The Commission approved the proposed amendments.

ITEM 9: Local Government – City of Cumberland (22-0639)

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

Decision: The Commission approved the proposed amendments.

ITEM 10: Local Government – City of Westminster (22-0666)

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

Decision: The Commission approved the proposed amendments.

ITEM 11: Local Government – Town of Chevy Chase (22-0667)

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

Decision: The Commission approved the proposed amendments.

ITEM 12: Local Government – City of Havre de Grace (22-0670)

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

Decision: The Commission approved the proposed amendments.

ITEM 13: Local Government – City of Fruitland (22-0723)

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

Decision: The Commission approved the proposed amendments.

ITEM 14: Local Government – City of Taneytown (22-0729)

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

Decision: The Commission approved the proposed amendments.

ITEM 15: Local Government – Town of Forest Heights (22-0742)

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

Decision: The Commission approved the proposed amendments.

ITEM 16: Local Government – Chevy Chase Village (22-0752)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for Chevy Chase Village.

Decision: The Commission approved the proposed amendments.

ITEM 17: Local Government – Town of North Beach (22-0753)

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

Decision: The Commission approved the proposed amendments.

ITEM 18: Local Government – Town of Poolesville (22-0769)

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

Decision: The Commission approved the proposed amendments.

ITEM 19: Local Government – Baltimore County (22-0677)

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

Decision: The Commission approved the proposed amendments.

ITEM 20: Local Government – Charles County Board of Education (22-0389)

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

Decision: The Commission approved the proposed amendments.

ITEM 21: Local Government – Allegany County Board of Education (22-0693)

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

Decision: The Commission approved the proposed amendments.

ITEM 22: Local Government – Somerset County Board of Education (22-0725)

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

Decision: The Commission approved the proposed amendments.

ITEM 23: Executive Director's Report – Electronic Financial Disclosure System

Discussion: Ms. Allgair briefed the Commission on progress with the agency's financial disclosure system vendor and DoIT on making required changes to the electronic financial disclosure statement system to include legislative changes requiring additional disclosures by certain elected Executive Branch Officials.

Decision: The Commission requested to receive additional updates on this matter at the next meeting.

ITEM 24: Executive Director's Report - Training

Discussion: Ms. Allgair briefed the Commission on progress with the agency's new training program for elected Executive Branch officials. The training slides and script are completed. The office is continuing to discuss this project. The Commission staff may conduct the initial trainings in 2023 in person or virtually for the officials required to take the training and work on an electronic training program at a later date.

Decision: The Commission requested to receive additional updates on this matter at the next meeting.

ITEM 25: Executive Director's Report - Transition

Discussion: Ms. Allgair briefed the Commission on the office's general policies on communicating with the incoming administration's transition team.

Decision: The Commission requested to receive updates on this matter at the next meeting as necessary.

A motion was made (Ms. Thames) and seconded (Mr. Roswell) to close the meeting to the public pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential advice matters and enforcement matters per §5-303 and §5-407 of the Public Ethics Law, and to receive the advice of counsel pursuant to §3-305(b)(7) of the Open Meetings Act. The Commission voted unanimously in favor of closing the meeting at 9:24 a.m.

ITEM 26: Memo on Non-Participation Plans and Mitigation Agreements

Discussion: Mr. Colquhoun presented two non-participation agreements or mitigation agreements provided and approved by the staff. The matters included 22-0653 and 22-0717.

ITEM 27: Informal Matter – Maryland Department of Health (22-0576)

Discussion: Ms. Henry briefed the Commission on a participation matter regarding an employee in the Department of Health seeking an exception to participate in matters related to Johns Hopkins Health System Corporation while her spouse is employed by Johns Hopkins University.

Decision: The Commission did not grant the exception. However, the Commission advised were the employee the only one authorized to act they could participate in those matters.

ITEM 28: Informal Matter – University of Maryland Baltimore (22-0625)

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

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

ITEM 29: Informal Matter – Maryland Department of Health (22-0630)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Department of Health working at an entity regulated by the Department.

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

ITEM 30: Informal Matter – Maryland Department of Planning (22-0631)

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

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

ITEM 31: Informal Matter – Maryland Department of Health (22-0682)

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

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

ITEM 32: Informal Matter – Maryland Department of Health (22-0692)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health working at an entity that receives funding from the Department.

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

ITEM 33: Informal Matter – Maryland Department of Transportation (22-0706) (Mr. Roswell did not participate in this matter.)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Transportation working at an entity that does business with the Department.

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

ITEM 34: Informal Matter – Maryland Department of Health (22-0709)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee in the Department of Health working at an entity that does business with the Department.

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

ITEM 35: Informal Matter – Maryland Department of Human Services (22-0732)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services working at an entity that has a referral relationship with the Department.

Decision: The Commission granted an exception to allow this secondary employment conditioned upon the Secretary's approval.

ITEM 36: Informal Matter – Maryland Department of Health (22-0751)

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

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

ITEM 37: Informal Matter – Maryland Department of Human Services (22-0712)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services working at an entity that does business with the Department.

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

ITEM 38: Informal Matter – Maryland Department of Transportation (22-0678)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment and financial interest request regarding an employee in the Department of Transportation owning a company that will seek Minority Business Enterprise and Disadvantaged Business Enterprise.

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

ITEM 39: Informal Matter – Blind Trusts

Discussion: Mr. Colquhoun advised the Commission on the effect of its regulations regarding blind trusts.

ITEM 40: Informal Matter – Circuit Court (22-0575)

Discussion: Ms. Henry briefed the Commission on a gifts and prestige matter regarding an official of a Circuit Court who runs a foundation participating in the Maryland Charity Campaign.

Decision: The Commission allowed the official's charity to participate with advice regarding gift solicitation and prestige.

ITEM 41: Informal Matter – Lobbying Firm (22-0694)

Discussion: Mr. Colquhoun briefed the Commission on a lobbying matter regarding a lobbyist engaging in the creation and management of websites for candidates and elected officials.

Decision: The Commission requested additional information and this matter will be reviewed again at a later date.

ITEM 42: A-34-22

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

Decision: This matter will be closed.

ITEM 43: A-38-22

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-17-22)

ITEM 44: A-39-22 (Mr. Colquhoun did not participate in this matter.)

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

Decision: The Commission issued a Complaint in this matter for participation only. (C-13-22)

ITEM 45: A-40-22

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

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

ITEM 46: A-41-22

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

Decision: This matter will be closed.

ITEM 47: B-11-22 (Ms. Kirkland did not participate in this matter.)

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

Decision: This matter will be closed.

ITEM 48: B-12-22 (Ms. Kirkland did not participate in this matter.)

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

Decision: This matter will be closed.

ITEM 49: C-6-22

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

Decision: This matter will be closed.

ITEM 50: C-7-22

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

Decision: This matter will be closed.

ITEM 51: C-8-22

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

Decision: This matter will be closed.

ITEM 52: C-9-22

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

Decision: This matter will be closed.

ITEM 53: C-12-22

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

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

ITEM 54: Section 5-716 Enforcement Advice

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

Decision: The Commission advised that Staff Counsel may confirm to the State Board of Elections that it has no objection to it waiving fees or fines during the period while enforcement of the provision transitions to the Board and State Prosecutor.

ITEM 55: A-43-22

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 42 through 55.)

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