



COMMISSION MEMBERS:

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

STATE ETHICS COMMISSION

**45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770 / 1-877-669-6085
FAX: 410-260-7746**

JENNIFER K. ALLGAIR
Executive Director
WILLIAM J. COLQUHOUN
General Counsel
KATHERINE P. THOMPSON
Staff Counsel
ANA L. HENRY
Assistant General Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING

March 2, 2023

Commission Members Present: Craig D. Roswell, Chair
James N. Robey, Jr.
Geneau M. Thames

Commission Member Absent: Bonnie A. Kirkland
Janet E. McHugh

Staff Members Present: Jennifer K. Allgair, Executive Director
William J. Colquhoun, General Counsel
Katherine P. Thompson, Staff Counsel
Ana L. Henry, Assistant General Counsel
Jill Byczek, Legal Assistant/Paralegal
Stephen Garrett, Paralegal
Darlene Gavel, Office Manager
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 as adjusted.

ITEM 2: Minutes of the January 5, 2023 Meeting

Discussion: The draft minutes of the January 5, 2023 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 3: 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, Howard Community College, University of Maryland-Baltimore, Department of Transportation, State Highway Administration, Department of Labor, Department of Education, Department of Natural Resources, Department of Information Technology, Department of Commerce, Community College of Baltimore County, Department of the Environment, University of Baltimore, Maryland Transportation Authority, University of Maryland-Baltimore County, College of Southern Maryland, Department of Juvenile Services, University System of Maryland and the Maryland Office of the Inspector General for Education. There was an added position in the Department of Budget & Management to delete based on corrected salary information from the agency.

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

ITEM 4: Local Government – Town of Sykesville (23-0046)

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

Decision: The Commission approved the proposed amendments.

ITEM 5: Local Government – Town of Indian Head (23-0049)

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

Decision: The Commission approved the proposed amendments.

ITEM 6: Local Government – City of Takoma Park (23-0063)

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 7: Local Government – City of Gaithersburg (23-0074)

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

Decision: The Commission did not approve the ordinance because the City of Gaithersburg's financial disclosure provisions related to the disclosure of interests in real property, interest in business entities, outside employment, and sources of earned income, do not comply with Subtitle 8 of the Public Ethics Law. The Commission noted that the City has addressed two issues raised in the Commission's January 22, 2016 Public Notice. The City amended its ordinance to correct Nos. 1 (gifts) and 5 (attributable interest) in the Public Notice. The Commission agreed to temporarily remove the Public Notice from the Commission's website and staff will work with the City to address the remaining issues related to the Public Notice.

ITEM 8: Executive Director's Report – Training for Elected Executive Officials

Discussion: Ms. Allgair briefed the Commission on the status of the required new training for the elected executive officials. Several in-person trainings have been scheduled along with several virtual trainings to be conducted soon.

ITEM 9: Executive Director's Report – Public User Accounts

Discussion: Ms. Allgair briefed the Commission on an issue with the public user accounts in the financial disclosure system. We have sent additional text to our vendor to include when creating a new public user account.

ITEM 10: Executive Director's Report – New Compliance Officer

Discussion: Ms. Allgair briefed the Commission on the new Compliance Officer, Roxanne Perez, who will be starting next week.

A motion was made (Mr. Robey) and seconded (Ms. Thames) 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 11: Informal Matter – Elected Executive Official (22-0861)

Discussion: Mr. Colquhoun briefed the Commission on questions regarding the blind trust regulations. The Commission had a teleconference with several representatives of an elected official regarding the official's blind trust.

Decision: The Commission provided guidance on the preparation of the blind trust.

ITEM 12: Memo on Non-Participation Plans and Mitigation Agreements

Discussion: Mr. Colquhoun presented eight non-participation agreements or mitigation agreements provided and approved by the staff. The matters included 23-0056, 23-0057, 23-0067, 23-0081, 23-0092, 23-0105, 23-0106 and 23-0118.

ITEM 13: Informal Matter – Elected Executive Official (22-0030)

Discussion: Mr. Colquhoun briefed the Commission on a prestige issue on whether autographed books can be given as gifts.

Decision: The Commission agreed with General Counsel's advice that this is allowable.

ITEM 14: Informal Matter – Department of Health (22-0838)

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

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

ITEM 15: Informal Matter – University of Maryland, Baltimore (22-0852)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee at the University of Maryland, Baltimore working at a company that has research agreements with the University.

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

ITEM 16: Informal Matter – Department of Health (22-0862)

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

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

ITEM 17: Informal Matter – Department of Health (23-0017)

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

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

ITEM 18: Informal Matter – Maryland Historical Trust (23-0023)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Maryland Historical Trust working as a fund grant review panelist at a center that receives grants from the Maryland Historical Trust.

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

ITEM 19: Informal Matter – Department of Health (23-0054)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Department of Health working at an entity that received funding from the Department.

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

ITEM 20: Informal Matter – Department of Health (23-0060)

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

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

ITEM 21: Informal Matter – Informal Matter – Department of Health (23-0086)

Discussion: Mr. Colquhoun briefed the Commission on secondary employment request regarding an employee in the Department of Health working at an entity that has a referral relationship with the Department.

Decision: The Commission will grant an exception to allow this secondary employment after the Department sends their approval.

ITEM 22: Informal Matter – Department of Human Services (23-0088)

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.

ITEM 23: Informal Matter – Department of Human Services (23-0089)

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 will grant an exception to allow this secondary employment after the Department sends their approval.

ITEM 24: Informal Matter – Department of Human Services (23-0091)

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.

ITEM 25: Informal Matter – Department of Human Services (23-0090)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services working at a store that accepts EBT cards, a program that is administered by the Department.

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

ITEM 26: Informal Matter – Department of Health (23-0109)

Discussion: Ms. Henry 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 27: Informal Matter – Department of Human Services (23-0129)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee in the Department of Human Services working at a store that accepts EBT cards, a program that is administered by the Department.

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

ITEM 28: Informal Matter – Department of Human Services (23-0150)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee in the Department of Human Services working at a store that accepts EBT cards, a program that is administered by the Department.

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

ITEM 29: Informal Matter – Department of Agriculture (23-0024)

Discussion: Mr. Colquhoun briefed the Commission on a matter regarding an employee in the Department of Agriculture who has a financial interest in an entity that does business with or is regulated by the Department.

Decision: The Commission will allow the employee until September 6, 2023 to divest their interest.

ITEM 30: Informal Matter – Transition Update

Discussion: Mr. Colquhoun briefed the Commission on a meeting with the Governor’s Appointments Office.

ITEM 31: Informal Matter – Maryland State Board of Elections (23-0095)

Discussion: Mr. Colquhoun briefed the Commission on a request from an employee at the Maryland State Board of Elections wanting to observe an election in another country and have their travel and lodging paid for by the sponsoring entity.

Decision: The Commission approved the acceptance of this gift as a gift to the agency.

ITEM 32: A-1-23

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

Decision: This matter will be closed.

ITEM 33: A-2-23

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-1-23)

ITEM 34: A-3-23

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

Discussion: The Commission accepted the late filing agreement in this matter.

ITEM 35: A-4-23

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

Decision: The Commission accepted the late filing agreement in this matter.

ITEM 36: A-5-23

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

Decision: The Commission accepted the late filing agreement in this matter.

ITEM 37: A-6-23

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-2-23)

ITEM 38: B-15-22

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

Decision: This matter will be closed.

ITEM 39: C-11-22

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

Decision: A letter will be issued in this matter and closed.

ITEM 40: A-7-23

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

Decision: The Commission authorized complaints in these matters.

ITEM 41: A-9-23

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-3-23)

(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 32 through 41.)

ITEM 42: Proposed Legislation – Advice of Counsel

Discussion: Ms. Allgair and Ms. Thompson provided advice of counsel to the Commission on the amendments to the proposed legislation to additional Open Meeting Act requirements which would require the Commission to live stream the open portions of their meetings (HB 58/SB 35).

The meeting was adjourned at 11:41 a.m.