



COMMISSION MEMBERS:
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JANET E. McHUGH
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KATHERINE P. THOMPSON
Staff Counsel
ANA L. HENRY
Assistant General Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING

April 6, 2023

Commission Members Present: Craig D. Roswell, Chair
Bonnie A. Kirkland (participated via Meets)
Janet E. McHugh
James N. Robey, Jr.
Geneau M. Thames (participated via Meets)

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 9:04 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.

ITEM 2: Minutes of the March 2, 2023, Meeting

Discussion: The draft minutes of the March 2, 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 Education, Department of Health, College of Southern Maryland, Towson University, Public Broadcasting Commission, Office of the Inspector General for Education, University of Baltimore, Department of Natural Resources, Port Administration, State Highway Administration, Department of the Environment, Department of Commerce, Department of Agriculture, Department of Juvenile Services, Maryland Transportation Authority, Montgomery College, Department of Education and the Department of Labor.

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

ITEM 4: Local Government – City of Gaithersburg (23-0074)

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

Decision: The Commission agreed to have the minutes of the March 2, 2023, meeting attached to the public notice.

ITEM 5: Local Government – City of Mt. Rainier (23-0154)

Discussion: Ms. Henry briefed the Commission on the proposed amendments to the local ethics ordinance for the City of Mt. Rainier.

Decision: The Commission approved the proposed amendments.

ITEM 6: Local Government – City of Laurel (23-0155)

Discussion: Ms. Henry briefed the Commission on the proposed amendments to the local ethics ordinance for the City of Laurel.

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government – Town of Chesapeake Beach (23-0213)

Discussion: Ms. Henry briefed the Commission on the proposed amendments to the local ethics ordinance for the Town of Chesapeake Beach.

Decision: The Commission approved the proposed amendments.

ITEM 8: Local Government – Montgomery County Board of Education

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

Decision: The Commission approved the proposed amendments.

ITEM 9: Executive Director's Report – New Appointment to the State Ethics Commission

Discussion: Ms. Allgair briefed the Commission on the newly appointed member, Mariela Olivares, to the State Ethics Commission who will be at the September meeting.

ITEM 10: Executive Director's Report – Elected Official Training

Discussion: Ms. Allgair briefed the Commission on the status of the mandated elected official training. All Registers of Wills were trained in person. Several elected Executive Branch officials have completed the required training. Additional virtual training dates have been scheduled through June, as well as specific groups training dates for Clerks of the Court, State's Attorneys and Sheriffs.

ITEM 11: Executive Director's Report - Reminders

Discussion: Ms. Allgair provided reminders to the Commission members regarding the upcoming April 30th financial disclosure filing deadline and the election of a Commission Chairman for the FY24 term which begins July 1st. The Commission will plan to elect a Chair at the June meeting.

A motion was made (Mr. Robey) and seconded (Ms. McHugh) 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 9:23 a.m.

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

Discussion: Mr. Colquhoun presented four non-participation agreements or mitigation agreements provided and approved by the staff. The matters included 23-0156, 23-0159, 23-0212 and 23-0225.

ITEM 13: Informal Matter – Department of Natural Resources (23-0124)

Discussion: Ms. Henry briefed the Commission on secondary employment and financial interest request regarding an employee in the Department of Natural Resources whose spouse has a commercial fishing business that is regulated by the Department.

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

ITEM 14: Informal Matter – Department of Health (23-0142)

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 15: Informal Matter – Department of Human Services (23-0177)

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

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

ITEM 16: Informal Matter – Department of Human Services (23-0178)

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

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

ITEM 17: Informal Matter – Department of Transportation (23-0202)

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

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

ITEM 18: Informal Matter – Department of Transportation (23-0203)

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

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

ITEM 19: Informal Matter – Department of Transportation (23-0204)

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

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

ITEM 20: Informal Matter – Executive Department (23-0208)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Executive Department wanting to continue service on a non-profit board.

Decision: The Commission approved this secondary employment.

ITEM 21: Informal Matter – Informal Matter – Executive Department (23-0211)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Executive Department requesting to continue service as a board member with an agency that does business with the State of Maryland.

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

ITEM 22: Informal Matter – Executive Department (23-0209)

Discussion: Mr. Colquhoun briefed the Commission on a financial interest request regarding an employee in the Executive Department who would like to retain their financial interest in a business that does not have a relationship with the State of Maryland.

Decision: The Commission approved this financial interest.

ITEM 23: Informal Matter – Executive Department (23-0210)

Discussion: Mr. Colquhoun briefed the Commission on a financial interest request regarding an employee in the Executive Department who would like to retain their financial interest in a business that does not have a relationship with the State of Maryland.

Decision: The Commission approved this financial interest. Mr. Colquhoun will also need to follow up with this individual in 6 months to confirm the financial interest relationship with the State of Maryland is unchanged.

ITEM 24: Informal Matter – University of Maryland, Baltimore (23-0216)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee at the University of Maryland Baltimore (UMB) wanting to work for a private university that has a purchase order agreement with UMB.

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

ITEM 25: Informal Matter – Department of Commerce (23-0228)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Commerce wanting to continue service on a State board that has a business relationship with Commerce.

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

ITEM 26: Informal Matter – Department of Health (23-0237)

Discussion: Mr. Colquhoun briefed the Commission on a financial interest and secondary employment request regarding an employee in the Department of Health wanting to continue working for her private business that is regulated by the Department of Health.

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

ITEM 27: Informal Matter – Elected Executive Official (22-0861)

Discussion: Mr. Colquhoun briefed the Commission on the status of the draft blind trust agreement.

Decision: The Commission determined that the proposed blind trust agreement could be certified pursuant to COMAR 19A.06.

ITEM 28: Informal Matter – Elected Executive Official (23-0244)

Discussion: Mr. Colquhoun briefed the Commission on a speaking engagement and expenses offered to the elected executive official by a foundation.

Decision: The Commission approved the official being allowed to accept the gift of food, travel and lodging in exchange for speaking at the foundation's event.

ITEM 29: A-10-23

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-4-23)

ITEM 30: A-12-23

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

Decision: This matter will be closed.

ITEM 31: A-13-23

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-5-23)

ITEM 32: A-8-23

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

Decision: The Commission accepted the late filing agreement.

ITEM 33: A-11-23

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

Decision: This matter will be closed.

ITEM 34: A-7-23

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

Discussion: A Complaint will be issued in this matter. (C-1-23)

ITEM 35: A-14-23

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

Decision: The Commission authorized complaints in these matters.

ITEM 36: A-44-20

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

Decision: This matter will be closed.

ITEM 37: A-45-20

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

Decision: This matter will be closed.

(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 29 through 37.)

ITEM 38: Proposed Legislation – Advice of Counsel

Discussion: Ms. Allgair briefed the Commission on the status of proposed legislation that may have an operational impact on the Commission including the 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 10:58 a.m.