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ANA L. HENRY
Assistant General Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING

September 7, 2023

Commission Members Present: Craig D. Roswell, Chair
Mariela Olivares
Geneau M. Thames

Commission Member Absent: Bonnie A. Kirkland
James N. Robey, Jr.

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, Paralegal
Stephen Garrett, Paralegal
Maura Pizzi, Paralegal
Darlene Brocki Gavel, Office Manager

The meeting convened at 9:07 a.m. at 45 Calvert Street, 3rd Floor conference room. The newest Commission member, Mariela Olivares, was introduced. 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 June 15, 2023, Meeting

Discussion: The draft minutes of the June 15, 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 Commerce, Maryland Energy Administration, Howard Community College, Department of Natural Resources, Department of Human Services, College of Southern Maryland, University of Maryland-Baltimore, TEDCO, Maryland Port Administration, Department of Health, University of Maryland-Baltimore County, Governor's Office of Crime Prevention, Youth & Victim Services, Maryland Transportation Authority, State Police, Salisbury University, Maryland 529, Department of Agriculture, Frederick Community College, Department of Information Technology, Public Service Commission, Department of Transportation, Department of the Environment, Department of Juvenile Services, Department of Education, Department of General Services, Maryland Cannabis Administration and the State Board of Elections.

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

ITEM 4: Financial Disclosure Exemption Requests

Discussion: Ms. Allgair briefed the Commission on a request for exemption from the financial disclosure requirement from the Workgroup on Social Worker Requirements for Licensure.

Decision: The Commission granted a financial disclosure exemption for the Workgroup on Social Worker Requirements for Licensure.

ITEM 5: Local Government – Baltimore County (23-0506)

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

Decision: The Commission approved the proposed amendments.

ITEM 6: Local Government – Town of Denton (23-0509)

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

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government – City of Brunswick (23-0523)

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

Decision: The Commission approved the proposed amendments.

ITEM 8: Local Government – Town of Delmar (23-0537)

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

Decision: The Commission approved the proposed amendments.

ITEM 9: Local Government – Carroll County Board of Education (23-0608)

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

Decision: The Commission approved the proposed amendments.

ITEM 10: Tentative Commission Meeting Dates for 2024

Discussion: The tentative Commission meetings for 2024 are February 1, 2024, April 4, 2024, June 6, 2024, September 12, 2024, and November 14, 2024.

ITEM 11: Executive Director's Report – New Attorney Position

Discussion: Ms. Allgair advised the Commission the new attorney position will be advertised soon with a planned October start date.

ITEM 12: Executive Director's Report – Upcoming Legislative Session

Discussion: Ms. Allgair advised that the Commission did not submit any departmental bills for the upcoming legislative session.

ITEM 13: Executive Director's Report - Trainings

Discussion: Ms. Allgair advised the Commission that she is looking into getting all of the training modules redeveloped for a new platform that can be maintained and updated easier and will also house the new training module for elected Executive Branch officials.

A motion was made by Ms. Thames and seconded by Ms. Olivera 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 14: Informal Matter – Department of Health (22-0846) (Mr. Roswell disclosed that he knows the employee.)

Discussion: Mr. Colquhoun briefed the Commission on the status of this matter and that the employee divested most of the prohibited financial interest. The employee will be allowed until April 3, 2024 to complete their divestment.

ITEM 15: Informal Matter – Elected Executive Official (22-0861)

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

ITEM 16: Informal Matter – Department of Agriculture (23-0024)

Discussion: Mr. Colquhoun briefed the Commission on the status of this matter and that the employee has found a buyer for their prohibited financial interest. The employee has until January 1, 2024 to complete the sale.

ITEM 17: Informal Matter – 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 23-0596, 23-0599, 23-0605 and 23-0585.

ITEM 18: Informal Matter – Department of Health (23-0477)

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

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

ITEM 19: Informal Matter – Department of Health (23-0501)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health working for an entity that is regulated and/or has providers that are regulated by the Department.

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

ITEM 20: Informal Matter – Department of Health (23-0502)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health working for an entity that is regulated and/or has providers that are regulated by the Department.

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

ITEM 21: Informal Matter – Department of Health (23-0538)

Discussion: Ms. Henry briefed the Commission on a secondary employment and financial interest request regarding an employee in the Department of Health who would like to continue their secondary employment and financial interest in a business that is regulated by the Department.

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

ITEM 22: Informal Matter – Department of Health (23-0548)

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

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

ITEM 23: Informal Matter – Maryland Institute for Emergency Medical Services (23-0590)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Maryland Institute for Emergency Medical Services who is also a member of the board of directors of a private school of medicine.

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

ITEM 24: Informal Matter – Department of Health (23-0609)

Discussion: Ms. Henry briefed the Commission on a secondary employment and financial interest request regarding an employee in the Department of Health who would like to continue their secondary employment and financial interest in a business that is regulated by the Department.

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

ITEM 25: Informal Matter – Department of Transportation (23-0599)

Discussion: Ms. Henry briefed the Commission on a secondary employment and financial interest request regarding an employee in the Department of Transportation who would like to continue their secondary employment and financial interest in a business that is regulated by the Department.

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

ITEM 26: Informal Matter – Department of Health (23-0612)

Discussion: Ms. Henry briefed the Commission on a secondary employment and financial interest request regarding an employee at the Department of Health who would like to continue their financial interest in a business that is regulated by the Department.

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

ITEM 27: Informal Matter – Department of the Environment (23-0526)

Discussion: Ms. Henry briefed the Commission on a financial interest request regarding an employee in the Department of the Environment who would like to continue their financial interest in an entity that does business with the Department.

Decision: The Commission granted an exception to allow the employee to retain some of their financial interests. The Commission allowed the employee until February 15, 2024 to divest the remaining prohibited financial interests.

ITEM 28: Informal Matter – Department of Transportation (23-0471)

Discussion: Mr. Colquhoun briefed the Commission on whether a former employee of the Department of Transportation could participate in a matter for a private company that was awarded a contract by the Department in which he was involved.

Decision: The Commission recommended that the employee not participate in the post-employment matter requested.

ITEM 29: A-24-23

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

Decision: The Commission accepted the Non-Participation Agreement, and this matter will be closed with a letter.

ITEM 30: A-33-23

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

Decision: Two matters will be placed on the Preliminary Inquiry Docket. (B-7-23 and B-8-23)

ITEM 31: A-34-23

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-9-23)

ITEM 32: A-37-23

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

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

ITEM 33: B-4-21

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

Decision: The Commission accepted the Pre-Complaint Disposition Agreement, and this matter will be closed.

ITEM 34: B-5-21

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

Decision: This matter will be closed with a letter.

ITEM 35: B-1-23

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

Decision: The Commission accepted the Pre-Complaint Disposition Agreement, and this matter will be closed.

ITEM 36: B-2-23

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

Decision: The Commission accepted the Pre-Complaint Disposition Agreement, and this matter will be closed.

ITEM 37: Informal Matter – Elected Official (23-0551) The Requestor and his assistant were present via a video call. Katherine Thompson, Maura Pizzi and Stephen Garrett did not participate in this matter.

Discussion: Mr. Colquhoun briefed the Commission on this matter involving an elected official who had questions related to the application of the gift, prestige of office and financial disclosure provisions of the Public Ethics Law.

Decision: The Commission directed Mr. Colquhoun to provide advice regarding the requestor's questions.

ITEM 38: B-6-23

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

Decision: This matter will be closed with a letter.

ITEM 39: A-20-23

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 40: A-27-23

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

Decision: A Complaint will be issued in this matter. (C-5-23)

ITEM 41: A-29-23

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

Decision: The Commission provided some guidance on how these issues should be reported.

ITEM 42: A-30-23

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 43: A-31-23

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 44: A-32-23

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 45: A-35-23

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 46: A-36-23

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 47: A-38-23

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

Decision: The Commission authorized complaints in these matters.

ITEM 48: C-2-23

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

Decision: The Commission accepted the late filing as a cure 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 29 through 36 and 38 through 48.)

The meeting was adjourned at 12:03 p.m.