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MINUTES OF THE STATE ETHICS COMMISSION MEETING

February 1, 2024

Commission Members Present: Craig D. Roswell, Chair
Bonnie A. Kirkland
Mariela Olivares
James N. Robesy, Jr.
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
Pansy S. Watson, Assistant Counsel
Darlene Gavel, Office Manager
Stephen Garrett, Paralegal
Maura Pizzi, Paralegal

The meeting convened at 9:16 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 November 16, 2023, Meeting

Discussion: The draft minutes of the November 16, 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 Juvenile Services, Department of Information Technology, Department of Transportation, State Highway Administration, Treasurer's Office, Department of Natural Resources, Department of the Environment, Maryland Clean Energy Center, Department of Health, Executive Department, Office of Inspector General, College of Southern Maryland, Maryland Transportation Authority, Maryland State Library Agency, Department of Aging, Maryland Port Administration, Interagency Commission on School Construction, University System of Maryland, Morgan State University, University of Maryland Baltimore, Office of Administrative Hearings, Alcohol, Tobacco and Cannabis Commission, Department of General Services, Chesapeake College and the University of Maryland College Park.

Decision: The Commission approved Ms. Allgair's recommendations on financial disclosure position additions and deletions.

ITEM 4: Boards and Commissions – Executive Unit Determinations

Discussion: Ms. Allgair briefed the Commission on whether or not the Task Force on Property Appraisal and Valuation Equity and the State Board of Sign Language Interpreters should be considered executive units covered by the Public Ethics Law:

Decision: The Commission determined that the Task Force on Property Appraisal and Valuation Equity and the State Board of Sign Language Interpreters are executive units covered by the Public Ethics Law.

ITEM 5: Financial Disclosure Exemption Requests

Discussion: Ms. Allgair briefed the Commission on requests for exemption from the financial disclosure requirement from the Maryland Entertainment Council, Commission on Hate Crime Response and Prevention, Task Force to Study Crime Classifications, Producer Responsibility Advisory Council and the Task Force on Property Appraisal and Valuation Equity.

Decision: The Commission granted financial disclosure exemptions for the Maryland Entertainment Council, Commission on Hate Crime Response and Prevention, Task Force to Study Crime Classifications, Producer Responsibility Advisory Council and the Task Force on Property Appraisal and Valuation Equity.

ITEM 6: Local Government – Somerset County (23-0939)

Discussion: Ms. Watson briefed the Commission on the proposed amendments to the local ethics ordinance for Somerset County.

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government – Montgomery County (23-0941)

Discussion: Ms. Watson briefed the Commission on the proposed amendments to the local ethics ordinance for Montgomery County.

Decision: The Commission approved the proposed amendments.

ITEM 8: Local Government – City of Frederick (23-0912)

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

Decision: The Commission approved the proposed amendments.

ITEM 9: Local Government – City of New Carrollton (23-0889)

Discussion: Ms. Watson briefed the Commission on the proposed amendments to the local ethics regulation for the City of New Carrollton.

Decision: The Commission approved the proposed amendments.

ITEM 10: Local Government – Town of Bel Air (23-0948)

Discussion: Ms. Watson briefed the Commission on the proposed amendments to the local ethics ordinance for the Town of Bel Air.

Decision: The Commission approved the proposed amendments.

ITEM 11: Local Government – Town of Middletown (24-0027)

Discussion: Ms. Watson briefed the Commission on the proposed amendments to the local ethics ordinance for the Town of Middletown.

Decision: The Commission approved the proposed amendments.

ITEM 12: Local Government – Town of University Park (24-0032)

Discussion: Ms. Watson briefed the Commission on the proposed amendments to the local ethics regulation for the Town of University Park.

Decision: The Commission approved the proposed amendments.

ITEM 13: Local Government – Anne Arundel County Board of Education (23-0942)

Discussion: Ms. Watson briefed the Commission on the proposed amendments to the local ethics ordinance for the Anne Arundel County Board of Education.

Decision: The Commission approved the proposed amendments.

ITEM 14: Local Government – Dorchester County Board of Education (23-0947)

Discussion: Ms. Watson briefed the Commission on the proposed amendments to the local ethics regulation for the Dorchester County Board of Education.

Decision: The Commission approved the proposed amendments.

ITEM 15: Local Government – Harford County Board of Education (23-0949)

Discussion: Ms. Watson briefed the Commission on the proposed amendments to the local ethics ordinance for the Harford County Board of Education.

Decision: The Commission approved the proposed amendments.

ITEM 16: Local Government – Wicomico County Board of Education (24-0006)

Discussion: Ms. Watson briefed the Commission on the proposed amendments to the local ethics regulation for the Wicomico County Board of Education.

Decision: The Commission approved the proposed amendments.

ITEM 17: Executive Director’s Report –Lobbying System and Training Updates

Discussion: Ms. Allgair updated the Commission on the progress of updates and fixes to the electronic lobbying system by the Commission’s vendor. These updates are still in the testing phase. The Commission staff has not been able to move forward on the training updates and is still waiting for additional information from Maryland Department of Information Technology on these matters. Commission staff will continue to work on other avenues of progress on this training update.

ITEM 18: Executive Director's Report – Appointments Office

Discussion: Ms. Allgair updated the Commission on the status of receiving State board and Commission rosters from the Governor’s Appointments Office necessary for the Commission to update its financial disclosure listings and contact board members required to file financial disclosure forms. The Commission has received some new appointment information, but not the requested updated board rosters.

ITEM 19: Executive Director's Report – Budget Hearings

Discussion: Ms. Allgair briefed the Commission on the Senate budget hearing held on January 26, 2024. The Commission’s House budget hearing is scheduled for February 2, 2024. No budget issues are anticipated for the agency at this time.

A motion was made by Ms. Thames and seconded by Mr. Robey 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 9:34 a.m.

ITEM 20: Informal Matter – Memo on Non-Participation Plans and Mitigation Agreements

Discussion: Mr. Colquhoun presented three non-participation agreements or mitigation agreements provided and approved by the staff. The matters included 23-0959, 23-0990 and 23-0584.

ITEM 21: Informal Matter – Somerset County Sheriff’s Office (23-0979)

Discussion: Mr. Colquhoun briefed the Commission on a potential non-participation plan regarding a family member of an individual at the Somerset County Sheriff’s Office.

Decision: The Commission preliminarily approved the matter, pending final review of the non-participation plan.

ITEM 22: Informal Matter – Baltimore City Office of the State’s Attorney (23-0857)

Discussion: Mr. Colquhoun briefed the Commission on the use of a non-profit fund to provide training for its employees.

Decision: The Commission determined the fund can be used to provide training for the employees of the Office of the State’s Attorney.

ITEM 23: Informal Matter –Harford County Sherriff’s Office (23-0784)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Sheriff’s Office.

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

ITEM 24: Informal Matter – Department of Human Services (23-0914)

Discussion: Ms. Watson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a therapist for 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 Health (23-0919)

Discussion: Ms. Watson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue working for a city health center 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 (23-0928)

Discussion: Ms. Watson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a President of a Board of Directors for an entity that has a contract with the Department.

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

ITEM 27: Informal Matter – Department of Human Services (23-0929)

Discussion: Ms. Watson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work for a mental health agency that has a referral relationship with the Department.

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

ITEM 28: Informal Matter – Department of Health (23-0937)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue working for a hospital that has a contract with the Department.

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

ITEM 29: Informal Matter – Office of the Attorney General (23-0977)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Attorney General’s Office wanting to continue serving as a board member.

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

ITEM 30: Informal Matter – Department of Juvenile Services (23-0985)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Juvenile Services wanting to continue employment as a dentist for a facility that is regulated by the Department.

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

ITEM 31: Informal Matter – Department of Labor (24-0012)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Labor wanting to serve as an elected member of a county board of education.

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

ITEM 32: Informal Matter – Department of Labor (24-0030)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Labor wanting to continue working for a central committee.

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

ITEM 33: Informal Matter – Department of Health (23-0923)

Discussion: Ms. Henry briefed the Commission on secondary employment request regarding an employee in the Department of Health wanting to work for a volunteer fire company.

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

ITEM 34: Informal Matter – Department of Labor (24-0037)

Discussion: Ms. Watson briefed the Commission on a secondary employment request regarding an employee in the Department of Labor wanting to serve as a board member of a credit union.

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

ITEM 35: Informal Matter – Department of Human Services (24-0048)

Discussion: Ms. Henry briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work for a mental health agency.

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

ITEM 36: Informal Matter – Elected Executive Official (22-0861)

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

Decision: The Commission determined that the type of communications requested to be sent were not permissible under its regulations.

ITEM 37: A-37-23

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

Decision: The matter will be closed with a letter.

ITEM 38: A-47-23

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

Decision: The matter will be placed on the Preliminary Inquiry Docket. (B-1-24)

ITEM 39: A-48-23

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

Decision: The matter will be placed on the Preliminary Inquiry Docket. (B-2-24)

ITEM 40: A-1-24

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

Decision: A complaint will be issued in this matter. (C-2-24)

ITEM 41: A-4-24

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

Decision: The matter will be placed on the Preliminary Inquiry Docket. (B-3-24)

ITEM 42: B-9-23

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

Decision: The matter will be closed with a letter.

ITEM 43: C-4-23

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

Decision: The Commission accepted the Stipulation of Settlement Agreement.

ITEM 44: A-49-23

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

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 45: A-45-23

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

Decision: A complaint will be issued in this matter. (C-1-24)

ITEM 46: A-2-24

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

Decision: The Commission authorized complaints in these matters.

ITEM 47: A-3-24

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

Decision: The Commission authorized complaints in these matters.

ITEM 48: 2024 Legislative Update

Discussion: Ms. Allgair and Ms. Thompson briefed the Commission on the status of legislation affecting the Public Ethics Law, discussed the expected impact of those bills if enacted, and obtained the Commission's guidance and advice of counsel on the approach to take on the bills. The bills include: HB184 - Public Health – Healthy Maryland Program-Establishment, HB434 – Persons Providing Lobbyist Compensation – Statement of Political Contributions – Exemption for Nonprofits, HB521 – St. Mary's County - Public Ethics – Prohibition on Campaign Contributions From Individual Registered Lobbyists, SB22 – Baltimore City – Alcoholic Beverages – Board of License Commissioners, SB312 - Public Information Act – Personnel Records of Elected Officials and Joint Ethics Committee Records and SB 472 – State Government – Permits, Licenses, and Certificates – Process (Transparent Government Act of 2024).

ITEM 49: FDS Public User Audit

Discussion: Ms. Watson briefed the Commission on the initial public user accounts audits she performed and will continue to monitor. There are currently over 1400 accounts with over 240 deactivated users.

(Ms. Thompson, Ms. Allgair, Ms. Watson, Ms. Pizzi, and Mr. Garrett participated in the briefings to the Commission, but did not participate in the decisions regarding Items 37 through 47.)

The meeting was adjourned at 11:43 a.m.