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MINUTES OF THE STATE ETHICS COMMISSION MEETING

December 17, 2015

Commission Members Present: Paul M. Vettori
Kim Coble
Janet E. McHugh
Jacob Yosef Miliman

Participated by Phone: Thomas B. Smyth, M.D.

Staff Members Present: Michael W. Lord, Executive Director
Jennifer K. Allgair, General Counsel
William Colquhoun, Staff Counsel
Katherine P. Thompson, Assistant General Counsel
Darlene Brocki, Office Manager
Ian Hubbard, Paralegal
Jennifer Whitehead, Paralegal
Philip Tateyama, Legal Assistant

The meeting convened at 9:35 a.m. at the Commission's offices in Annapolis. 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.

Meeting was closed at 9:37 a.m. to obtain the advice of counsel in a legal matter.

Meeting was reopened at 9:52 a.m.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with changes.

ITEM 2: Minutes of the October 22, 2015 Meeting

Discussion: The draft minutes of the October 22, 2015 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 3: Financial Disclosure Additions and Deletions

Discussion: Mr. Lord presented a listing of the proposed additions and deletions to the financial disclosure list recommended by State agencies and reviewed by him. The recommendations covered the Maryland Technology Development Corporation, Department of Information Technology, Department of Budget & Management, Department of Environment, Department of Natural Resources, Department of Assessments & Taxation, Department of Commerce, Department of Juvenile Services, State Board of Elections, Maryland Aviation Administration, Department of Transportation, Transportation Authority, Department of Education and the University of Maryland-Baltimore.

Decision: The Commission approved Mr. Lord's recommendations.

ITEM 4: Boards and Commissions – Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on whether or not the four Working Groups of the Commission on Climate Change within the Maryland Department of the Environment and six Ethnic Commissions should be considered executive units covered by the Public Ethics Law:

Decision: The Commission determined that the Working Groups of the Commission on Climate Change within the Maryland Department of the Environment (specifically the Scientific and Technical Working Group, the Greenhouse Gas Mitigation Working Group, the Adaptation and Response Working Group and the Education, Communication, and Outreach Working Group) and six Ethnic Commissions that exist under the Governor's Office of Community Initiatives (specifically the Governor's Commission on African Affairs, the Governor's Commission on Asian Pacific American Affairs, the Governor's Commission on Caribbean Affairs, the Governor's Commission on Hispanic Affairs, the Governor's Commission on Middle Eastern American Affairs, and the Governor's Commission on South Asian American Affairs) are executive units covered by the Public Ethics Law.

ITEM 5: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer request for exemption from the financial disclosure requirement.

Decision: The Commission approved the exemption for the Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer.

The Commission voted unanimously to close the meeting at 10:05 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential enforcement matters per §5-407 of the Public Ethics Law.

ITEM 6: A-25-15

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-3-15)

ITEM 7: A-26-15

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

Decision: A complaint will not be issued in this matter. The complaint was not accepted pursuant to COMAR 19A.01.03.04.

ITEM 8: B-3-14

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

Decision: This matter will be closed.

ITEM 9: A-31-15

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

Decision: This matter will be referred to the appropriate authority.

ITEM 10: A-28-15

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

Decision: A complaint will be issued in this matter. (C-79-15)

ITEM 11: A-30-15

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

Decision: This matter will be closed.

ITEM 12: A-29-15

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

Decision: A complaint will be issued in this matter. (C-78-15)

ITEM 13: C-32-14

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

Decision: The Commission accepted a cure in this matter.

ITEM 14: C-15-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 15: C-17-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 16: C-39-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 17: C-42-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 18: C-47-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 19: C-56-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 20: C-62-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 21: C-68-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 22: C-69-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 23: C-70-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 24: A-27-15

Discussion: Mr. Lord briefed the Commission on this matter.

Decision: This matter will remain on the preliminary consideration docket pending further investigation.

(Mr. Lord, Ms. Whitehead and Mr. Hubbard participated in the briefings but did not participate in the decisions regarding Items 6 through 24. Mr. Colquhoun participated in the briefings but did not participate in the decisions regarding Items 6 through 23 and did not participate in either the briefing or the decision regarding Item 24.)

Meeting was reopened at 10:32 a.m.

ITEM 25: Local Government – Town of Chevy Chase (15-0458)

Discussion: Ms. Allgair briefed the Commission on the two proposals of amendments to the adopted ethics laws, policies and regulations received from the Town of Chevy Chase related to financial disclosure requirements for write-in candidates for local office. One of the proposals also included changes to the local election code regarding write-in candidates for local office. The Town Attorney made a brief presentation to the Commission. Several representatives from the Town of Chevy Chase were present.

Decision: The Commission approved both proposals. The Commissioners expressed a preference for the proposal that required write-in candidates to file a financial disclosure statement in advance of an election to promote transparency.

ITEM 26: Local Government – City of Cumberland (15-0535)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the adopted ethics laws, policies and regulations received from the City of Cumberland.

Decision: The Commission did not approve the proposed amendments to the adopted ethics laws, policies and regulations regarding participation and recommended keeping the already adopted ethics laws.

ITEM 27: Local Government – City of Walkersville (15-0549)

Discussion: Ms. Thompson briefed the Commission on the proposed amendments to the adopted ethics laws, policies and regulations received from the City of Walkersville.

Decision: The Commission approved the proposed amendments to the adopted ethics laws, policies and regulations.

ITEM 28: Local Government – City of Gaithersburg (14-0419)

Discussion: Ms. Allgair briefed the Commission on the status of the City of Gaithersburg's local ethics law.

Decision: The Commission approved the issuance of a public notice concerning the failure of compliance pursuant to §5-812 of the Public Ethics Law for the City of Gaithersburg.

The Commission voted unanimously to close the meeting at 11:05 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential advice matters per §5-303 of the Public Ethics Law.

ITEM 29: Informal Matter – Department of Human Resources (15-0424)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue working as a Senior Caregiver for a private home care company for the elderly.

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

ITEM 30: Informal Matter – Department of Human Resources (15-0425)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue working as a therapist for a private family counseling service.

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

ITEM 31: Informal Matter – Department of Human Resources (15-0474)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue working as a contractual consultant with an independent non-profit human services accrediting organization.

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

ITEM 32: Informal Matter – Department of Human Resources (15-0528)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue employment as a pharmacy technician at a Rite Aid.

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

ITEM 33: Informal Matter – Maryland Department of the Environment (15-0500)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Maryland Department of the Environment who also serves as a council member for a local town council.

Decision: The Commission granted an exception to allow the secondary employment with prestige advice and a restriction on participation in specified local matters.

ITEM 34: Informal Matter – Department of Health & Mental Hygiene (15-0552)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Health & Mental Hygiene who wants to continue working as a visiting health scientist for a federal agency.

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

ITEM 35: Informal Matter – Public Service Commission (15-0480) Ms. McHugh did not participate in this matter and was absent from the room during discussions.

Discussion: Ms. Allgair briefed the Commission on a request for guidance from an employee in the Public Service Commission who wants to launch a new web-based business to allow diverse women and veteran-owned firms an opportunity to network and bid directly on available contracting opportunities offered by other companies seeking these diverse firms.

Decision: The Commission preliminarily approved the plan and provided guidance related to participation and prestige of office restrictions. The Commission directed staff to provide the employee with secondary employment review forms and advise the employee to seek the approval of the employing agency before submitting the review forms to the Commission for final approval.

ITEM 36: Informal Matter – Maryland Aviation Administration (15-0489)

Discussion: Ms. Thompson briefed the Commission on a request for a financial interest exception from an employee in the Maryland Aviation Administration who owns stock in a vendor to the Department of Transportation.

Decision: The Commission granted an exception to allow the financial interest.

ITEM 37: Informal Matter – Towson University (15-0481)

Discussion: Ms. Thompson briefed the Commission on whether § 5-505 prohibits an employee at Towson University from accepting a gift of an engraved handgun.

Decision: The Commission determined this is a ceremonial gift and is allowable under the gift exceptions.

ITEM 38: Informal Matter – Lobbying (15-0526)

Discussion: Mr. Lord briefed the Commission on whether a professor at a private school is required to register as a lobbyist if a grant is given to the school and she is required to try to influence legislation

Decision: The Commission determined the compensation level does not meet the trigger for registering as a lobbyist.

ITEM 39: Informal Matter – Department of Commerce (15-0555)

Discussion: Ms. Thompson briefed the Commission on whether § 5-504 prohibits a program director within the Department of Commerce from leaving State employment to work for a grantee on a specific program which received Department funds obtained and managed by this employee.

Decision: The Commission determined that the employee could work for the grantee, but not on any specific funds, programs or grants that the employee significantly participated in while a Department employee.

ITEM 40: Executive Director's Report – Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer.

Discussion: Mr. Lord briefed the work of the Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer, upon which he sits as a member representing the Commission.

ITEM 41: Executive Director's Report – Local Government

Discussion: Mr. Lord briefed the Commission on meetings with General Assembly staff members concerning the status of local government compliance with the requirements of the Public Ethics Law.

The meeting was adjourned at 12:25 p.m.