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MINUTES OF THE STATE ETHICS COMMISSION MEETING

April 14, 2016

Commission Members Present: Paul M. Vettori
Kim L. 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 9:30 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.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with changes.

ITEM 2: Minutes of the February 11, 2016 Meeting

Discussion: The draft minutes of the February 11, 2016 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 Department of Health & Mental Hygiene (DHMH), Department of General Services, Morgan State University, Department of Juvenile Services, State Lottery & Gaming Control Agency, Executive Department, Department of Budget & Management, Department of Housing & Community Development, Maryland Health Benefits Exchange, Department of Natural Resources, Department of the Environment, Department of Public Safety & Correctional Services, College Savings Plan of Maryland, Department of Transportation, Maryland Transit Administration, University of Maryland-Baltimore, University of Baltimore, Garrett College, Frederick Community College, Prince George's Community College and Frostburg State University. There was a general discussion regarding several DHMH employees who have been filing for several years and have not been officially added to the financial disclosure listing.

Decision: The Commission approved Mr. Lord's recommendations. The DHMH employees will be added to the listing.

ITEM 4: Executive Director's Report – Draft Annual Report

Discussion: There was a general discussion of the draft annual report.

Decision: The Commission approved the draft annual report.

ITEM 5: Executive Director's Report – Legislation Update

Discussion: Mr. Lord briefed the Commission on the outcome of legislation with implications for the State Ethics Commission that was considered by the General Assembly during the 2016 Legislative Session. The particular bills of interest included SB194, HB726, HB1248/SB428, SB395, SB807 and SB973. Mr. Lord also obtained approval from the Commission to coordinate with affected entities concerning possible legislation to be pursued for the 2017 Legislative Session related to mandatory electronic financial disclosure filing by bi-county commission members and candidates for membership.

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-7-16

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

Decision: This matter will be placed on the preliminary inquiry docket (B-2-16)

ITEM 7: A-9-16

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

Decision: The complaint was not accepted. This matter is not within the Commission's jurisdiction.

ITEM 8: A-10-16

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

Decision: The complaint was not accepted.

ITEM 9: A-11-16

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

Decision: A complaint will not be issued in this matter and will remain on the A-Docket.

ITEM 10: A-12-16

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

Decision: The complaint was not accepted.

ITEM 11: B-3-15

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

Decision: The Commission accepted the Pre-Complaint Disposition Agreement in this matter.

ITEM 12: A-8-16 (Dr. Smyth did not participate in this matter.)

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

Decision: This matter will be closed with a letter.

ITEM 13: C-75-15

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

Decision: The Commission accepted the late filing as a cure.

ITEM 14: C-1-16

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

Decision: The Commission accepted the late filing as a cure.

ITEM 15: C-4-16

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

Decision: The Commission accepted the late filing as a cure.

(Mr. Lord, Mr. Colquhoun, Ms. Whitehead and Mr. Hubbard participated in the briefings but did not participate in the decisions regarding Items 6 through 15.)

Meeting was reopened at 10:36 a.m.

ITEM 16: Local Government – Town of Chesapeake Beach (13-0323)

Discussion: Ms. Allgair briefed the Commission on the status of the Town of Chesapeake Beach's local ethics law. The Commission previously approved a draft local ethics law for the jurisdiction in December 2014. The Commission has not received any other draft or enacted local ethics laws from the Town since December 2014. The Commission did not receive an updated status report from the Town of Chesapeake Beach for the meeting.

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 Town of Chesapeake Beach.

ITEM 17: Local Government – Harford County (15-0359)

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

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

ITEM 18: Local Government –Montgomery County (15-0358)

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

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

The Commission voted unanimously to close the meeting at 10:55 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 19: Informal Matter – Department of the Environment (16-0144)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of the Environment wanting to continue working as a PBX operator at a private hospital.

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

ITEM 20: Informal Matter - Department of the Environment (16-0130)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of the Environment wanting to continue working as a city council member.

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

ITEM 21: Informal Matter – Department of Human Resources (16-0059)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as direct support staff providing mental health services at a private organization.

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

ITEM 22: Informal Matter – Department of the Human Resources (16-0080)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a needs assessment clinician with a private not-for-profit organization.

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

ITEM 23: Informal Matter – Department of Human Resources (16-0095)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a contract therapist with a youth services bureau.

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

ITEM 24: Informal Matter – Department of Health & Mental Hygiene (16-0136)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health & Mental Hygiene wanting to teach a graduate level course at a private university.

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

ITEM 25: Informal Matter – Department of Health & Mental Hygiene (16-0122)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health & Mental Hygiene wanting to continue working as a physician with a private health center.

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

ITEM 26: Informal Matter – Department of Transportation (16-0083)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Transportation wanting to continue working as a rehabilitation specialist at a private mental health facility.

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

ITEM 27: Informal Matter – State Highway Administration (16-0096)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the State Highway Administration wanting to continue working as a security officer with a private security service.

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

ITEM 28: Informal Matter – Motor Vehicle Administration (16-0118)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Motor Vehicle Administration wanting to continue as a member of the board of directors of a private foundation for safety and education.

Decision: The Commission declined to grant an exception to allow the secondary employment, but recommended pursuing an ex-officio arrangement, if appropriate.

ITEM 29: Informal Matter – Governor’s Appointments Office (16-0025)

Discussion: Ms. Allgair briefed the Commission on the reconsideration of this matter.

Decision: This matter will be further reviewed awaiting additional information.

ITEM 30: Informal Matter – Governor’s Office (16-0121)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding a former elected official who is currently serving on a State board, CEO for a private managed care organization and serves as a member of a board of a professional liability insurance company for physicians, who wishes to continue his service to the State board while accepting a new position as an employee with the State.

Decision: The Commission granted an exception to allow the continued service as a member of the board in question.

ITEM 31: Informal Matter – Department of Health & Mental Hygiene (16-0082)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health & Mental Hygiene wanting to continue his employment as a behavioral and strategies trainer with a center for exceptional children and adults.

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

ITEM 32: Informal Matter – Department of Budget & Management (16-0161)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an appointed official in the Department of Budget & Management who wants to continue his private business as a securities and insurance broker.

Decision: The Commission approved the continuation of the secondary employment with restrictions.

ITEM 33: Informal Matter – Board of Contract Appeals (16-0169)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an appointee to the Board of Contract Appeals who wants to continue being a member of the Judicial Nominating Committee and continue part-time in her private law practice.

Decision: The Commission approved the continuation of the secondary employment with restrictions.

ITEM 34: Informal Matter – Department of Agriculture (15-0102)

Discussion: Mr. Lord briefed the Commission on request for clarification concerning the scope of a financial interest exception granted to an appointed official in the Department of Agriculture in 2015.

Decision: The Commission reviewed the matter and provided the requested clarification.

ITEM 35: Informal Matter – Elected Official (16-0153)

Discussion: Ms. Allgair briefed the Commission on whether the prestige of office provision restricts an elected official from appearing in a public service announcement.

Decision: The Commission determined that the elected official may appear in the public service announcement as part of the official’s constituent services, as long as the public service announcement does not include any acknowledgements of specific private entities participating in the program highlighted in the announcement.

ITEM 36: Informal Matter – Financial Interest - Elected Official (15-0361)

Discussion: Ms. Allgair briefed the Commission on the status of this matter.

Decision: This matter is closed.

ITEM 37: Informal Matter – Advice to Lobbyists

Discussion: Mr. Lord briefed the Commission on advice to lobbyists regarding political contribution reporting.

Decision: The Commission approved the modifications to the Commission’s informational memorandum.

ITEM 38: Informal Matter – Litigation Issues

Discussion: Mr. Lord briefed the Commission on litigation issues regarding non-compliant local government ethics laws.

The meeting was adjourned at 12:20 p.m.