



COMMISSION MEMBERS:
PAUL M. VETTORI, *Chairman*
KIM L. COBLE
JANET E. McHUGH
JACOB YOSEF MILIMAN
THOMAS B. SMYTH, M.D.

STATE ETHICS COMMISSION

45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770 / 1-877-669-6085
FAX: 410-260-7746

MICHAEL W. LORD
Executive Director
JENNIFER K. ALLGAIR
General Counsel
WILLIAM J. COLQUHOUN
Staff Counsel
KATHERINE P. THOMPSON
Assistant General Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING

June 16, 2016

Commission Members Present: Paul M. Vettori
Janet E. McHugh
Jacob Yosef Miliman
Thomas B. Smyth, M.D.

Commission Member Absent: Kim L. Coble

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

The meeting convened at 9:37 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 April 14, 2016 Meeting

Discussion: The draft minutes of the April 14, 2016 meeting were reviewed and discussed.

Decision: The draft minutes were approved with one change.

ITEM 3: Annual Election of Chairman (July 1, 2016 to June 30, 2017)

Discussion: Ms. McHugh was unanimously elected chairman for a one-year term.

ITEM 4: 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 Executive Department, Department of Human Resources, Department of Health & Mental Hygiene, Office of the State Prosecutor, Department of Aging, Public Service Commission, Comptroller's Office, Department of Juvenile Services, Department of General Services, Department of Environment, Department of Assessment & Taxation, Department of Natural Resources, Technology Development Corporation, Department of Transportation, State Highway Administration, Maryland Aviation Administration, University of Maryland College Park, University of Maryland-Baltimore, University System of Maryland, Salisbury University, College of Southern Maryland, Department of Veterans Affairs, University of Maryland Eastern Shore, University of Baltimore and Maryland Transportation Authority. There was a general discussion regarding a University of Baltimore employee as to whether she should be filing.

Decision: The Commission approved Mr. Lord's recommendations. The University of Baltimore employee will not be removed from the listing.

ITEM 5: Boards and Commissions – Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on whether or not the following boards and commission should be considered executive units covered by the Public Ethics Law:

- Task Force to Study a Promise Scholarship Program in Prince George's County
- Task Force to Investigate the Challenges of and Opportunities for Minorities in Business
- Task Force to Combat Habitual Student Truancy
- Task Force to Study the Restraint, Searches and Needs of Children in the Juvenile Justice System
- Task Force to Study the Adult High School Concept
- Equal Pay Commission
- DLLR in Collaboration with the Consumer Protection Division Stakeholder Workgroup for Study of Door-to-Door Sales of Home Improvement Services
- Maryland Transit and Oversight Planning Board
- Citizen's Advisory Council for the Maryland Transit Administration
- MARC Riders Advisory Council for the Maryland Transit Administration
- Accessible Transportation Advisory Council for the Maryland Transit Administration
- Technical Advisory Committee to the Prescription Drug Monitoring Program
- BOOST Advisory Board
- Maryland Small Business Retirement Savings Board
- Maryland College Collaboration for Student Veterans Commission
- Task Force to Study Recording Deeds for Victims of Domestic Violence
- Neshante and Chloe Davis Domestic Violence Prevention Task Force
- Task Force to Study Family and Medical Leave Insurance
- Naturopathic Doctors Formulary Council
- Secretary of General Services Stakeholder Workgroup to Develop Recommendations for Specified Issues Related to State Procurement for Construction Contracts
- Commission on Innovation and Excellence in Education
- State Department of Education Stakeholder Workgroup to Review the Current Statutory and Regulatory Requirements of the Master Plan and the New Requirements of the Federal Every Student Succeeds Act
- Workgroup on Rural Health Care Delivery
- Task Force on the Maryland Clean Energy Center
- Justice Reinvestment Oversight Board

Stakeholder Advisory Board for the Justice Reinvestment Oversight Board
Local Government Justice Reinvestment Commission
Maryland Education Development Collaborative and Governing Board

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

ITEM 6: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Governor's Commission on Hispanic Affairs, the Governor's Commission on South Asian American Affairs and the Governor's Commission on Asian Pacific American Affairs requests for exemption from the financial disclosure requirement.

Decision: The Commission approved the exemption for the Governor's Commission on Hispanic Affairs, the Governor's Commission on South Asian American Affairs, and the Governor's Commission on Asian Pacific American Affairs.

ITEM 7: Local Government – Chevy Chase Village (16-0211)

Discussion: Ms. Thompson briefed the Commission on proposed modifications to the previously approved local ethics law for Chevy Chase Village.

Decision: The Commission approved the proposed modification.

The Commission voted unanimously to close the meeting at 10:10 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential enforcement matters per §5-407 and to consider confidential advice matters per §5-303 of the Public Ethics Law.

ITEM 8: A-19-16

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

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

ITEM 9: B-1-16

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

Decision: The matter will be closed with a letter.

ITEM 10: B-2-16

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

Decision: The matter will be closed with a letter.

ITEM 11: C-76-15

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

Decision: The Commission accepted the proposed cure in this matter.

ITEM 12: A-13-16

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

Decision: The Commission accepted the Lobbyist Filing Agreement as a cure.

ITEM 13: A-15-16

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

Decision: The Commission authorized complaints in these matters.

ITEM 14: A-16-16 (Mr. Vettori did not participate in this matter.)

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

Decision: The Commission accepted the Lobbyist Filing Agreement as a cure.

ITEM 15: A-14-16

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

Decision: Complaints will be issued in these matters (C-8-16 – C-69-16)

ITEM 16: A-18-16

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

Decision: Complaints will be issued in these matters (C-70-16 – C-73-16)

ITEM 17: A-17-16

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

Decision: The Commission accepted the updates in this matter.

(Mr. Lord, Mr. Colquhoun, Mr. Hubbard, and Ms. Whitehead participated in the briefings but did not participate in the decisions regarding Items 8 through 17.)

Meeting was reopened at 10:43 a.m.

ITEM 18: Informal Matter – Department of Human Resources (16-0183)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a sales associate at a grocery store.

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

ITEM 19: Informal Matter – Department of Human Resources (16-0235)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a sales associate at a retail store.

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

ITEM 20: Informal Matter – Department of Human Resources (16-0254)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee of the Department of Human Resources wanting to continue working as a sales associate at a convenience store.

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

ITEM 21: Informal Matter – Department of Human Resources (16-0207)

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 direct support professional with a private school.

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

ITEM 22: Informal Matter – Department of Human Resources (16-0206)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee of the Department of Human Resources to continue working as a therapist at a private psychology provider.

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

ITEM 23: Informal Matter – Maryland Association of Realtors (16-0152)

Discussion: Mr. Lord briefed the Commission on a request for an advisory opinion seeking a change to the Commission's long-standing position expressed in a previous advisory opinion which prohibits members of State regulatory boards from teaching licensing courses regulated by those boards. The Maryland Association of Realtors' Director of Regulatory Affairs was present and made a brief presentation to the Commission.

Decision: The Commission after discussion did not grant the request to issue an advisory and determined not to alter its current position.

ITEM 24: Informal Matter – Department of Health and Mental Hygiene (16-0201)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Health and Mental Hygiene wanting to continue working as a physician at a hospital.

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

ITEM 25: Informal Matter – Governor's Office (16-0025)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Governor's Office wanting to continue to serve on a community college board of trustees.

Decision: The Commission approved the secondary employment with restrictions.

ITEM 26: Informal Matter – State Highway Administration (16-0217)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the State Highway Administration wanting to continue working for a real estate appraisal company.

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

ITEM 27: Informal Matter – University of Maryland School of Medicine (16-0164) (Dr. Smyth did not participate in this matter.)

Discussion: Ms. Allgair briefed the Commission on a financial interest exception request and secondary employment request regarding an employee of the University of Maryland School of Medicine wanting to retain an interest in a beverage company.

Decision: The Commission granted the financial interest exception request and approved the secondary employment request with restrictions.

ITEM 28: Informal Matter – Maryland Innovation Initiative Board (16-0249)

Discussion: Ms. Allgair briefed the Commission on a request from a member of one of the TEDCO Boards to retain a financial interest in a private entity that may seek funding from a separate TEDCO entity.

Decision: The Commission determined to grant an exemption to allow the Board member to retain the financial interest pursuant to §5-209 of the Public Ethics Law.

ITEM 29: Informal Matter – State Highway Administration (16-0171)

Discussion: Ms. Thompson briefed the Commission on a post-employment request regarding a former employee of the State Highway Administration wanting to work for a private engineering contractor.

Decision: The Commission determined that the proposed employment would violate the provisions of the post-employment provisions of the Public Ethics Law.

ITEM 30: Informal Matter – Maryland Department of the Environment (16-0184)

Discussion: Ms. Allgair briefed the Commission on a request from a former employee of the Maryland Department of the Environment seeking post-employment guidance related to the former employee's ability to work on an upcoming matter for an energy company.

Decision: The Commission determined to that the post-employment restrictions of the Public Ethics Law do not prohibit the former employee from working on a future application submitted by the energy company.

ITEM 31: Informal Matter – Department of Labor, Licensing and Regulation (16-0238)

Discussion: Ms. Thompson briefed the Commission on previously issued staff advice on prestige of office and participation given to an employee of the Department of Labor, Licensing and Regulation in a matter relating to realty property owned by his wife.

Decision: The Commission approved the previously provided Staff advice.

ITEM 32: Informal Matter – Department of Public Safety and Correctional Services (16-0244)

Discussion: Ms. Allgair briefed the Commission on a participation exception request from an employee of the Department of Public Safety and Correctional Services regarding participation in matters involving a contracting company where he has a qualifying relative employed by a subsidiary of that entity.

Decision: The Commission determined that the employee met the regulatory criteria to allow a participation exception and granted the exception. The Commission will also provide the employee with guidance on the remaining conflict of interest provisions.

ITEM 33: Informal Matter – Governor’s Office (16-0250)

Discussion: Ms. Allgair and Mr. Lord briefed the Commission on the application of the prestige of office provision to an official seeking to participate in a charitable fundraising activity.

Decision: The Commission approved the proposed staff advice.

ITEM 34: Informal Matter – Governor’s Office (16-0242)

Discussion: Ms. Allgair briefed the Commission on advice provided to an employee of the Governor’s Office regarding participation restrictions

Decision: The Commission provided confirmation of the Staff advice.

ITEM 35: Executive Director’s Report – Proposed Regulation Changes

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

Decision: The Commission approved the proposed Regulation changes.

ITEM 36: Executive Director’s Report – Bi-County Commissions

Discussion: Mr. Lord briefed the Commission on an inconsistency in the Ethics Law pertaining to the filing of financial disclosure statements by Bi-County Commission members and candidates. Mr. Lord suggested a possible change to the Law to make the filing process consistent and advised he was seeking comments from the commissions and affected counties.

Decision: The Commission approved the proposal to seek a change to the Law to address the inconsistency.

ITEM 37: Executive Director’s Report –Local Government

Discussion: Mr. Lord briefed the Commission on matters relating to certain local government compliance matters.

The meeting was adjourned at 1:29 p.m.