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MINUTES OF THE STATE ETHICS COMMISSION MEETING

October 27, 2016

Commission Members Present: Janet E. McHugh, Chair
James R. Benjamin, Jr.
Kim L. Coble
Jacob Yosef Miliman
Craig D. Roswell

Staff Members Present: Michael W. Lord, Executive Director
Jennifer K. Allgair, General Counsel
William J. Colquhoun, Staff Counsel
Katherine P. Thompson, Assistant General Counsel
Darlene J. Brocki, Office Manager
Maura Pizzi, Paralegal
Amanda Iavarone, Legal Assistant
Michelle Pfeiffer, Intern

The meeting convened at 9:45 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. Two new Commission members were introduced, James R. Benjamin, Jr. and Craig D. Roswell. Also, introduced were two new staff members Amanda Iavarone and Maura Pizzi and Intern, Michelle Pfeiffer.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with changes.

ITEM 2: Minutes of the August 25, 2016 Meeting

Discussion: The draft minutes of the August 25, 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 Executive Department, State Lottery & Gaming Control Agency, Department of Budget & Management, Department of Information Technology, Maryland State Retirement Agency, Department of Health & Mental Hygiene, Department of Juvenile Services, Maryland State Police, Office of Administrative Hearings, Maryland Transportation Authority, Montgomery College, Morgan State University, Prince George's Community College, Department of General Services, Treasurer's Office and Department of Education.

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

ITEM 4: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Workgroup on Rural Health Care Delivery, Standing Advisory Committee on Opioid-Associated Disease Prevention and Outreach Program in the Department of Health and Mental Hygiene, Task Force on the Maryland Clean Energy Center, and the Steering Committee for Ethan Saylor Alliance for Self-Advocates as Educators requests for exemption from the financial disclosure requirement.

Decision: The Commission did not approve the exemption for the Steering Committee for Ethan Saylor Alliance for Self-Advocates as Educators and approved the exemptions for those other boards listed above.

ITEM 5: Local Government – St. Mary's County (16-0436)

Discussion: Ms. Allgair briefed the Commission on proposed amendments to the previously approved local ethics law for St. Mary's County.

Decision: The Commission approved the proposed amendments.

ITEM 6: Local Government – Queen Anne's County (16-0447)

Discussion: Ms. Allgair briefed the Commission on proposed amendments to the previously approved local ethics law for Queen Anne's County.

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government – Baltimore City (16-0451)

Discussion: Ms. Allgair briefed the Commission on proposed amendments to the previously approved local ethics law for Baltimore City.

Decision: The Commission approved the proposed amendments.

ITEM 8: Local Government – Town of Bladensburg (16-0400)

Discussion: Ms. Thompson briefed the Commission on proposed amendments to the previously approved local ethics law for the Town of Bladensburg.

Decision: The Commission approved the proposed amendments.

ITEM 9: Local Government – City of Bowie (16-0437)

Discussion: Ms. Thompson briefed the Commission on proposed amendments to the previously approved local ethics law for the City of Bowie. An anonymous letter was received concerning the changes to the statute of limitations for misconduct.

Decision: The Commission approved the proposed amendment but directed staff to send a letter outlining the concerns regarding the statute of limitations.

The Commission voted unanimously to close the meeting at 10:58 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 10: A-26-16

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

Decision: A complaint will be issued in this matter. (C-100-16)

ITEM 11: A-27-16

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-5-16)

ITEM 12: A-28-16

Discussion: Mr. Colquhoun briefed the Commission on these matters.

Decision: The Commission determined to continue its review of whether to issue a complaint until its December 15, 2016 meeting. This matter will be placed on the preliminary inquiry docket. (B-6-16)

ITEM 13: A-29-16

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

Decision: This matter will continue on the preliminary consideration docket.

ITEM 14: A-31-16

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

Decision: A complaint will not be issued in this matter.

ITEM 15: B-4-16

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

Decision: This matter will be closed.

ITEM 16: A-30-16

Discussion: Mr. Colquhoun briefed the Commission on these matters.

Decision: Complaints will be issued in these matters. (C-83-16; C-85-16; C-87-16 to C-99-16)

ITEM 17: C-28-16

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

Decision: The Commission accepted the acknowledgement in this matter and it will be closed.

ITEM 18: C-76-16

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

Decision: The complaint was dismissed and the matter will be closed.

ITEM 19: C-77-16

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

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

ITEM 20: C-78-16

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

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

ITEM 21: C-79-16

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

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

ITEM 22: C-84-16

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

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

(Mr. Lord, Mr. Colquhoun, Ms. Pizzi and Ms. Pfeiffer participated in the briefings but did not participate in the decisions regarding Items 10 through 22.)

ITEM 23: Informal Matter – Department of Health & Mental Hygiene (16-0388)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health & Mental Hygiene wanting to continue working at a vineyard.

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

ITEM 24: Informal Matter – Department of Health & Mental Hygiene (16-0396)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health & Mental Hygiene wanting to continue working at a volunteer fire department.

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

ITEM 25: Informal Matter – Department of Human Resources (16-0402)

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 trainer with a non-profit organization working with children.

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

ITEM 26: Informal Matter – Department of Human Resources (16-0445)

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 clinical supervisor in a non-profit organization working with children.

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

ITEM 27: Informal Matter - Department of Human Resources (16-0367)

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 social worker with a private hospital.

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

ITEM 28: Informal Matter – University of Maryland, Baltimore (16-0358)

Discussion: Ms. Allgair briefed the Commission on a request regarding an employee in the University of Maryland, Baltimore wanting to be a co-editor of a book and having the book royalties turned over to the University foundation's library fund.

Decision: The Commission determined this activity is not considered secondary employment since the funds will not be paid directly to the employee and the activity is allowable. All royalties will benefit the university.

ITEM 29: Informal Matter – Executive Department (16-0356)

Discussion: Ms. Allgair briefed the Commission on a request for guidance regarding an individual who will receive payments from the individual's former employer for a limited duration under the terms of the former employment contract and is considering employment with the Executive Department.

Decision: The Commission provided guidance on required participation restrictions and relevant conflict of interest precautions.

ITEM 30: Informal Matter – Executive Department (16-0430)

Discussion: Ms. Allgair briefed the Commission on requested guidance regarding proposed participation in a public service announcement related to drug dangers.

Decision: The Commission determined that participation in the public service announcement was allowable with the proposed script.

ITEM 31: Informal Matter – Public School Construction Program (16-0386)

Discussion: Mr. Lord briefed the Commission on a post-employment request regarding a former employee in the Public School Construction Program who has established a limited liability corporation to provide various services to local school systems and wants to bid on a county school project.

Decision: The Commission determined that the post-employment restrictions of the Public Ethics Law do not prohibit this activity.

ITEM 32: Informal Matter – Executive Department (16-0360)

Discussion: Ms. Allgair briefed the Commission on a post-employment request regarding a former employee of the Executive Department who is now employed by a private consulting company who wants to assign him to work on a contract to advise a development company on communications strategies.

Decision: The Commission determined that the post-employment restrictions of the Public Ethics Law do not prohibit this activity.

ITEM 33: Policy Discussion – Elected Official Charitable Gift Solicitation

Discussion: There was a general discussion on fundraising by elected Executive Branch officials for charitable entities and a review of the past guidance the Commission has provided.

Decision: The Commission determined these matters will be dealt with as they arise and any decision to make changes to the guidance will be considered at that time.

ITEM 34: Meeting Dates for Calendar Year 2017

Discussion: The meeting dates for Calendar Year 2017 will be February 16, April 6, June 15, August 24, November 2 and December 21.

The meeting was adjourned at 1:15 p.m.