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MINUTES OF THE STATE ETHICS COMMISSION MEETING

December 15, 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
Jennifer D. Whitehead, Paralegal
Maura M. Pizzi, Paralegal
Amanda L. Iavarone, Legal Assistant

The meeting convened at 9:40 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 October 27, 2016 Meeting

Discussion: The draft minutes of the October 27, 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, Executive Department, Department of Human Resources, Department of Juvenile Services, Department of Planning, Department of Housing & Community Development, University of Maryland University College, Montgomery College and Howard Community College.

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 Maryland Corps Program Board should be considered an executive unit covered by the Public Ethics Law:

Decision: The Commission determined that the Maryland Corps Program Board is an executive agency, therefore covered by the Ethics Law.

The Commission voted unanimously to close the meeting at 9:50 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 5: A-35-16

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

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

ITEM 6: B-3-16

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

Decision: The Commission accepted the Non-Participation Agreement and the matter was closed.

ITEM 7: B-5-16

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

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

ITEM 8: B-6-16

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

Decision: This matter will be deferred to the February meeting.

ITEM 9: C-11-15

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

Decision: The Commission accepted the Stipulation of Settlement Agreement in this matter.

ITEM 10: A-33-16

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

Decision: This matter is closed.

ITEM 11: A-34-16

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

Decision: Complaints will be issued in these matters. (C-101-16; C-103-16; C-105-16)

ITEM 12: C-83-16

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

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

ITEM 13: C-87-16

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

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

ITEM 14: C-88-16

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

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

ITEM 15: C-90-16

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

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

ITEM 16: C-93-16

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

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

ITEM 17: C-94-16

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

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

ITEM 18: C-98-16

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

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

ITEM 19: C-95-16

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

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

ITEM 20: C-99-16

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

Decision: The Commission accepted the Acknowledgement as a cure.

(Mr. Lord, Mr. Colquhoun, Ms. Pizzi, Ms. Whitehead and Ms. Iavarone participated in the briefings but did not participate in the decisions regarding Items 5 through 20.)

The meeting was reopened at 10:50 a.m.

ITEM 21: Local Government – City of College Park (16-0456)

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

Decision: The Commission approved the proposed amendments.

ITEM 22: Adoption of Proposed Regulation Changes

Discussion: The Commission considered the adoption of proposed regulation changes that had been previously published in the Maryland Register. Representatives from the Maryland Municipal League (MML) and the City of Gaithersburg, plus other interested parties, were present. The Representative from the City of Gaithersburg spoke on behalf of the City and MML and addressed matters as follows:

1) requested the Commission hold a public hearing on the proposed changes; 2) asked for a modification to the definition of “gift” to ensure the exclusion for political contribution applies to municipalities; and 3) asked for a modification to the proposed changes to regulations 19A.04.02.04A and 19A.04.02.05A because they viewed the proposed changes as altering the intent of the Ethics Law.

Decision: The Commission discussed the public hearing request and, after concluding all of the necessary steps had been taken to satisfy the requirement for public input, declined to schedule a public hearing. After discussing the remaining concerns expressed by the City and MML the Commission voted unanimously to adopt the proposed changes to the regulations.

The Commission voted unanimously to close the meeting at 11:45 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 23: Informal Matter – Department of Human Resources (16-0463)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a cashier at a local grocery store.

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

ITEM 24: Informal Matter – Department of Human Resources (16-0505)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a cashier at a warehouse store.

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

ITEM 25: Informal Matter – Department of Health & Mental Hygiene (16-0512)

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 as an independent contractor with an onsite health and wellness service.

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

ITEM 26: Informal Matter – Department of Human Resources (16-0494)

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 support counselor with people with disabilities.

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

ITEM 27: Informal Matter – University of Maryland, Baltimore (16-0466)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee of the University of Maryland, Baltimore wanting to continue working at a large law firm representing clients on a wide variety of legal matters.

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

ITEM 28: Informal Matter – Executive Department (16-0504)

Discussion: Ms. Allgair briefed the Commission on an employee in the Executive Department who wants to continue the secondary employment with and financial interest in his private engineering technologies business.

Decision: The Commission approved the continuing secondary employment and financial interest.

ITEM 29: Informal Matter – Salisbury University (16-0495)

Discussion: Ms. Allgair briefed the Commission on a secondary employment and financial interest request from an employee with Salisbury University wanting to continue her private photography, printing and design services business.

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

ITEM 30: Informal Matter – Department of Human Resources (16-0481)

Discussion: Ms. Thompson briefed the Commission on a request from an employee in the Department of Human Resources being asked to work on a transition team for the Social Security Administration.

Decision: The Commission determined this activity was allowable in view of its limited purpose.

ITEM 31: Informal Matter – Maryland Aviation Administration (16-0527)

Discussion: Ms. Allgair briefed the Commission on a participation exception request from an employee in the Maryland Aviation Administration (MAA) whose brother works for a business that does business with MAA.

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

ITEM 32: Informal Matter – Public School Construction Program (16-0386)

Discussion: Mr. Lord briefed the Commission on a post-employment request from a former employee in the Public School Construction Program who has established a limited liability corporation providing various services to local school systems and wants to bid on requests for proposals issued by county public schools.

Decision: The Commission determined that if any proposals involve work on matters for which he reviewed funding requests in his former State capacity, he would not be allowed to participate.

ITEM 33: Informal Matter – Maryland Transportation Authority (16-0501)

Discussion: Ms. Allgair briefed the Commission on a post-employment request from a former employee in the Maryland Transportation Authority who is now working for a private firm that contracts with the State on a project that he worked on while with the State.

Decision: The Commission determined this activity is not allowable.

ITEM 34: Federal Subpoena Status

Discussion: Mr. Lord briefed the Commission on a federal grand jury subpoena seeking records relating to information on a State employee.

ITEM 35: Executive Director's Report – Anne Arundel County

Discussion: Mr. Lord briefed the Commission on a recent opinion issued by the Anne Arundel County Ethics Commission concerning secondary employment of County police officers.

ITEM 36: Executive Director's Report – Electronic Meeting Materials

Discussion: Mr. Lord briefed the Commission on a meeting members of the Commission staff had with the Department of Information Technology (DoIT) regarding transferring electronic meeting materials.

Decision: This matter will be further discussed and a presentation by DoIT personnel may be provided at the next regular Commission meeting.

ITEM 37: Mr. Lord noted the upcoming Legislative Session and reminded the Commission that one bill was submitted for consideration involving financial disclosure by members of and applicants to bi-county commissions. The staff will be monitoring to identify any other bills introduced that have implications for the Public Ethics Law and will keep the Commission apprised.

The meeting was adjourned at 12:35 p.m.