

PRE-COMPLAINT DISPOSITION AGREEMENT

This Agreement, made this 1 day of May, 2013, by and between Eric VanGraafeiland, formerly an Environmental Sanitarian II, Dorchester County Health Department, Department of Health & Mental Hygiene, and William J. Colquhoun, Esq., Staff Counsel to the State Ethics Commission (hereinafter "Staff Counsel").

The State Ethics Commission ("the Commission") is the executive agency of the State of Maryland established by Chapter 513, Acts 1979 for the purpose of enforcing the Maryland Public Ethics Law (State of Government Article, Title 15, Annotated Code of Maryland) including the provisions of Subtitle 5, Conflicts of Interest.

AGREED STATEMENT OF FACTS

1. Eric VanGraafeiland, at all times relevant to this matter and prior to his resignation on May 30, 2012, was employed by the Department of Health & Mental Hygiene, an executive agency of the State of Maryland, and was subject to the conflict of interest provisions of the Public Ethics Law.
2. Mr. VanGraafeiland was employed as an Environmental Sanitarian II with the Dorchester County Health Department within the Department of Health & Mental Hygiene. His job duties as a Dorchester County Health Department employee related to field inspections, water and sewer permitting, and grant management for the office of Environmental Health.
3. Section 15-501(a)(1) of the Public Ethics Law prohibits a State employee or official from participating in a matter if the employee or official, or a qualifying relative of the employee or official, has an interest in the matter and the employee or official knows of the interest. Section 15-102(gg) of the Public Ethics Law defines "qualifying relative" as a spouse, parent, child, brother or sister.
4. In July 2011, Mr. VanGraafeiland's parents purchased a property which required a replacement septic tank and chamber and which was located in the area assigned to Mr. VanGraafeiland as an Environmental Sanitarian II.
5. On or about July 11, 2011, in his official capacity as an Environmental Sanitarian II, Mr. VanGraafeiland approved a Grant Agreement and Easement of Best Available Technology Systems with Bay Restoration Funds for his parent's property. The Bay Restoration Septic Fund statute (Section 9-1605.2, Environment Article, Annotated Code of Maryland) allows for funding to be provided to homeowners to replace failing septic systems in the Chesapeake Bay Critical Areas with the best available technology for removing nitrogen. After a survey was completed, Mr. VanGraafeiland realized that his parent's property was not in a critical area and, as such, the Grant Agreement was void and the funds were never disbursed.

6. On or about July 11, 2011, in his official capacity as an Environmental Sanitarian II, Mr. VanGraafeiland accepted an Application for Sanitary Construction Permit for his parent's property. An Application for Sanitary Construction Permit is submitted when a homeowner wishes to replace or install a new water or septic system.
7. On or about August 8, 2011, in his official capacity as an Environmental Sanitarian II, Mr. VanGraafeiland accepted the fees associated with the Application for Sanitary Construction Permit for his parent's property and issued a receipt.
8. On or about November 3, 2011, in his official capacity as an Environmental Sanitarian II, Mr. VanGraafeiland approved an Application for Permit to Drill Well for his parent's property.
9. Mr. VanGraafeiland is voluntarily entering into this agreement to admit certain violations of the Public Ethics Law, to accept certain sanctions, and to resolve the matter now pending against him without the issuance of a complaint and a hearing before the Commission.

NOW THEREFORE, in consideration of the agreed facts contained herein, and effective on the date of the Commission's acceptance of the terms of this Agreement, Eric VanGraafeiland and William J. Colquhoun, Staff Counsel, agree as follows:

A. That Mr. VanGraafeiland stipulates that his participation in matters relating to his family's property between July 2011 through November 2011 violated Section 15-501(a)(1) of the Public Ethics Law.

B. That Mr. VanGraafeiland understands that violations of the conflict of interest provisions of the Public Ethics Law may result in civil fines pursuant to Section 15-902 of the Public Ethics Law. Mr. VanGraafeiland further agrees to pay, in lieu of potential fines, the sum of \$500 for the above admitted violations of the law and that said sum will be paid by check or money order made payable to the State of Maryland in care of the State Ethics Commission on or before June 1, 2013. In the event that Respondent fails to pay the amount agreed to by June 1, 2013, Respondent agrees that the matter will be transferred to the Maryland State Central Collection unit for the purposes of collecting the monies owed.

C. That Mr. VanGraafeiland will take the two hour State Employees Conflict of Interest Training on or before June 1, 2013.

D. That the Commission will issue a reprimand to Mr. VanGraafeiland effective the date of the Commission's acceptance of the Agreement.

E. That the Commission will transmit a copy of the Agreement to the Governor and the Secretary of the Department of Mental Health & Hygiene.

F. That Mr. VanGraafeiland has agreed that he will not participate in any Department of Mental Health & Hygiene matter in which a qualifying relative has an interest. The Commission, through its published opinions, has defined “participate” as “participating as a State officer or employee in any proceeding, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise” and “matter” as “any proceeding, application, submission, request for ruling or other determination, contract, claim, case or other such particular matter” (Opinion No. 80-17). Section 15-102(t) of the Public Ethics Law defines an “interest” as “a legal or equitable economic interest that is owned or held wholly or partly, jointly or severally, or directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition.”

G. That Mr. VanGraafeiland waives any formal proceedings and hearing in this matter if the Commission accepts the Agreement and agrees that acceptance of this Agreement by the Commission constitutes a final action and finding of violation by the Commission.

H. That Mr. VanGraafeiland further agrees that the Agreement and materials related to this matter are not subject to the confidentiality provisions of the Public Ethics Law and will be public information unless otherwise protected.

I. That upon execution of this Agreement by Mr. VanGraafeiland, Staff Counsel will recommend that the Commission suspend any further proceedings against Mr. VanGraafeiland. Should Mr. VanGraafeiland fail to comply with the terms of the Agreement, and after written notice is issued to him, the Commission reserves the right to open an investigation and issue a Complaint for violation of Section 15-501(a)(1) of the Public Ethics Law.

J. That in the event the Commission declines to accept the Agreement, both Mr. VanGraafeiland and Staff Counsel are relieved of their respective obligations hereunder, and neither this Agreement, nor any admission it may contain, shall be admissible in any subsequent proceeding by the Commission.

K. That Mr. VanGraafeiland and Staff Counsel are entering into this agreement for the sole purpose of resolving the matters involved in the Commission’s Preliminary Inquiry matter and for no other purpose.

IN WITNESS WHEREOF, Eric VanGraafeiland and William J. Colquhoun, Staff Counsel, State Ethics Commission, have hereunto set their hands.

[Redacted]

William J. Colquhoun, Staff Counsel
State Ethics Commission
45 Calvert Street, 3rd Floor
Annapolis, Maryland 21401
(410) 260-7770

[Redacted]

Eric VanGraafeiland

State of Maryland
County of: Caroline, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Eric VanGraafeiland, who made oath in due form of law on this 30th day of April, 2013 that the matters and facts hereinabove set forth in the Pre-Complaint Disposition Agreement are true to the best of his knowledge, information and belief, it is his voluntary act and that he executed this document for the purpose set forth herein.

[Redacted]

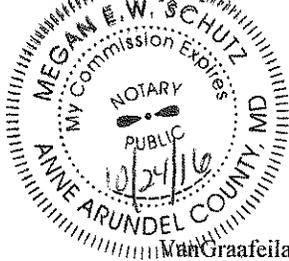
Notary Public

My Commission Expires: 11-1-2016

(Notary Seal)

State of Maryland,
County of: Anne Arundel, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared William J. Colquhoun, Staff Counsel to the State Ethics Commission, who made oath on this 1 day of May, 2013 in due form of law that he executed this agreement for the purposes therein contained.



[Redacted]

Notary Public

Accepted by the Commission



Paul M. Vettori, Chair
for the Commission

Date: May 10, 2013