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MINUTES OF THE STATE ETHICS COMMISSION MEETING

March 15, 2012

Commission Members Present: Robert F. Scholz, Chair
Julian L. Lapidés
Jacob Yosef Miliman
Paul M. Vettori

Commission Member Absent: Andrea Leahy-Fuccheck

Staff Members Present: Michael W. Lord, Executive Director
Jennifer K. Allgair, General Counsel
Deadra W. Daly, Assistant General Counsel
William J. Colquhoun, Staff Counsel
Kimberly Burke, Compliance Officer
Jennifer Whitehead, Legal Assistant
Megan W. Schutz, Legal Assistant

The meeting convened at 9:35 a.m. at the Commission's offices in Annapolis.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with additions.

ITEM 2: Minutes of the January 19, 2012 and February 6, 2012 Meetings

Discussion: The draft minutes of the January 19, 2012 and February 6, 2012 meetings were reviewed and discussed.

Decision: The draft minutes were approved with changes noted.

ITEM 3: Financial Disclosure Additions and Deletions

Discussion: Mr. Lord presented a listing of the proposed additions to the financial disclosure list recommended by State agencies and reviewed by him. The recommendations covered the Executive Department, Department of Aging, Department of Budget & Management, Department of Information Technology, Department of Juvenile Services, Department of Environment, Department of Planning, Workers' Compensation Commission, Maryland Insurance Administration, Emergency Medical Services System (MIEMSS), Department of Health & Mental Hygiene, Maryland Aviation Administration, State Highway Administration, Maryland Port Administration, Baltimore County Health Department, University of Maryland-Baltimore, University of Maryland-Eastern Shore, University of Maryland-College Park, University of Maryland-University College, University of Baltimore, Salisbury University, Chesapeake College, Montgomery College, Howard Community College, and Prince George's County Community College. Mr. Lord recommended not adding the Database Specialist II, Computer Network Specialist II and the Executive Associate III positions, all in the Maryland Department of Aging, which were discussed in detail.

Decision: The Database Specialist II, Computer Network Specialist II and Executive Associate III positions were not added to the financial disclosure listing. The Commission approved the remainder of Mr. Lord's recommendations.

ITEM 4: Board and Commission Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on the Board of Directors of the Maryland School for the Blind and the Board of Trustees of the Residential Boarding Education Program as to whether or not they should be considered executive agencies covered by the Ethics Law.

Decision: The Commission determined the Board of Directors of the Maryland School for the Blind and the Board of Trustees of the Residential Boarding Education Program should not be considered executive agencies covered by the Public Ethics Law.

ITEM 5: Executive Director's Report – Legislative Status

Discussion: Mr. Lord briefed the Commission on two State Ethics Commission departmental bills passed by the Senate and awaiting House hearings.

ITEM 6: Executive Director's Report – Legislative Status

Discussion: Mr. Lord briefed the Commission on the status of the Commission's proposal to change lobbying registration fee.

ITEM 7: Executive Director's Report – Legislative Status

Discussion: Mr. Lord briefed the Commission on the status of the Ethics Online Disclosure Act of 2012.

ITEM 8: Executive Director's Report – Legislative Status

Discussion: Mr. Lord briefed the Commission on the status of a bill changing reporting requirements for local elected officials.

ITEM 9: Annual Report

Discussion: Mr. Lord briefed Commission on this matter and noted that charitable expenditures (item B-5 on page 5 of report) was misreported by ~ \$145,000. The staff is working with the lobbyist to obtain a correction.

ITEM 10: Local Government – Formal Consideration of Exemption Requests

Discussion: Ms. Allgair briefed the Commission on municipalities seeking exemptions and requested that if partial exemptions are granted, it be clearly specified whether such exemptions pertain to lobbying provisions, conflict of interest provisions, or requirements to file financial disclosure.

ITEM 11: Local Government – Town of Church Hill (11-0236)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Town of Church Hill. Karen Ruff, Town Attorney spoke on behalf of the Town of Church Hill.

Decision: The Commission granted a full exemption.

ITEM 12: Local Government – Town of Hampstead (11-0441)

Discussion: Ms. Allgair briefed the Commission on the partial exemption request received from the Town of Hampstead seeking to be exempt from the financial disclosure requirements. Bradley Plante, Town Manager, spoke on behalf of the Town of Hampstead.

Decision: The Commission granted a partial exemption permitting the Town of Hampstead not to adopt lobbying provisions. The Town of Hampstead must adopt conflicts of interest and financial disclosure provisions.

ITEM 13: Local Government – Town of Denton (11-0485)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Town of Denton. Conway Gregory, Councilman, spoke on behalf of the Town of Denton.

Decision: The Commission granted a partial exemption permitting the Town of Denton not to adopt lobbying provisions. The Town of Denton must adopt conflicts of interest and financial disclosure provisions.

ITEM 14: Local Government – Town of Hurlock (11-0417)

Discussion: Ms. Allgair briefed the Commission on the continuation of a partial exemption request, not requiring the adoption of lobbying provisions, received from the Town of Hurlock.

Decision: The Commission granted the continuation of the partial exemption.

ITEM 15: Local Government – Town of Oakland (11-0437)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Town of Oakland.

Decision: The Commission granted a partial exemption permitting the Town of Oakland not to adopt lobbying provisions. The Town of Oakland must adopt conflicts of interest and financial disclosure provisions.

ITEM 16: Local Government – Town of Ridgely (11-0470)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Town of Ridgely.

Decision: The Commission granted a full exemption.

ITEM 17: Local Government – Town of Charlestown (11-0407)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Town of Charlestown.

Decision: The Commission granted a full exemption.

ITEM 18: Local Government – Preliminary Consideration of Exemption Requests

Discussion: Ms. Allgair briefed the Commission on exemption requests received from the Town of Greensboro, Town of Barnesville, Town of Pittsville, Town of Mardela Springs, Town of Williamsport and the Town of Delmar.

Decision: The Commission staff will begin the exemption process and the Commission will consider the exemptions at a later date.

ITEM 19: Local Government – Draft Ethics Laws – Counties

Discussion: Ms. Allgair briefed the Commission on the proposed ethics laws, policies and regulations received from Wicomico County and Prince George's County, as well as the recommended changes for Prince George's County proposed ethics law.

Decision: The Commission approved the proposed ethics laws, policies and regulations for Wicomico County. The Commission agreed with Commission staff regarding recommended changes for Prince George's County.

ITEM 20: Local Government – Draft and Adopted Policies and Regulations – Boards of Education

Discussion: Ms. Daly briefed the Commission on the adopted ethics policies and regulations received from the Washington County Board of Education, Frederick County Board of Education, Somerset County Board of Education and Anne Arundel County Board of Education. Ms. Daly briefed the Commission on the draft ethics policy submitted by the Kent County Board of Education.

Decision: The Commission approved the drafts and adopted ethics policies and regulations.

ITEM 21: Local Government – Draft Ethics Laws – Municipalities

Discussion: Ms. Allgair and Ms. Daly briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from the Town of Centreville, City of Salisbury, Town of La Plata, Town of

Capital Heights, Indian Head, City of Seat Pleasant, Town of Riverdale Park, Town of Bel Air, Town of Hurlock and Town of Smithsburg.

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations received from the Town of Centreville, City of Salisbury, Town of La Plata, Town of Capital Heights, Indian Head, City of Seat Pleasant, Town of Riverdale Park, Town of Bel Air, Town of Hurlock and Town of Smithsburg.

Meeting was closed at 10:50 a.m. to consider confidential advice and enforcement matters.

ITEM 22: Informal Matter – Secondary Employment- Department of Social Services (11-0564)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Social Services wanting to serve as a facilities supervisor with her DSS County Department of Parks and Recreation.

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

ITEM 23: Informal Matter – Secondary Employment - Department of Social Services (12-0078)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Social Services wanting to serve as an instructor and counselor for a private drug rehabilitation center.

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

ITEM 24: Informal Matter – Secondary Employment - Department of Social Services (12-0071)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Social Services wanting to serve as a cashier at a grocery store chain.

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

ITEM 25: Informal Matter – Secondary Employment - Department of Social Services (12-0060)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Social Services wanting to serve as a weekend family living director at a private group home.

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

ITEM 26: Informal Matter – Secondary Employment - State Highway Administration (12-0024)

Discussion: Ms. Daly briefed the Commission on a secondary employment request regarding an employee of the State Highway Administration who wishes to continue to serve as a local elected official.

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

ITEM 27: Informal Matter – Secondary Employment - Workers' Compensation Commission (12-0019)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding a Workers' Compensation Commission member who wishes to serve on the Board of Directors of a non-profit organization that awards scholarships to children of injured workers.

Decision: The Commission granted an exception with restrictions to allow the secondary employment. Employee needs to be informed of potential prestige issues or the appearance thereof.

ITEM 28: Informal Matter – Secondary Employment - Department of Natural Resources (11-0220)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee with the Department of Natural Resources who wishes to serve as a non-compensated member of the Board of Directors of a land preservation trust.

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

ITEM 29: Informal Matter – Post Employment – Department of Transportation (12-0006)

Discussion: Ms. Daly briefed the Commission on a request for post employment advice received from a former Department of Transportation employee regarding her new position with a Maryland Transit Administration subcontractor and her activities regarding a Maryland Transit Administration Contract.

Decision: The Commission determined that the Public Ethics Law does not prohibit the proposed activity.

ITEM 30: Informal Matter – Post Employment – Maryland Transportation Authority (12-0056)

Discussion: Ms. Allgair briefed the Commission on a request for post employment advice received from a Maryland Transportation Authority employee regarding his post-employment opportunities and activities as they pertain to specific contracts.

Decision: The Commission determined that the post-employment restrictions of the Public Ethics Law prohibited future work on specific contracts but not on future matters yet to be defined. The Commission recommends the employee contact the State Ethics Commission for future advice.

ITEM 31: Informal Matter – Participation/Confidential Information Office of Attorney General (12-0086)

Discussion: Mr. Lord briefed the Commission on request for participation advice received from an Assistant Attorney General (AAG) regarding his participation in a matter involving his spouse's employer.

Decision: The Commission determined this activity acceptable and requested the AAG be reminded of the Public Ethics Law prohibition in §15-507 regarding the disclosure of confidential information.

ITEM 32: Informal Matter – Secondary Employment – Motor Vehicle Administration (12-0023)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request received from an employee in the Department of Motor Vehicles wanting to be compensated for his expert testimony.

Decision: The Commission determined this secondary employment was prohibited by the secondary employment and prestige of office provisions of the Public Ethics Law.

ITEM 33: Informal Matter – Secondary Employment – Department of Health & Mental Hygiene (12-0076)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request received from an employee with the Department of Health & Mental Hygiene. The employee would only be tending to patients residing in Delaware and Pennsylvania for work with an entity that submitted reimbursements for the agency for Maryland patients.

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

ITEM 34: Informal Matter – Secondary Employment - Department of Human Resources (12-0042)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request received from an employee in the Department of Human Resources wanting to work as a counselor at a hospital.

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

ITEM 35: Informal Matter – Secondary Employment – Department of Public Safety and Correctional Services (12-0096)

Discussion: Ms. Allgair briefed the Commission on a request received from an employee in the Department of Public Safety and Correctional Services wanting to teach a class at the University of Maryland-College Park.

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

ITEM 36: Informal Matter – Secondary Employment – Office of the Governor’s Legal Counsel (12-0098)

Discussion: Ms. Allgair briefed the Commission on a request received from an employee with the Office of the Governor’s Legal Counsel seeking to serve on the Board of Directors of the Free State Legal Project.

Decision: The Commission approved the secondary employment.

(Mr. Lord, Mr. Colquhoun, Ms. Whitehead and Ms. Schutz participated in the briefings but did not participate in the decisions regarding items 37-49.)

ITEM 37: A-12-12

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-1-12)

ITEM 38: A-48-11

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

Decision: This matter will be closed.

ITEM 39: B-7-11

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

Decision: This matter will be closed.

ITEM 40: C-181-11

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

Decision: This matter will be closed.

ITEM 41: A-8-12

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

Decision: The Commission accepted the Pre-Complaint Disposition Agreement. Senator Lapidés requested the record reflect he did not agree with the decision.

ITEM 42: A-13-12

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

Decision: This matter will remain on the Preliminary Consideration Docket.

ITEM 43: A-7-12

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

Decision: This matter will be closed.

ITEM 44: A-9-12

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

Decision: Complaints will be issued in these matters. (C-6-12, C-8-12, C-9-12, and C-10-12)

ITEM 45: A-10-12

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

Decision: This matter will be closed with a letter.

ITEM 46: A-11-12

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

Decision: This matter will be closed.

ITEM 47: Terminated Employee Financial Disclosure Statement Cures (C-1-12, C-3-12, and C-4-12)

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

Decision: The Commission accepted the late submission of the financial disclosure statements as a cure to the complaints and the matters will be closed.

ITEM 48: Status of Complaints

Discussion: Mr. Colquhoun briefed the Commission on these matters. (C-09-08, C-82-08, C-93-09, C-27-10, C-10-11, C-20-11, C-21-11, C-166-11, C-167-11, C-44-10, C-16-11, C-27-11, C-29-11, C-161-11, C-170-11)

Decision: The Commission placed these matters on the inactive docket: C-93-09, C-27-10, C-10-11, C-20-11, C-21-11, C-166-11, and C-167-11. Hearing notices will be issued for the remaining matters.

ITEM 49: C-29-09 (Ms. Daly did not participate in this matter.)

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

Decision: The Commission requested amendment of the complaint to include additional financial disclosure statement violations and lobbying registration violations.

The meeting was adjourned at 2:02 p.m.