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MINUTES OF THE STATE ETHICS COMMISSION MEETING

May 9, 2013

Commission Members Present: Robert G. Blue
Julian L. Lapidés
Jacob Yosef Miliman

Commission Members Absent: Paul M. Vettori, *Chair*
Andrea Leahy-Fuccheck

Staff Members Present: Michael W. Lord, Executive Director
Jennifer K. Allgair, General Counsel
William J. Colquhoun, Staff Counsel
Katherine P. Thompson, Assistant General Counsel
Megan W. Schutz, Legal Assistant
Jennifer Whitehead, Legal Assistant

The meeting convened at 9:30 a.m. at the Commission's offices in Annapolis. Commissioner Lapidés served as Acting Chair in the absence of the Chair.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with additions.

ITEM 2: Minutes of the March 14, 2013 Meeting

Discussion: The draft minutes of the March 14, 2013 meeting were reviewed and discussed.

Decision: The draft minutes were approved as adjusted.

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 Human Resources, Department of Natural Resources, Military Department, Department of General

Services, Department of Budget & Management, Department of Business & Economic Development, Department of Housing & Community Development, State Retirement Agency, State Highway Administration, Department of Transportation, University of Baltimore, University of Maryland College Park, University of Maryland University College, Howard Community College, Montgomery College, University of Maryland Baltimore County, Maryland Environmental Services, and the Department of Environment.

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

ITEM 4: Board and Commission Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on the Interagency Committee on School Construction as to whether or not it should be considered an executive unit covered by the Ethics Law.

Decision: The Commission determined the Interagency Committee on School Construction should be considered an executive unit covered by the Public Ethics Law.

ITEM 5: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the State Advisory Council on Early Childhood Education and Care's request for an exemption from the financial disclosure requirement.

Decision: The Commission approved an exemption for the State Advisory Council on Early Childhood Education and Care.

Meeting was closed at 9:45 a.m. to consider confidential enforcement matters.

ITEM 6: A-27-12

Discussion: Ms. Whitehead briefed the Commission on this matter.

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

ITEM 7: A-10-13

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

Decision: The Commission issued the complaint. (C-19-13)

ITEM 8: A-11-13

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

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

ITEM 9: A-12-13

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

Decision: This matter will be closed with a letter of advice.

ITEM 10: A-14-13

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

Decision: The Commission did not issue the complaint.

ITEM 11: B-3-13

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

Decision: The Commission accepted the cure in this matter and a letter will be sent.

ITEM 12: C-7-12

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

Decision: The Commission dismissed the complaint.

ITEM 13: C-19-12

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

Decision: The Commission dismissed the complaint.

ITEM 14: C-30-12

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

Decision: The Commission dismissed the complaint.

ITEM 15: C-39-12

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

Decision: The Commission dismissed the complaint.

ITEM 16: A-4-13

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

Decision: The Commission accepted these late filing agreements.

ITEM 17: A-13-13

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

Decision: Complaints will be issued in these matters. (C-14-13 through C-18-13)

ITEM 18: C-3-13

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

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

ITEM 19: C-6-13

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

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

ITEM 20: C-7-13

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

Decision: The Commission dismissed the complaint.

(Mr. Lord, Mr. Colquhoun, Ms. Whitehead and Ms. Schutz participated in the briefings but did not participate in the decisions regarding items 6 through 20.)

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

ITEM 21: Local Government – Town of Chesapeake Beach (12-0563)

Discussion: Ms. Allgair briefed the Commission on the full exemption request received from the Town of Chesapeake Beach. Attorney Elissa Levan appeared on behalf of Chesapeake Beach.

Decision: The Commission granted a partial exemption from the requirement to adopt lobbying provisions as part of the local ethics law. The Town of Chesapeake Beach must adopt conflict of interest and financial disclosure provisions meeting the State requirements.

ITEM 22: Local Government – Town of Morningside (12-0551)

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

Decision: The Commission granted a partial exemption from the requirement to adopt lobbying provisions as part of the local ethics law.

ITEM 23: Local Government – Town of Kensington

Discussion: Ms. Allgair briefed the Commission on a letter of explanation from the Town of Kensington.

Decision: The Commission directed staff to inform the attorney for the Town of Kensington that the Commission was satisfied with the information the jurisdiction provided in its letter regarding commercial development and zoning powers.

ITEM 24: Local Government – Draft Ethics Laws – Municipalities

Discussion: Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from the City of Rockville, the Town of Snow Hill, the Town of Sykesville and the Town of Williamsport.

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations.

ITEM 25: Local Government – Town of Fruitland (13-0110)

Discussion: Ms. Allgair briefed the Commission on the partial exemption request received from the Town of Fruitland.

Decision: The Commission granted a continuation of a partial exemption for the Town of Fruitland.

ITEM 26: Local Government – Town of Perryville (13-0144)

Discussion: Ms. Allgair briefed the Commission on the partial exemption request received from the Town of Perryville.

Decision: The Commission determined it would review the exemption request at a later meeting.

The meeting was closed at 11:20 a.m. to consider confidential advice matters.

ITEM 27: Informal Matter – Department of Aging (13-0131)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding the Secretary of the Department of Aging and her service in a national aging and disabilities organization.

Decision: The Commission determined the service to be ex officio and thus not outside employment.

ITEM 28: Informal Matter – Maryland Aviation Administration (13-0107)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Maryland Aviation Administration who wishes to work as a registered nurse at an area hospital.

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

ITEM 29: Informal Matter - Department of Juvenile Services (13-0054)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding a Department of Juvenile Services employee who also works as a public school system security guard.

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

ITEM 30: Informal Matter - Department of Human Resources (13-0141)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding a Department of Human Resources employee who also works as a certified nursing assistant.

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

ITEM 31: Informal Matter – Department of Health & Mental Hygiene (13-0116)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department Health & Mental Hygiene who wishes to open a transitional housing center.

Decision: The Commission will send a letter of advice advising that the employee may start the approval process and should be advised to forward a completed secondary employment request to the Commission when her business is further developed.

ITEM 32: Informal Matter – Maryland Institute for Emergency Medical Services Systems (13-0108)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding a Maryland Institute for Emergency Medical Services Systems employee who also works as a paramedic for a local fire company.

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

ITEM 33: Informal Matter – Department of Human Resources (12-0539)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding a Department of Human Resources employee who also works as a rehabilitation counselor.

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

ITEM 34: Informal Matter – Department of Human Resources (13-0126)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding a Department of Human Resources employee who also works as a rehabilitation assistant.

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

ITEM 35: Informal Matter – Participation (13-0102)

Discussion: Ms. Allgair briefed the Commission on a request regarding a State Highway Administration employee's participation in matters involving his dependent daughter's employer.

Decision: The Commission did not grant an exception to allow the participation.

ITEM 36: Informal Matter – Miscellaneous (13-0097)

Discussion: Ms. Allgair briefed the Commission on a request regarding an employee of the Maryland Commission on African American History & Culture and her possible participation in matters involving an outside interest and acceptance of gifts.

Decision: The Commission determined that a letter would be sent advising on the gift, post-employment, and prestige provisions and the importance of appointee exemption disclosure forms.

ITEM 37: Informal Matter – Gifts (13-0145)

Discussion: Mr. Lord briefed the Commission on a request regarding an employee of the Office of the Attorney General and her possible acceptance of travel expenses.

Decision: The Commission determined that a letter would be sent advising on the post-employment provisions and that the employee could accept the travel expenses.

ITEM 38: Executive Director's Report

Discussion: Mr. Lord briefed the Commission on visit to the Rhode Island State Ethics Commission; on the rate of timely filed financial disclosure statements; and summarized the 2013 Legislative Session as it pertains to the Commission.

The meeting was adjourned at 12:25 p.m.