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## STATE ETHICS COMMISSION

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### MINUTES OF THE STATE ETHICS COMMISSION MEETING

June 27, 2013

Commission Members Present: Paul M. Vettori, *Chair*  
Robert G. Blue  
Julian L. Lapidés  
Andrea Leahy-FucHECK  
Jacob Yosef Miliman

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  
Megan W. Schutz, Legal Assistant  
James Bell, Intern  
Megan Eng, Intern  
Milos Jovanovic, Intern

The meeting convened at 9:30 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 May 9, 2013 Meeting

Discussion: The draft minutes of the May 9, 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 Natural Resources, Injured Workers Insurance Fund, Department of Aging, Lottery & Gaming Control Agency, Comptroller's Office, Treasurer's Office, Department of Business & Economic Development, Department of Juvenile Services, State Highway Administration, Maryland Aviation Administration, Maryland Transit Administration, University of Maryland College Park, University of Maryland University College, Department of Transportation, University of Maryland Baltimore County and the Motor Vehicle Administration. The Natural Resource Biologist III positions in the Department of Natural Resources, the Transportation Engineer II position in the State Highway Administration, the Administrative Specialist III position in the Department of Transportation, the Manager position in the University of Maryland Baltimore County and the position classifications in the Motor Vehicle Administration were discussed in detail.

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

#### ITEM 4: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Task Force to Study Economic Development and Apprenticeships' request for an exemption from the financial disclosure requirement.

Decision: The Commission approved an exemption for the Task Force to Study Economic Development and Apprenticeships.

#### ITEM 5: Board and Commission Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on the following list as to whether or not they should be considered an executive unit covered by the Ethics Law:

- Commission on the Maryland Educators Service Memorial
- Commission on Special Education Access and Equity
- Task Force on Juvenile Court Jurisdiction
- Workgroup on Cancer Clusters and Environmental Causes of Cancer
- Task Force to Study Licensing and Continuing Education Requirements for Electricians
- Task Force to Study Housing and Supportive Services for Unaccompanied Homeless Youth
- Prince George's County Juvenile Court and School Safety Workgroup
- Workgroup on Children's Online Privacy Protection
- Maryland Veterans Trust
- Task Force to Study Locating Businesses in Libraries in Prince George's County
- Abuser Registry Workgroup
- Workgroup Created by the Council for the Procurement of Health, Education and Social Services
- Task Force to Study Energy Generation in Prince George's County
- Commission on Child Custody Decision Making
- Commission on Commemoration of the 100<sup>th</sup> Anniversary of the Passage of the 19<sup>th</sup> Amendment to the United States Constitution
- Task Force to Study the Applicability of the Maryland Prevailing Wage Law
- Task Force on the Implementation of Tax Benefits for Emergency Preparedness
- Task Force to Study the Impact of Expanding Credit and Noncredit Courses for Students with Intellectual and Developmental Disabilities
- Task Force to Study a Post-Labor Day Start Date for Maryland Public Schools
- Task Force to Study Point-of-Care Testing for Lead Poisoning
- Virginia I. Jones Alzheimer's Disease and Related Disorders Council
- Task Force to Study Food Allergy Awareness, Food Safety and Food Service Facility Letter Grading
- Maryland Botanical Heritage Workgroup

Maryland Smart Growth Investment Fund Workgroup  
Maryland State Department of Education Dispute Resolution Workgroup  
Maryland Pesticide Reporting and Information Workgroup  
Maryland Thermal Renewable Energy Task Force  
Maryland Offshore Wind Business Development Advisory Committee  
Clean Energy Program Task Force  
Clean Energy Technical Education Task Force  
Task Force to Study Temporary Disability Insurance Programs and the Process for Assisting  
Individuals with Disabilities at Local Departments of Social Services  
Commission to Study the Regulation of Payroll Services  
Telemedicine Task Force  
Task Force to Study the Implementation of a Hub and Spoke Program in the Southern  
Maryland Region  
Natalie M. LaPrade Medical Marijuana Commission  
Frederick Regional Higher Education Advisory Board  
Governing Board, Maryland Center for School Safety

Decision: The Commission determined the Commission on the Maryland Educators Service Memorial, Commission on Special Education Access and Equity, Task Force on Juvenile Court Jurisdiction Workgroup on Cancer Clusters and Environmental Causes of Cancer, Task Force to Study Licensing and Continuing Education Requirements for Electricians, Task Force to Study Housing and Supportive Services for Unaccompanied Homeless Youth, Abuser Registry Workgroup, Workgroup Created by the Council for the Procurement of Health, Education and Social Services, Commission on Child Custody Decision Making, Commission on Commemoration of the 100<sup>th</sup> Anniversary of the Passage of the 19<sup>th</sup> Amendment to the United States Constitution, Task Force to Study the Applicability of the Maryland Prevailing Wage Law, Task Force on the Implementation of Tax Benefits for Emergency Preparedness, Task Force to Study the Impact of Expanding Credit and Noncredit Courses for Students with Intellectual and Developmental Disabilities, Task Force to Study a Post-Labor Day Start Date for Maryland Public Schools, Task Force to Study Point-of-Care Testing for Lead Poisoning, Virginia I. Jones Alzheimer's Disease and Related Disorders Council, Task Force to Study Food Allergy Awareness, Food Safety and Food Service Facility Letter Grading, Maryland Botanical Heritage Workgroup, Maryland Smart Growth Investment Fund Workgroup, Maryland State Department of Education Dispute Resolution Workgroup, Maryland Thermal Renewable Energy Task Force, Maryland Offshore Wind Business Development Advisory Committee, Clean Energy Program Task Force, Clean Energy Technical Education Task Force, Task Force to Study Temporary Disability Insurance Programs and the Process for Assisting, Individuals with Disabilities at Local Departments of Social Services, Task Force to Study the Implementation of a Hub and Spoke Program in the Southern Maryland Region, Natalie M. LaPrade Medical Marijuana Commission, Frederick Regional Higher Education Advisory Board, and the Governing Board, Maryland Center for School Safety should be considered executive units covered by the Public Ethics Law.

The Commission determined the Prince George's County Juvenile Court and School Safety Workgroup, Workgroup on Children's Online Privacy Protection, Task Force to Study Locating Businesses in Libraries in Prince George's County, Task Force to Study Energy Generation in Prince George's County, Maryland Pesticide Reporting and Information Workgroup, Commission to Study the Regulation of Payroll Services, Telemedicine Task Force and Frederick Regional Higher Education Advisory Board were not executive units covered by the Public Ethics Law.

The Commission deferred making a determination on the Maryland Veterans Trust pending an opinion issued by the Attorney General on the status of the Chesapeake Bay Trust, which is an entity similar to the Maryland Veterans Trust.

Meeting was closed at 10:20 a.m. to consider confidential enforcement matters.

ITEM 6: A-15-13 (Mr. Colquhoun did not participate in this matter.)

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

Decision: This matter will be closed.

ITEM 7: B-1-13

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

Decision: This matter will remain open.

ITEM 8: B-2-13

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

Decision: This matter will be closed.

ITEM 9: A-18-13

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

Decision: This matter is not within the Commission's jurisdiction.

ITEM 10: A-16-13

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

Decision: The Commission accepted these late filing agreements.

ITEM 11: A-17-13

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

Decision: Complaints will be issued in these matters. (C-23-13 through C-30-13; C-32-13 through C-40-13; C-42-13 through C-46-13; C-48-13; C-49-13)

ITEM 12: C-11-12

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

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

ITEM 13: C-14-13

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

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

ITEM 14: C-15-13

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

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

ITEM 15: C-16-13

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

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

ITEM 16: C-18-13

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

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

ITEM 17: C-20-13 (Mr. Lapedes did not participate in this matter.)

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

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

(Mr. Lord, Mr. Colquhoun and Ms. Schutz participated in the briefings but did not participate in the decisions regarding items 6 through 17 with the exception that Mr. Colquhoun did not participate in the briefing of Item 6.)

The meeting was reopened at 11:10 a.m.

ITEM 18: Local Government – Town of Manchester

Discussion: Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from the Town of Manchester.

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations for the Town of Manchester.

ITEM 19: Local Government – Town of Boonsboro

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

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

ITEM 20: Local Government – Town of Burkittsville

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

Decision: The Commission granted a continuation of a full exemption for the Town of Burkittsville.

The meeting was closed at 11:15 a.m. to consider confidential advice matters.

ITEM 21: Informal Matter – Governor’s Office of Deaf and Hard of Hearing (13-0173)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Governor’s Office of Deaf and Hard of Hearing being a member of the board of directors of an advocacy center for the general welfare of deaf and hard of hearing individuals.

Decision: The Commission approved the secondary employment.

ITEM 22: Informal Matter – Department of Juvenile Services (13-0070)

Discussion: Ms. Allgair briefed the Commission on the secondary employment request regarding an employee in the Department of Juvenile Services being a foster parent providing respite and emergency placement foster care on the weekends.

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

ITEM 23: Informal Matter – Department of Human Resources (13-0149)

Discussion: Ms. Allgair briefed the Commission on the secondary employment request regarding an employee in the Department of Human Resources being a substitute teacher.

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

ITEM 24: Informal Matter – Department of Human Resources (13-0164)

Discussion: Ms. Thompson briefed the Commission on the secondary employment request regarding an employee in the Department of Human Resources being a therapist for a nonprofit licensed child placement agency.

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

ITEM 25: Informal Matter – Department of Human Resources (13-0165)

Discussion: Ms. Thompson briefed the Commission on the secondary employment request regarding an employee in the Department of Human Resources being a contract therapist for a private company providing mental health services for children, adults and families.

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

ITEM 26: Informal Matter – State Highway Administration (13-0181)

Discussion: Ms. Allgair briefed the Commission on a post-employment matter regarding a former employee at the State Highway Administration who now works for a private engineering firm that has been contracted to provide a report on the effectiveness and legitimacy of automated red light enforcement programs.

Decision: The Commission determined that the post-employment provisions of the Public Ethics Law do not prohibit this activity for his new employer.

ITEM 27: Informal Matter – State Highway Administration (13-0182)

Discussion: Ms. Thompson briefed the Commission on whether the financial interest provision of the Ethics Law would prohibit an employee in the State Highway Administration from participating in an auction of real property by the Department of Transportation in which he has an adjoining property.

Decision: The Commission granted an exception to allow the employee to participate in the auction.

ITEM 28: Informal Matter – State Highway Administration (13-0183)

Discussion: Ms. Thompson briefed the Commission on whether the financial interest provision of the Ethics Law would prohibit an employee in the State Highway Administration from participating in an auction of real property by the Department of Transportation in which he has an adjoining property.

Decision: The Commission granted an exception to allow the employee to participate in the auction.

ITEM 29: Informal Matter – Lobbying (13-0180)

Discussion: Ms. Allgair briefed the Commission on questions received regarding the applicability of the gift and reporting provisions of the Public Ethics Law to expenses related to attending weddings and wedding gifts.

Decision: The Commission directed staff to draft an informational memorandum on this topic. The Commission determined accepting an invitation to a wedding is a gift that is personal and private in nature and allowed under the gift exceptions of §15-505(c). State employees and officials must report gifts with a value of \$20 or more. Lobbyists must file applicable special gift forms.

ITEM 30: Informal Matter – Department of Human Resources (13-0211)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources working for a department store.

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

ITEM 31: Informal Matter – Department of Human Resources (13-00150)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources working as a therapist for a private youth services group.

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

ITEM 32: Informal Matter – Department of Transportation (13-0210)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Transportation being asked to serve on a city housing authority board.

Decision: The Commission approved the secondary employment request.

ITEM 33: Informal Matter – Department of Health & Mental Hygiene (13-0215)

Discussion: Ms. Allgair briefed the Commission on a question from the Department of Health & Mental Hygiene (DHMH) regarding whether employees of the Department could receive bonuses through Maryland Excels which is a joint program run by the Department of Education and a private university.

Decision: The Commission determined that DHMH employees were prohibited from receiving bonus money from another State agency for work performed as part of their DHMH duties. The agency could accept the bonus award as a gift to the agency.

ITEM 34: Executive Director's Report – Procurement Lobbying Memorandum

Discussion: Mr. Lord briefed the Commission on proposed changes to the Commission's procurement lobbying memorandum.

Decision: The Commission approved the changes to the procurement lobbying memorandum.

ITEM 35: Executive Director's Report – Legislative Proposals

Discussion: There was a general discussion of three legislative proposals to be submitted to the Governor's office. These proposals include: 1) raising the lobbyist registration fee and eliminating the requirement for an employer to sign the registration form granting "authorization to act"; 2) providing an enforcement mechanism which will allow the Commission to take action against lobbyists who fail to satisfy the requirement to attend training; and 3) authorizing the Commission to issue an order in circumstances where local governments and boards of education fail to enact a local ethics ordinance or regulation that satisfies the requirements of the Public Ethics Law.

Decision: The Commission approved the legislative proposals and directed staff to develop an additional proposal raising the fees the Commission can charge for late-filed financial disclosures and lobbying reports.

The meeting was adjourned at 12:40 p.m.