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MINUTES OF THE STATE ETHICS COMMISSION MEETING

February 27, 2014

Commission Members Present: Paul M. Vettori, *Chair*
Robert G. Blue
Martin G. Madden
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
Jennifer Whitehead, Legal Assistant

The meeting convened at 9:30 a.m. at the Commission's offices in Annapolis. New member, Martin G. Madden, was introduced to the Commission.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with additions and deletions.

ITEM 2: Minutes of the December 12, 2013 Meeting

Discussion: The draft minutes of the December 12, 2013 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 Maryland Health Benefit Exchange, Executive Department, Department of Aging, Department of Agriculture, Department of Human Resources, Department of Business & Economic Development, Subsequent Injury Fund, Department of Education, Injured Workers Insurance Fund, Department of Juvenile Services,

Department of Planning, Department of Information Technology, Department of Housing & Community Development, Treasurer's Office, Maryland School for the Deaf, Department of Transportation, Maryland Transportation Authority, State Highway Administration, University of Maryland College Park, University of Baltimore, University of Maryland-Baltimore, Montgomery College, Frostburg State University, Anne Arundel Community College, Prince George's Community College and the Public Service Commission.

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

ITEM 4: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the following requests for exemptions from the financial disclosure requirement:

- Spay/Neuter Advisory Board
- Clean Energy Program Task Force
- Commission to Coordinate the Study, Commemoration, and Impact of Slavery's History and Legacy in Maryland
- State Advisory Council on Quality Care at the End of Life
- Clean Energy Technical Education Task Force
- Maryland Thermal Renewable Energy Task Force

Decision: The Commission approved exemptions for the Spay/Neuter Advisory Board, Clean Energy Program Task Force, State Advisory Council on Quality Care at the End of Life, Clean Energy Technical Education Task Force, and the Maryland Thermal Renewable Energy Task Force. The Commission denied an exemption for Commission to Coordinate the Study, Commemoration, and Impact of Slavery's History and Legacy in Maryland.

ITEM 5: Board and Commission Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on whether or not the Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee should be considered an executive unit covered by the Ethics Law:

Decision: The Commission determined the Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee should be considered an executive unit covered by the Public Ethics Law.

ITEM 6: Executive Director's Report – Contractual Employees

Discussion: Mr. Lord briefed the Commission on the history of the Commission's longstanding position that the term "employee" as used in the Public Ethics Law does not include contractual employees.

Decision: The Commission will consider whether to maintain this position or to modify it based on current circumstances. Mr. Lord will draft an informational memo for the next meeting for review by the Commission which will explain the existing position, and which can be published on the Commission's website if the Commission determines to continue with the existing position.

ITEM 7: Executive Director's Report – Update on Legislation

Discussion: Mr. Lord briefed the Commission on the status of the Commission's proposed legislation. There was a general discussion of HB 1179 (Public Ethics - Former Members of the General Assembly,

Legislative Branch Officials, and Executive Branch Officials - Lobbying Restrictions) and SB 913 (Ethics Law - Financial Disclosure Statement by Elected Local Official of Municipal Corporation - Confidential Information).

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

ITEM 8: A-36-13

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

Decision: A complaint will be issued in this matter. (C-1-14)

ITEM 9: A-1-14

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

Decision: The Commission will accept the agreement.

ITEM 10: A-3-14

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

Decision: The Commission rejected the complaint.

ITEM 11: A-5-14

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

Decision: The Commission rejected the complaint.

ITEM 12: A-6-14

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

Decision: The Commission rejected the complaint.

ITEM 13: B-4-13

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

Decision: The Commission did not accept the Pre-Complaint Agreement. A letter will be sent in this matter.

ITEM 14: A-7-14

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-1-14)

ITEM 15: A-35-13

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

Decision: The Commission accepted the late filing agreements.

ITEM 16: A-2-14

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

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

ITEM 17: B-6-13

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

Decision: The Commission accepted the late filing agreement.

ITEM 18: Candidates' Filings

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

Decision: The Commission will not issue complaints for candidates who did not timely file a 2013 Financial Disclosure Statement and subsequently had their candidacy withdrawn by the Maryland State Board of Elections.

ITEM 19: C-12-12

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

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

ITEM 20: C-29-12

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

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

ITEM 21: C-38-12

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

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

ITEM 22: C-9-13

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

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

ITEM 23: C-60-13

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

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

ITEM 24: C-61-13

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

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

ITEM 25: C-65-13

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

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

ITEM 26: C-69-13

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

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

ITEM 27: C-70-13

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

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

ITEM 28: C-71-13

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

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

ITEM 29: C-72-13

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

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

ITEM 30: C-73-13

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

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

ITEM 31: C-190-11

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

Decision: This matter will be placed on the inactive docket.

ITEM 32: C-5-12

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

Decision: This matter will be placed on the inactive docket.

ITEM 33: C-12-13

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

Decision: This matter will be placed on the inactive docket.

ITEM 34: C-15-12

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

Decision: A hearing notice will be sent in this matter.

ITEM 35: C-17-13

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

Decision: A hearing notice will be sent in this matter.

ITEM 36: C-58-13

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

Decision: A hearing notice will be sent in this matter.

(Mr. Lord, Mr. Colquhoun, Ms. Schutz and Ms. Whitehead participated in the briefings but did not participate in the decisions regarding Items 8 through 36.)

ITEM 37: Informal Matter – Department of Human Resources (14-0038)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human wanting to teach a course at a college.

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

ITEM 38: Informal Matter – Department of Human Resources (13-0471)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to serve as a member of a county board of education.

Decision: The Commission did not grant an exception to allow the secondary employment based on the employee not meeting the exception criteria. The Commission also had concerns about the possibility of impairment due to the overlap of constituents under the impairment language of the secondary employment provisions.

ITEM 39: Informal Matter – Maryland Energy Administration (14-0051)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Maryland Energy Administration wanting to work on an advisory board for a renewable energy company.

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

ITEM 40: Informal Matter – Department of Planning (13-0469)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Planning wanting to serve on a board of directors for an environmental group.

Decision: The Commission approved the proposed secondary employment.

ITEM 41: Informal Matter – Department of Human Resources (14-0079)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to work in a large retail store that has a business relationship with the agency..

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

ITEM 42: Informal Matter – Department of Health and Mental Hygiene (14-0069)

Discussion: Ms. Allgair briefed the Commission on a prestige of office matter regarding an employee in the Department of Health and Mental Hygiene wanting to volunteer to see patients in a VA medical center.

Decision: The Commission approved this service subject to the nonparticipation restrictions of the Public Ethics Law.

The meeting was reopened at 11:45 a.m.

ITEM 43: Local Government – Carroll County (14-0077)

Discussion: Ms. Allgair briefed the Commission on the proposed and adopted ethics laws, policies and regulations received from Carroll County.

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

ITEM 44: Local Government – Town of Perryville (14-0067)

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

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

ITEM 45: Local Government – City of Takoma Park (14-0066)

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

Decision: The Commission approved the proposed and adopted ethics laws, policies and regulations for the City of Takoma Park.

ITEM 46: Local Government – Town of Denton (14-0076)

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

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

ITEM 47: Local Government – Town of Williamsport (12-0090)

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

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

ITEM 48: Ms. Allgair briefed the Commission on the proposed draft local ethics laws for Howard and Montgomery Counties.

Decision: The Commission did not approve these two draft ethics laws and instructed staff to provide recommendations for required changes to each jurisdiction.

The meeting was adjourned at 11:55 a.m.