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MINUTES OF THE STATE ETHICS COMMISSION MEETING

September 18, 2014

Commission Members Present: Paul M. Vettori
Robert G. Blue
Martin G. Madden
Rachel T. McGuckian
Jacob Yosef Miliman (by phone)

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 Brocki, Office Manager
Megan Schutz, Paralegal
Jennifer Whitehead, Paralegal
Stephen Clark, Compliance Officer

The meeting convened at 9:30 a.m. at the Commission's offices in Annapolis.

The Commission welcomed new staff member, Stephen Clark, as the Financial Disclosure Compliance Officer.

ITEM 1: Annual Election of Chairman (July 1, 2014 to June 30, 2015)

Discussion: Mr. Vettori was unanimously elected chairman for another one-year term.

ITEM 2: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with changes.

ITEM 3: Minutes of the June 26, 2014 and July 2, 2014 Meetings

Discussion: The draft minutes of the June 26, 2014 and July 2, 2014 meetings were reviewed and discussed.

Decision: The draft minutes were approved as adjusted.

ITEM 4: 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 Health & Mental Hygiene, Department of Housing & Community Development, State Highway Administration, Maryland Health Benefit Exchange, Maryland Insurance Administration, Department of Natural Resources, Department of Business & Economic Development, State Retirement Agency, Military Department, Department of Transportation, Maryland Aviation Administration, Maryland Transportation Authority, University of Maryland College Park, University of Maryland Baltimore, Anne Arundel Community College and Bowie State University.

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

ITEM 5: Boards and Commissions – Executive Unit Determinations

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

- Maryland Health Care Commission Health Care Provider-Carrier Workgroup
- Retail Energy Supplier Consumer Protection Workgroup
- Board of Nursing Rehabilitation Committees
- Electrology Practice Committee
- Maryland E-Nnovation Initiative Fund Authority

Decision: The Commission determined that the Maryland Health Care Commission Health Care Provider-Carrier Workgroup and the Retail Energy Supplier Consumer Protection Workgroup were not executive units covered by the Public Ethics Law.

The Commission determined the Board of Nursing Rehabilitation Committees, the Electrology Practice Committee and the Maryland E-Nnovation Initiative Fund Authority should be considered executive units and their members are public officials subject to the Public Ethics Law.

ITEM 6: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Task Force to Study How to Improve Student Achievement in Middle School, Maryland College and Career-Ready Standards and Partnership for Assessment of Readiness for College and Careers Implementation Review Workgroup, Maryland Higher Education Commission Advisory Councils, Procurement Advisory Council, Task Force to Study State Lottery Revenue, Amusement Game Advisory Committee, Charitable Protection and Enforcement Workgroup, Behavioral Health Integration Stakeholder Workgroup, State Early Childhood Advisory Council, State Department of Assessments and Taxation Workgroup to Examine Issues Related to the Property Assessment Process, and the Workgroup to Study Appropriate National Safety Standards for Mixing, Reconstituting, and other Similar Acts under the Supervision of an Oncologist, Rheumatologist or Hematologist requests for exemptions from the financial disclosure requirement.

Decision: The Commission approved exemptions for all those boards and commissions listed above.

ITEM 7: Executive Director's Report – Proposed Legislation

Discussion: Mr. Lord briefed the Commission on a number of issues, including the status of proposed legislation to make clear in the Law that informal advice matters must be treated with confidentiality, as the Commission's regulations currently provide; a proposal for setting Commission meeting dates in calendar year 2015; the status of the Commission's regulatory changes as required by 2014 legislation; and media reports on the staff's advice on a charitable giving matter.

ITEM 8: Local Government – Allegany County (14-0350)

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

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

ITEM 9: Local Government – Calvert County (14-0316)

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

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

ITEM 10: Local Government – Prince George's County (14-0301)

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

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

ITEM 11: Local Government – City of Annapolis (14-0302)

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

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

ITEM 12: Local Government – City of Brunswick (14-0320)

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

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

ITEM 13: Local Government – City of College Park (14-0307)

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

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

ITEM 14: Local Government – Montgomery County (14-0294)

Discussion: Ms. Allgair briefed the Commission on the proposed changes to the Montgomery County ethics laws, policies and regulations received from the Montgomery County Ethics Commission.

Decision: The Commission did not approve the proposed draft ethics law as meeting all of the requirements of Subtitle 8 of the Public Ethics Law and COMAR 19A.04. The Commission directed staff to inform the Montgomery County Ethics Commission of two recommended changes to the proposed draft.

Meeting was closed at 10:35 am to consider confidential advice matters and enforcement matters.

ITEM 15: Informal Matter – Governor’s Office (14-0322)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Governor’s Office who also works as a medical laboratory technologist.

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

ITEM 16: Informal Matter – Department of Human Resources (14-0299)

Discussion: Ms. Thompson briefed the Commission on an employee in the Department of Human Resources wanting to continue working as a home study coordinator for a private adoption company.

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

ITEM 17: Informal Matter – Towson University (14-0275)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at Towson University wanting to continue employment as an officer with a private events company that runs summer youth camps. He also holds an interest in the private events company that uses Towson University fields.

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

ITEM 18: Informal Matter – Department of Health & Mental Hygiene (14-0326)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health & Mental Hygiene wanting to continue working as a consultant physician for a private treatment center.

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

ITEM 19: Informal Matter - Department of Human Resources (14-0290)

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 department store.

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

ITEM 20: Informal Matter – Department of Human Resources (14-0262)

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 grocery store.

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

ITEM 21: Informal Matter – State Highway Administration (14-0353)

Discussion: Mr. Allgair briefed the Commission on the State Highway Administration's Participation Restriction Policy Memo for agency's employees. The memo is to be distributed among the agency's employees and focuses on required participation restrictions in matters involving a qualifying relative or a qualifying relative's employer.

Decision: The Commission approved the agency memo as being consistent with the restrictions of the Public Ethics Law.

ITEM 22: A-27-14

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-3-14)

ITEM 23: A-28-14

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

Decision: The Commission did not accept the complaint. This matter will be placed on the Preliminary Inquiry Docket. (B-4-14)

ITEM 24: A-29-14

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-5-14)

ITEM 25: A-30-14

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-6-14)

ITEM 26: A-31-14

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-7-14)

ITEM 27: C-7-14

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

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

ITEM 28: C-12-14

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

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

ITEM 29: C-14-14

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

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

ITEM 30: C-21-14

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

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

ITEM 31: C-26-14

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

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

ITEM 32: C-27-14

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

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

ITEM 33: C-28-14

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

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

ITEM 34: C-34-14

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

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

ITEM 35: C-35-14

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

Decision: The Commission accepted the filing as a cure.

ITEM 36: C-37-14

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

Decision: The Commission accepted the filing as a cure.

(Mr. Lord, Mr. Colquhoun, Ms. Schutz and Ms. Whitehead participated in the briefings but did not participate in the decisions regarding Items 22 through 36.)

The meeting was adjourned at 11:20 am.