



COMMISSION MEMBERS:
PAUL M. VETTORI, *Chairman*
ROBERT G. BLUE
RACHEL T. MCGUCKIAN
JACOB YOSEF MILIMAN

STATE ETHICS COMMISSION

45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770 / 1-877-669-6085
FAX: 410-260-7747

MICHAEL W. LORD
Executive Director
JENNIFER K. ALLGAIR
General Counsel
WILLIAM J. COLQUHOUN
Staff Counsel
KATHERINE P. THOMPSON
Assistant General Counsel

MINUTES OF THE STATE ETHICS COMMISSION MEETING

February 12, 2105

Commission Members Present: Paul M. Vettori
Robert G. Blue
Rachel T. McGuckian
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 Brocki, Office Manager
Megan Schutz, Paralegal
Jennifer Whitehead, Paralegal

The meeting convened at 9:35 a.m. at the Commission's offices in Annapolis. Those listed as present participated in all portions of the meeting unless otherwise noted. If other individuals participated in aspects of the meeting, they will be identified in the specific line item where their participation occurred.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved with changes.

ITEM 2: Summary of the Opinion of the Open Meetings Act Compliance Board

Discussion: The Chair announced the violation of the Open Meeting Act as determined by the Open Meetings Act Compliance Board and provided an oral summary of the Opinion.

Decision: All Commission members signed the opinion.

The Commission voted unanimously to close the meeting at 9:40 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential matters per §5-303 of the Public Ethics Law.

ITEM 3: Executive Director's Report – Pending/Potential Litigation

Discussion: Mr. Lord briefed the Commission on the status of litigation in circuit court in which the Office of Attorney General is providing representation.

ITEM 4: Executive Director's Report – Secondary Employment Exemption

Discussion: Mr. Lord briefed the Commission on a request he anticipates will be received soon from the Governor's Office for an extraordinary exemption on behalf of a public official.

ITEM 5: Executive Director's Report – Proposed Legislation

Discussion: Mr. Lord briefed the Commission on proposed legislation regarding a number of bills affecting the Public Ethics Law, discussed the expected impact of those bills if enacted, and obtained the Commission's guidance on the approach to take on the bills. The bills include: HB 58 - Health Occupations – Members of Boards and Advisory Committees – Prohibition Against Concurrent Services; HB 81 (SB 445) - Ethics Commission, Judicial Ethics Committee, and Joint Ethics Commission – Duties; HB 140 (SB 54) – Public Service Commission – Restrictions After Service; HB 175 (SB 167) – Anne Arundel County – Police Officers – Secondary Employment; HB 234 – Ethics – Executive Branch – Lobbying by Former Officials and Members of the General Assembly; HB 427 – Voters' Legislative Districting Panel – Establishment; HB 428 – Voters' Congressional Districting Panel – Establishment; HB 518 - Public Ethics – Former Legislators – Lobbying; HB 584 (SB 283)– Ethics Law – Financial Disclosure Statement by Elected Local Officials of a Municipal Corporation – Confidential Information; and SB 343 – Public Ethics – Advisory Bodies – Advisory Opinions and Informal Advice; SB 519 – Public Funding and Small Donor Act for General Assembly Elections.

The meeting was reopened at 10:25 a.m.

ITEM 6: Minutes of the December 11, 2014 Meeting, December 17, 2014 Conference Call and the January 22, 2015 Conference Call

Discussion: The draft minutes of the December 11, 2014, December 17, 2014 and January 22, 2015 meetings were reviewed and discussed.

Decision: The draft minutes were approved as adjusted.

ITEM 7: 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 Executive Department, Department of Health and Mental Hygiene, Department of Budget and Management, Department of Information Technology, Department of Agriculture, Department of Juvenile Services, Maryland Health Benefit Exchange, Department of Housing and Community Development, Department of the Environment, Injured Workers Insurance Fund, Maryland Transportation Authority, Maryland Transit Administration, University of Maryland College Park, University of Maryland Center for Environmental Science, University of Maryland System, Anne Arundel Community College and the Public Service Commission.

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

ITEM 8: Executive Director's Report – Budget Reduction

Discussion: Mr. Lord briefed the Commission on the request to reduce the Commission's Fiscal Year 2015 general fund by two percent.

ITEM 9: Local Government – Carroll County Public School Board of Education (14-0518)

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

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

ITEM 10: Local Government – Calvert County (14-0415)

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 11: Local Government – Town of Mount Airy (14-0420)

Discussion: Ms. Allgair briefed the Commission on the status of the proposed changes to the ethics laws, policies and regulations received from the Town of Mount Airy.

Decision: The Commission directed Commission Staff to provide additional updates on the status of the Town of Mount Airy.

ITEM 12: Local Government – City of Westminster (12-0208) and City of Gaithersburg (14-0419)

Discussion: Ms. Allgair briefed the Commission on the withdrawal of the request for modifications from the City of Westminster and the City of Gaithersburg.

Decision: These items were removed from the agenda.

ITEM 13: Local Government – Town of Hampstead (12-0441)

Discussion: Ms. Allgair briefed the Commission on proposed public notice that the Town of Hampstead has not complied with the requirements of Subtitle 8 of the Public Ethics Law.

Decision: The Commission approved the proposed public notice for the Town of Hampstead.

The Commission voted unanimously to close the meeting at 10:45 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential advice matters per §5-303 of the Public Ethics Law and confidential enforcement matters per §5-407 of the Public Ethics Law.

ITEM 14: Informal Matter – Office of the Attorney General (14-0505)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Office of the Attorney General serving as a member of a board of directors for a nonprofit mentoring program.

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

ITEM 15: Informal Matter – Department of Human Resources (14-0526)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working part-time as a deposit teller.

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

ITEM 16: Informal Matter – Department of Human Resources (14-0529)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a front end child care worker at a church board of child care services.

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

ITEM 17: Informal Matter – Department of Human Resources (14-0528)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as an on-call monitor/transporter at a church board of child care services.

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

ITEM 18: Informal Matter – Department of Human Resources (14-0527)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a home health aide for a private healthcare service.

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

ITEM 19: Informal Matter – Department of Human Resources (15-0004)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a clinical supervisor for a private health system.

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

ITEM 20: Informal Matter – Department of Human Resources (15-0035)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a demonstration-event specialist at a Sam's Club.

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

ITEM 21: Informal Matter – Executive Department (15-0052)

Discussion: Ms. Allgair briefed the Commission on an employee in the Executive Department wanting to continue ownership of and secondary employment with a graphics arts business.

Decision: The Commission determined that the continued secondary employment and financial interest was allowable under the Public Ethics Law.

ITEM 22: Informal Matter – Executive Department (15-0051)

Discussion: Ms. Allgair briefed the Commission on an employee in the Executive Department wanting to continue ownership of a real estate appraisal business and his financial interest in a small private business focused on social media strategies for private businesses.

Decision: The Commission granted the exception to allow the continued secondary employment and financial interest under the Public Ethics Law with certain restrictions to be communicated to the requester.

ITEM 23: Informal Matter – Department of the Environment (15-0009)

Discussion: Ms. Thompson briefed the Commission on the attributable financial interest exception request in which an employee in the Department of the Environment whose husband's business is a vendor of the Department.

Decision: The Commission granted the financial interest exception.

ITEM 24: Informal Matter – Maryland State Police (15-0045)

Discussion: Ms. Thompson briefed the Commission on the application of the gift provisions of the Public Ethics Law regarding employees of the Maryland State Police traveling out of state for a product review conference.

Decision: The Commission found the gift to be prohibited by the gift prohibition provisions.

ITEM 25: Informal Matter – Post-Employment (15-0050)

Discussion: Mr. Lord briefed the Commission on a request regarding application of the post-employment provisions of the Ethics Law to a former official's ability to represent a client of a firm in a matter in which his agency participated during his employment with the State.

Decision: The Commission determined that the representation of the client under the circumstances presented was acceptable.

ITEM 26: Informal Matter – Post-Employment – Lobbying (15-0056)

Discussion: Ms. Allgair briefed the Commission on a post-employment request from a former legislator who may be a contractual employee of a municipality hired to perform government relations services and whether that employment arrangement is exempt from the lobbying registration requirement.

Decision: The Commission determined this contractual employment arrangement meets the lobbying registration exemption requirements of the Public Ethics Law.

ITEM 27: Informal Matter – Proposed Procurement Memorandum Amendment

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

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

ITEM 28: A-2-15

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-1-15)

ITEM 29: A-3-15

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

Decision: A complaint will be issued in this matter. (C-11-15)

ITEM 30: A-6-15

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-2-15)

ITEM 31: B-1-14

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

Decision: This matter will be closed.

ITEM 32: B-8-14

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

Decision: This matter will be closed.

ITEM 33: B-11-14

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

Decision: The Commission will issue a complaint in this matter. (C-12-15)

ITEM 34: A-1-15

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

Decision: The Commission accepted a pre-complaint disposition agreement as a cure.

ITEM 35: A-44-14

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

Decision: The Commission accepted the late filing agreements as cures.

ITEM 36: A-5-15

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

Decision: The Commission authorized the issuance of complaints for failure to complete training. (C-1-15 through C-6-15)

ITEM 37: A-4-15

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

Decision: Complaints will be issued in these matters. (C-7-15 through C-10-15)

ITEM 38: C-25-14

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

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

ITEM 39: C-41-14

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

Decision: The Commission accepted the late 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 28 through 41.)

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