



COMMISSION MEMBERS:
PAUL M. VETTORI, *Chairman*
ROBERT G. BLUE
JANET E. McHUGH
JACOB YOSEF MILIMAN

STATE ETHICS COMMISSION

45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770 / 1-877-669-6085
FAX: 410-260-7746

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

June 18, 2015

Commission Members Present: Paul M. Vettori
Robert G. Blue
Jacob Yosef Miliman

Commission Member Absent: Janet E. McHugh

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
Stanley Carignan, Intern
Philip Tateyama, Legal Assistant
Ian Hubbard, Compliance Officer

The meeting convened at 9:40 a.m. at the Commission's offices in Annapolis. Mr. Lord introduced Stanley Carignan as the summer Intern, Ian Hubbard as the new Compliance Officer and Philip Tateyama as the new Legal Assistant. 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: Minutes of the April 16, 2015 Meeting

Discussion: The draft minutes of the April 16, 2015 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 Executive Department, Department of Health & Mental Hygiene, Department of Business & Economic Development, Department of Labor, Licensing & Regulation, Maryland Health Benefits Exchange, Maryland Insurance Administration, Military Department, Department of Natural Resources, Department of General Services, Maryland Institute for Emergency Medical Services Systems, Department of Transportation, University of Maryland College Park, University of Maryland Baltimore County, Anne Arundel Community College, Baltimore City Community College, College of Southern Maryland, Department of Budget & Management and the Department of Information Technology.

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

ITEM 4: 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:

- State Public Information Compliance Board
- One Maryland Blue Ribbon Commission
- Commission to Review Maryland's Use of Assessments and Testing in Public Schools
- Commission on Climate Change within the Maryland Department of the Environment
- Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers
- Committee on Registered Nurses Personally Preparing and Dispensing Drugs and Devices in
Local Health Departments,
- Direct-Entry Midwifery Advisory Committee
- Behavioral Health Advisory Council
- Advisory Council on the Impact of Regulations on Small Businesses within the Department
of Business and Economic Development
- Justice Reinvestment Coordinating Council
- Maryland Council on Advancement of School-Based Health Centers
- Task Force on the Maryland Achieving a Better Life Experience ("ABLE") Program
- Task Force on the Disposition of the Crownsville Hospital Property
- Task Force to Study Small and Minority Design Firm Participation in State Procurement
- Task Force to Study the Implementation of a Dyslexia Education Program
- Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking
- Task Force to Study Maternal Mental Health
- Task Force to Study the Commemoration of Harriet Elizabeth Brown
- Public Service Commission Workgroup to Study the Value and Costs of a Pilot Program on
Community Solar Energy Generating Systems
- Workgroup to Address Various Issues That Arise When Multiple Entities Share the Same Utility Pole
- Workgroup to Evaluate Actions to Reduce Aquatic Invasive Species in State-owned Lakes
- Workgroup to Study Access to Obstetric Services
- Workgroup to Review State Land Preservation and Easement Acquisition Programs
- Maryland Public-Private Partnership Marketing Corporation
- Joint Committee on Behavioral Health and Opioid Use Disorders
- Maryland Cybersecurity Council
- Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement
Rules to Facilitate Technology Transfer

Task Force on Family Caregiving and Long Term Supports
Adult Guardianship Review Boards

Decision: The Commission determined that the State Public Information Compliance Board, One Maryland Blue Ribbon Commission, Commission to Review Maryland's Use of Assessments and Testing in Public Schools, Commission on Climate Change within the Maryland Department of the Environment, Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers, Committee on Registered Nurses Personally Preparing and Dispensing Drugs and Devices in Local Health Departments, Direct-Entry Midwifery Advisory Committee, Behavioral Health Advisory Council, Advisory Council on the Impact of Regulations on Small Businesses within the Department of Business and Economic Development, Justice Reinvestment Coordinating Council, Maryland Council on Advancement of School-Based Health Centers, Task Force on the Maryland Achieving a Better Life Experience ("ABLE") Program, Task Force on the Disposition of the Crownsville Hospital Property, Task Force to Study Small and Minority Design Firm Participation in State Procurement, Task Force to Study the Implementation of a Dyslexia Education Program, Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking, Task Force to Study Maternal Mental Health, Maryland Public-Private Partnership Marketing Corporation, Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer and the Task Force on Family Caregiving and Long Term Supports should be considered executive units covered by the Public Ethics Law.

The Commission determined the Task Force to Study the Commemoration of Harriet Elizabeth Brown, Public Service Commission Workgroup to Study the Value and Costs of a Pilot Program on Community Solar Energy Generating Systems, Workgroup to Address Various Issues That Arise When Multiple Entities Share the Same Utility Pole, Workgroup to Evaluate Actions to Reduce Aquatic Invasive Species in State-owned Lakes, Workgroup to Study Access to Obstetric Services, Workgroup to Review State Land Preservation and Easement Acquisition Programs, Joint Committee on Behavioral Health and Opioid Use Disorders and Maryland Cybersecurity Council were not executive units covered by the Public Ethics Law.

The Commission determined the Adult Guardianship Review Boards, which are located in each County, were executive units, consistent with its prior determination when the Boards were reviewed under a different name. The Commission granted the members an exemption from the financial disclosure requirements in keeping with its previous determination.

The Commission voted unanimously to close the meeting at 10:10 a.m. pursuant to §3-305(b)(7) of the Open Meetings Act to consult with counsel to obtain legal advice.

ITEM 5: Executive Director's Report – Carroll County Times Article

Discussion: Mr. Lord briefed the Commission on an article published in the Carroll County Times regarding local government and his drafted response.

Decision: The Commission decided to address the issue with the legislative representative from Carroll County and individual representatives from the jurisdictions involved.

ITEM 6: Executive Director's Report – Mutual Fund Reporting

Discussion: At the April meeting the Commission directed staff to investigate the possibility of seeking legislation to exclude certain types of investment instruments with characteristics similar to mutual funds, such as exchange traded funds and unit investment trusts, from the financial disclosure reporting

requirements, in the same manner that mutual funds are currently excluded. The Executive Director reported on the staff's findings.

Decision: The Commission determined no action was required at this time.

ITEM 7: Executive Director's Report – Prince George's County Zoning Memo.

Discussion: Mr. Lord briefed the Commission on the Attorney General's opinion issued in response to the Commission's request regarding interpretation of the Prince George's County Zoning law and suggested some modifications to the Commission's Informational Memo that reflected the Attorney General's opinion.

Decision: The Commission approved the modifications to the Prince George's County Zoning Memo.

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

ITEM 8: Local Government – Status Report

Discussion: Ms. Allgair briefed the Commission on the status of local ethics laws for Carroll County, City of Gaithersburg, Anne Arundel County, and the Town of Mt. Airy.

ITEM 9: Local Government – Wicomico County (15-0240)

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

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

ITEM 10: Local Government – Garrett County Board of Education (15-0241)

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

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

ITEM 11: Local Government – Anne Arundel County (15-0252)

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

Decision: The Commission approved the revision to the list of County employees and officials required to file an annual financial disclosure statement. Anne Arundel County's ethics law was not approved as meeting the requirements of Subtitle 8 of the Public Ethics Law due to an ongoing issue related to the County's current secondary employment provision.

ITEM 12: Local Government – Baltimore County (15-0254)

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

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

ITEM 13: Local Government – City of Westminster (15-0255)

Discussion: Ms. Allgair briefed the Commission on the status of the City of Westminster's ethics laws.

Decision: The Commission directed Commission staff to continue to brief the Commission on any updated information regarding this matter.

The Commission voted unanimously to close the meeting at 11:20 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 – Department of Human Resources (15-0224)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who also works as a facilitator of a private council on family violence.

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

ITEM 15: Informal Matter – Department of Human Resources (15-0253)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who also works as a dispatcher for a private company that provides facility services.

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

ITEM 16: Informal Matter – Department of Human Resources (15-0185)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who also works as a mentor at a private facility working with persons with disabilities.

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

ITEM 17: Informal Matter – Department of Health & Mental Hygiene (15-0167)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Health & Mental Hygiene wanting to continue service as a board member with a council of a private association that provides addiction services.

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

ITEM 18: Informal Matter – Department of Health & Mental Hygiene (15-0179)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Health & Mental Hygiene wanting to continue service as a board member with a council of a private association that provides addiction services.

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

ITEM 19: Informal Matter – Department of Aging (15-0181)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Aging who is also a member of a board of directors of a private organization that helps adults age at home.

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

ITEM 20: Informal Matter – Department of Health & Mental Hygiene (15-0176)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Health & Mental Hygiene who wants to continue as an occupational therapist for a private hospital.

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

ITEM 21: Informal Matter – Maryland Insurance Administration (15-0242)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Maryland Insurance Administration who wants to continue being an independent financial advisor.

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

ITEM 22: Informal Matter – Department of Agriculture (15-0171)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Agriculture who wants to continue working as a small animal relief veterinarian.

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

ITEM 23: Informal Matter – Department of Information Technology (15-0192)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Information Technology who wants to continue employment and financial interest in a private consulting business.

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

ITEM 24: Informal Matter – Maryland Transportation Authority (15-0235)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Maryland Transportation Authority who wants to continue employment for a company providing security services.

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

ITEM 25: Informal Matter – University of Maryland College Park (15-0230)

Discussion: Ms. Thompson briefed the Commission on a secondary employment and financial interest request from an employee at the University of Maryland College Park who has a financial interest and secondary employment with a jazz band that performs at a variety of functions including events at UMCP.

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

ITEM 26: Informal Matter – University of Maryland College Park (15-0231)

Discussion: Ms. Thompson briefed the Commission on a secondary employment and financial interest request from an employee at the University of Maryland College Park who has a financial interest and secondary employment with a jazz band that performs at a variety of functions including events at UMCP.

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

ITEM 27: Informal Matter – State Highway Administration (15-0174)

Discussion: Ms. Allgair briefed the Commission on a participation matter regarding an employee in the State Highway Administration (SHA) who provides monitoring, facilitating and approval of all SHA's procurement statewide. Her spouse is also employed at SHA and is responsible for capital construction and operations/system preservation in two counties.

Decision: The Commission decided this participation is not prohibited.

ITEM 28: Informal Matter – Maryland Environmental Trust (15-0182)

Discussion: Ms. Allgair briefed the Commission on a participation matter regarding a member of the Maryland Environmental Trust who has two existing conservation easements with MET.

Decision: General Counsel will respond with a letter.

ITEM 29: Informal Matter – Maryland School for the Deaf (15-0205)

Discussion: Ms. Allgair briefed the Commission on a participation matter regarding an employee at the Maryland School for the Deaf whose girlfriend is applying for a teaching position at the school.

Decision: The Commission directed staff to provide advice regarding prestige of office restrictions to the employee at issue.

ITEM 30: Informal Matter – Maryland Transportation Authority (15-0236)

Discussion: Mr. Lord briefed the Commission on a post-employment request from an employee in the Maryland Transportation Authority who is exploring employment with a private engineering firm that may bid on contracts with the Transportation Authority or other State transportation agencies. The employee also inquired as to the application of the procurement provision in the Law on the ability of his prospective employer to bid on work related to a certain project in the future.

Decision: The Commission advised the employee that he may accept employment and work on contracts with the State provided he did not participate in those contracts in his State position but is precluded from working on contracts in which he participated. With respect to the application of the procurement provisions to his prospective employer, the Commission determined as to the specific project in question, the new employer would not be precluded from bidding on it.

ITEM 31: Informal Matter – Office of the Governor (15-0188)

Discussion: Mr. Lord briefed the Commission on a request from an employee in the Office of the Governor who seeks advice concerning certain aspects of a proposed Maryland Business Summit, including soliciting sponsorships.

Decision: The Commission referred the employee to the Agency Fundraising Memo for guidance concerning the solicitation of gifts (sponsorships) and provided guidance under the Law's procurement provision concerning other planned activities at the Summit.

ITEM 32: Informal Matter – Department of Education (15-0175)

Discussion: Ms. Allgair briefed the Commission on a request for advice from the Department of Education on whether a single employee can jointly hold and receive compensation for three job titles within the Department.

Decision: The Commission determined this activity is allowable.

ITEM 33: Informal Matter – University of Maryland (15-0243).

Discussion: Mr. Lord briefed the Commission on this matter regarding an employee in the University of Maryland being asked to serve on the Maryland Economic Development Commission who also serves as a board member for various companies that do business in the State.

Decision: The Commission determined that the time of appointment exemption, while not normally available to a State employee, was applicable in this case where the conflict did not involve the employee's State position but rather involved the employee's outside affiliations.

Mr. Tateyama left for the remainder of the meeting.

ITEM 34: A-42-14

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

Decision: The Commission did not accept the complaint.

ITEM 35: A-43-14

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

Decision: The Commission did not accept the complaint.

ITEM 36: A-12-15

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

Decision: These matters will remain on the preliminary consideration docket.

ITEM 37: A-13-15

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

Decision: The Commission did not accept the complaint.

ITEM 38: B-6-14

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

Decision: A complaint will be issued in this matter. (C-28-15)

ITEM 39: C-12-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 40: A-14-15

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

Decision: The Commission accepted the late filing agreement in this matter.

ITEM 41: A-15-15

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

Decision: The Commission accepted the late filing agreements in this matter.

ITEM 42: A-17-15

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

Decision: A complaint will be issued in this matter. (C-29-15)

ITEM 43: C-21-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 44: A-11-15

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

Decision: Complaints will be issued in this matter. (C-22-15 through C-27-15) Letters will be sent to those not receiving complaints.

ITEM 45: A-16-15

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

Decision: Complaints will be issued in this matter. (C-30-15 through C-36-15; C-38-15 through C-55-15)

ITEM 46: C-8-14

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

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

ITEM 47: C-16-14

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

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

ITEM 48: C-30-14

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

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

ITEM 49: C-40-14

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

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

ITEM 50: C-60-14

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

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

ITEM 51: C-13-15

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

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

ITEM 52: C-14-15

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

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

ITEM 53: C-16-15

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

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

ITEM 54: C-20-15

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, Ms. Whitehead and Mr. Carignan participated in the briefings but did not participate in the decisions regarding Items 34 through 54.)

ITEM 55: Annual Election of Chairman (July 1, 2015 to June 30, 2016)

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

The meeting was adjourned at 1:40 p.m.