



COMMISSION MEMBERS:
PAUL M. VETTORI, *Chairman*
KIM L. COBLE
JANET E. McHUGH
JACOB YOSEF MILIMAN
THOMAS B. SMYTH, M.D.

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

October 22, 2015

Commission Members Present: Paul M. Vettori
Kim Coble
Janet E. McHugh
Jacob Yosef Miliman
Thomas B. Smyth, M.D.

Staff Members Present: Michael W. Lord, Executive Director
Jennifer K. Allgair, General Counsel
William Colquhoun, Staff Counsel
Katherine P. Thompson, Assistant General Counsel
Darlene Brocki, Office Manager
Ian Hubbard, Paralegal
Jennifer Whitehead, Paralegal
Philip Tateyama, Legal Assistant

The meeting convened at 9:45 a.m. at the Commission's offices in Annapolis. Dr. Thomas B. Smyth was introduced as the new Commission member. 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 September 10, 2015 Meeting

Discussion: The draft minutes of the September 10, 2015 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 Benefits Exchange, Anne Arundel County Register of Wills, Treasurer's Office, Maryland Transportation Authority and the University of Maryland-Baltimore.

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

ITEM 4: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking request for exemptions from the financial disclosure requirement.

Decision: The Commission approved an exemption for the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking.

ITEM 5: Executive Director's Report – Meeting Schedule

Discussion: Mr. Lord briefed the Commission on meeting dates that had been previously discussed for calendar year 2016. The Commission approved the following meeting dates: February 11, April 14, June 16, September 8, October 27 and December 15, 2016.

ITEM 6: Executive Director's Report – Changes to the Public Ethics Law

Discussion: Mr. Lord briefed the Commission on changes to the Public Ethics Law that took place effective October 1, 2015 as a result of legislation enacted in the 2015 Legislative Session.

ITEM 7: Executive Director's Report – Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer

Discussion: Mr. Lord briefed the work of the Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer, upon which he sits as a member representing the Commission.

ITEM 8: Local Government – Calvert County (15-0447)

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

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

ITEM 9: Local Government – Howard County (15-0448)

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

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

ITEM 10: Local Government – Town of Easton (15-0454)

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

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

The Commission voted unanimously to close the meeting at 10:25 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential advice matters per §5-303 and confidential enforcement matters per §5-407 of the Public Ethics Law.

ITEM 11: Informal Matter – Department of Health & Mental Hygiene (15-0413)

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 his employment as a crisis intervention counselor with a regional medical center.

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

ITEM 12: Informal Matter – Department of Health & Mental Hygiene (15-0405). Dr. Smyth did not participate in this matter and was absent from the room during discussions.

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Health & Mental Hygiene who wants to continue her work as a member of a medical advisory board.

Decision: The Commission did not grant the exception.

ITEM 13: Informal Matter – Department of Human Resources (15-0378)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue work as a treatment counselor with a non-profit organization.

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

ITEM 14: Informal Matter – Department of Human Resources (15-0379)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue work as a security officer.

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

ITEM 15: Informal Matter – Department of Transportation (15-0446). Dr. Smyth did not participate in this matter and was absent from the room during discussions.

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Transportation who wants to continue service as a board member of a museum.

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

ITEM 16: Informal Matter – University of Baltimore (15-0407)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee at the University of Maryland who wants to continue service as a member of the council for a national organization.

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

ITEM 17: Informal Matter – Department of Human Resources (15-0371)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue employment as a checkout supervisor for a food market.

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

ITEM 18: Informal Matter – Department of Human Resources (15-0379)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue employment as a cashier for a pharmacy.

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

ITEM 19: Informal Matter – Department of Human Resources (15-0412)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue working as a salesperson for department store.

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

ITEM 20: Informal Matter – Board of Dental Examiners (15-0456)

Discussion: Ms. Allgair briefed the Commission on this request from the Board of Dental Examiners regarding any service or participation restrictions for a newly-appointed Board member who is also employed by the State.

Decision: The Commission directed staff to advise the Dental Board and its members that the new employee is not prohibited from serving and to highlight all of the instances in which the new appointee has agreed to not participate.

ITEM 21: Informal Matter – Maryland General Assembly (15-0455). Ms. Coble and Dr. Smyth did not participate in this matter and were absent from the room during discussions.

Discussion: Ms. Allgair briefed the Commission on the post-employment request from a former employee in the Maryland General Assembly who wants to work for the University of Maryland Medical System.

Decision: The Commission directed staff to provide post-employment advice to the former employee and advise that the employee is only prohibited from working on specific matters for the new employer that the former employee significantly participated in during State employment.

ITEM 22: Informal Matter – Department of Health & Mental Hygiene (15-0421) Ms. Coble did not participate in this matter and was absent from the room during discussions.

Discussion: Mr. Lord briefed the Commission on the post-employment request from a former employee in the Department of Health & Mental Hygiene who is considering employment with outside entities in two specific matters: 1) serving as a consultant with respect to departmental legislation under consideration for introduction in the 2016 legislative session; 2) serving as a consultant with respect to issues related to the existing law and regulations relating to medical marijuana.

Decision: The Commission determined that the post-employment restrictions did not preclude employment with respect to either of the two matters.

ITEM 23: Informal Matter – Maryland Energy Administration (15-0465)

Discussion: Ms. Thompson briefed the Commission on a post-employment request from an employee in the Maryland Energy Administration who wants to work for an energy company.

Decision: The Commission determined the post-employment restrictions prohibit the employee from working on two specific matters at her new employer that involve her former agency.

ITEM 24: Informal Matter – State Highway Administration (15-0461)

Discussion: Ms. Allgair briefed the Commission on a post-employment request from a former employee in the State Highway Administration (SHA) who seeks guidance on whether she is prohibited from working on a new design-build contract for a corridor project that was approved through SHA after she already left.

Decision: The Commission determined the post-employment restrictions do not prohibit her from working on the contract.

ITEM 25: Informal Matter – USM Board of Regents (15-0457)

Discussion: Mr. Lord briefed the Commission on notifications received by the Commission concerning conflict of interest exemptions granted by the University System of Maryland Board of Regents to two University of Maryland University College vice presidents. The Commission is authorized to advise the Board of Regents of any disagreement with the exemptions and the reasons therefore within 30 days of receiving such notice.

Decision: The Commission determined it did not disagree with the determinations of the Board of Regents.

ITEM 26: A-21-15

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

Decision: This matter will be closed.

ITEM 27: A-22-15

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

Decision: A complaint will be issued in this matter.

ITEM 28: A-23-15

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

Decision: The complaint was not accepted pursuant to COMAR 19A.01.03.04.

ITEM 29: B-10-14

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

Decision: This matter will be closed.

ITEM 30: C-71-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 31: C-72-15

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

Decision: This Complaint will be dismissed.

ITEM 32: C-73-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 33: A-24-15

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

Decision: Complaints will be issued in these matters. (C-74-15 and C-75-15)

ITEM 34: C-24-15

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

Decision: This Complaint will be dismissed.

ITEM 35: C-27-15

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

Decision: A hearing will be scheduled in this matter.

ITEM 36: C-28-15

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

Decision: The Commission will accept the filings in this matter as a cure to the complaint.

ITEM 37: C-4-14

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

Decision: The Commission accepted a cure in this matter.

ITEM 38: C-40-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 39: C-59-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 40: C-61-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 41: C-63-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 42: C-66-15

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

Decision: The Commission accepted a cure in this matter.

ITEM 43: C-67-15

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

Decision: The Commission accepted a cure in this matter.

(Mr. Lord, Mr. Colquhoun, Ms. Whitehead, Mr. Hubbard and Mr. Tateyama participated in the briefings but did not participate in the decisions regarding Items 26 through 43.)

ITEM 44: Local Government Compliance

Discussion: Mr. Lord provided the Commission with a brief summary, particularly for the benefit of new Commissioners, concerning the requirements of the Public Ethics Law with respect to local governments and the Commission's role in the process.

Decision: The Commissioners discussed strategies for dealing with non-compliant jurisdictions.

The meeting was adjourned at 12:35 p.m.