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MINUTES OF THE STATE ETHICS COMMISSION MEETING

February 11, 2016

Commission Members Present: Paul M. Vettori
Kim L. 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 9:35 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: Minutes of the December 17, 2015 Meeting

Discussion: The draft minutes of the December 17, 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 Department of Agriculture, Department of Commerce, Treasurer's Office, Department of Natural Resources, Department of Transportation, University of Maryland-Baltimore, College of Southern Maryland, Community College of Baltimore County and Morgan State University. There was a general discussion regarding the requirement for university coaches to file financial disclosure.

Decision: The Commission approved Mr. Lord's recommendations. University coaches do not meet the requirements to file financial disclosure.

ITEM 4: Executive Director's Report – Letter for Guidance

Discussion: Mr. Lord briefed the Commission on a letter sent by a legislator to the Attorney General seeking guidance on the drafting of local ethics laws.

The Commission voted unanimously to close the meeting at 9:49 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential enforcement matters per §5-407 of the Public Ethics Law and confidential advice matters per §5-303 of the Public Ethics Law.

ITEM 5: A-4-16

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

Decision: The complaint was not accepted. This matter is not within the Commission's jurisdiction.

ITEM 6: A-6-16

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-1-16)

ITEM 7: A-1-16

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

Decision: The Commission accepted the late filing agreement.

ITEM 8: A-3-16

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

Decision: This matter was dismissed.

ITEM 9: A-2-16

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

Decision: Complaints will be issued in these matters. (C-1-16; C-4-16)

ITEM 10: A-5-16

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

Decision: This matter was dismissed.

ITEM 11: C-18-14

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

Decision: The Complaint will be amended in this matter.

ITEM 12: C-27-15

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

Decision: The Commission accepted the late filing agreement.

ITEM 13: C-51-13

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

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

ITEM 14: C-3-14

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

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

ITEM 15: C-9-14

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

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

ITEM 16: C-46-14

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

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

ITEM 17: C-57-14

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

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

ITEM 18: C-64-15

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

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

ITEM 19: C-78-15

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

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

ITEM 20: Staff Counsel – Consistent Late Filing Issues

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

Decision: The Commission approved the research project.

ITEM 21: A-27-15

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

Decision: This matter will be closed.

(Mr. Lord, Ms. Whitehead and Mr. Hubbard participated in the briefings but did not participate in the decisions regarding Items 5 through 21. Mr. Colquhoun participated in the briefings but did not participate in the decisions regarding Items 5 through 20 and did not participate in either the briefing or the decision regarding Item 21.)

ITEM 22: Informal Matter – Department of the Environment (16-0002)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of the Environment who wants to continue working as a hazmat technician assistant for a private organization.

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

ITEM 23: Informal Matter – Governor’s Appointments Office (16-0025)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Governor’s Appointments Office who wants to continue serving on a community college board of trustees.

Decision: The Commission advised that the continued dual State service was approved, subject to participation restrictions in matters involving community colleges and members of the community college board on which the individual serves.

ITEM 24: Informal Matter – Elected Official (16-0049)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an elected official who also serves as the president of the board of directors of a private foundation.

Decision: The Commission approved the secondary employment.

Meeting was reopened at 10:36 a.m.

ITEM 25: Local Government – Town of Mount Airy (14-0420)

Discussion: Ms. Allgair briefed the Commission on a request from the Town of Mount Airy to amend the Public Notice issued for the jurisdiction in October 2015.

Decision: The Commission denied the request to amend the previously issued Public Notice.

ITEM 26: Local Government – Town of Chesapeake Beach (13-0323)

Discussion: Ms. Allgair briefed the Commission on the status of local ethics laws for the Town of Chesapeake Beach and a letter received from the Town Attorney.

Decision: The Commission advised staff to write to the Town Attorney and request an additional update on the status of the Town's efforts toward good faith efforts with compliance with Subtitle 8 of the Public Ethics Law for the April 2016 Commission meeting.

ITEM 27: Local Government –Town of Ocean City (16-0054)

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

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

ITEM 28: Local Government – Frederick County (16-0029)

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

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

ITEM 29: Local Government – Baltimore County Public Schools (16-0020)

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

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

ITEM 30: Local Government – Town of Chevy Chase (16-0053)

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

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

The Commission voted unanimously to close the meeting at 10:45 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.

ITEM 31: Informal Matter – Department of Human Resources (15-0560)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue working as a family consultant with a private charity.

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

ITEM 32: Informal Matter – Department of Human Resources (16-0010)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue employment as a facilitator in a sexual assault and spouse abuse resource center.

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

ITEM 33: Informal Matter – Department of Human Resources (16-0032)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue employment as a therapist with an outpatient mental health clinic.

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

ITEM 34: Informal Matter – Department of Human Resources (16-0011)

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

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

ITEM 35: Informal Matter – Department of Human Resources (16-0026)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue employment as a social worker for a private health system.

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

ITEM 36: Informal Matter – Department of Human Resources (16-0048)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request from an employee in the Department of Human Resources who wants to continue employment as a residential counselor at a private health system.

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

ITEM 37: Informal Matter – Sheriff's Office (15-0569)

Discussion: Ms. Thompson briefed the Commission on a financial interest exception request regarding an employee in the Sheriff's Office who has an attributable financial interest in her spouse's business that is a vendor to the Sheriff's Office.

Decision: The Commission determined the employee did not meet the requirements for a participation exception and directed Counsel to draft a non-participation agreement for the employee. The Commission determined that contingent on the execution of the nonparticipation agreement, they would approve the employee's attributable financial interest in her spouse's business.

ITEM 38: Informal Matter – Governor's Office (15-0054)

Discussion: Ms. Allgair briefed the Commission on the status of this matter.

ITEM 39: Informal Matter – Elected Official (16-0035) Dr. Smyth did not participate in this matter.

Discussion: Ms. Allgair briefed the Commission on whether § 5-505 prohibits an elected official from accepting a gift of a signed guitar from a recording artist and received at a benefit concert that the elected official participated in.

Decision: The Commission determined this is a ceremonial gift and is allowable under the gift exceptions.

ITEM 40: Executive Director's Report – Proposed Legislation

Discussion: Mr. Lord briefed the Commission on proposed legislation regarding 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: SB 395 – Ethics – Local Government – Conflict of Interest and Financial Disclosure; HB 726 – Ethics - Reports of Regulated Lobbyist – Open Data Format and SB 194 – Ethics Commission, Commission on Judicial Disabilities, Judicial Ethics Committee and Joint Ethics Committee – Duties.

The meeting was adjourned at 12:00 p.m.