



COMMISSION MEMBERS:
JANET E. McHUGH, *Chair*
KIM L. COBLE
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

August 25, 2016

Commission Members Present: Janet E. McHugh
Kim L. Coble
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 J. Brocki, Office Manager
Jennifer Whitehead, Paralegal
Philip Tateyama, Legal Assistant
Tim McCormick, Lobbying Coordinator

The meeting convened at 9:30 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 June 16, 2016 Meeting

Discussion: The draft minutes of the June 16, 2016 meeting were reviewed and discussed.

Decision: The draft minutes were approved with one change.

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 Agriculture, Department of Human Resources, Department of Budget & Management, Department of Education, Department of Commerce, Technology Development Corporation, Maryland Insurance Administration, Department of Transportation, Maryland Aviation Administration, University of Maryland-Baltimore, University of Maryland College Park, Montgomery College, Department of Housing & Community Development, Department of Natural Resources and Anne Arundel Community College.

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

ITEM 4: Boards and Commissions – Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on whether or not the following boards and commission should be considered executive units covered by the Public Ethics Law:

Standing Advisory Committee on Opioid-Associated Disease Prevention and Outreach Program
in the Department of Health & Mental Hygiene
State Board of Massage Therapy Examiners in the Department of Health & Mental Hygiene
Steering Committee for Ethan Saylor Alliance for Self-Advocates as Educators
Peer Advisory Committees of the State Board of Nursing

Decision: The Commission determined that the Standing Advisory Committee on Opioid-Associated Disease Prevention and Outreach Program in the Department of Health & Mental Hygiene, State Board of Massage Therapy Examiners in the Department of Health & Mental Hygiene and the Steering Committee for Ethan Saylor Alliance for Self-Advocates as Educators are executive units covered by the Public Ethics Law. The Peer Advisory Committees of the State Board of Nursing were not considered an executive unit. The Commission directed the Executive Director to contact the State Board of Nursing (“SBN”) and request the SBN notify the Commission as these Peer Advisory Committees are created to permit further review.

ITEM 5: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Task Force to Study Recording Deeds for Victims of Domestic Violence, Local Government Justice Reinvestment Commission and the Stakeholder Advisory Board for the Justice Reinvestment Oversight Board requests for exemption from the financial disclosure requirement.

Decision: The Commission approved the exemptions for those boards listed above.

ITEM 6: Local Government – City of Laurel (16-0341)

Discussion: Ms. Allgair briefed the Commission on proposed amendments to the previously approved local ethics law for the City of Laurel.

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government – Town of Chesapeake Beach (16-0211)

Discussion: Ms. Allgair briefed the Commission on the local ethics law recently adopted by the Town of Chesapeake Beach.

Decision: The Commission did not approve the recently enacted law. Counsel will draft a letter outlining the discrepancies and the former public notice will be removed from the Commission's website due to the Town's ongoing efforts. The Commission will continue to monitor the Town's efforts toward making the recommended changes to its enacted local ethics law.

The Commission voted unanimously to close the meeting at 10:15 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential enforcement matters per §5-407 and to consider confidential advice matters per §5-303 of the Public Ethics Law.

ITEM 8: A-21-16

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-3-16)

ITEM 9: A-22-16

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

Decision: A complaint will not be issued in this matter.

ITEM 10: A-23-16

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-4-16)

ITEM 11: A-24-16

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

Decision: This matter will be closed.

ITEM 12: A-17-16

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

Decision: The Commission expressed its gratitude for all the work completed in these matters. Staff Counsel will follow up with letters in these matters.

ITEM 13: A-15-16

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

Decision: The Commission accepted the late filing agreement.

ITEM 14: A-20-16

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

Decision: The Commission accepted the late filing agreement.

ITEM 15: C-74-16

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

Decision: The Commission accepted the Stipulation of Settlement Agreement in this matter.

ITEM 16: A-25-16

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

Decision: Complaints will be issued in these matters. (C-75-16 to C-82-16; C-84-16; C-86-16)

ITEM 17: C-8-16 to C-27-16, C-29-16 to C-30-16, C-32-16 to C-58-16, C-60-16 to C-69-16

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

Decision: The Commission accepted the acknowledgements and these matters will be closed.

ITEM 18: C-28-16

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

Decision: The Commission did not accept the proposed acknowledgement. If a revised acknowledgement is not signed, a complaint will be issued.

ITEM 19: C-31-16

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

Decision: The Commission accepted the Stipulation of Settlement Agreement in this matter.

ITEM 20: C-59-16

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

Decision: The Commission accepted the Stipulation of Settlement Agreement in this matter.

ITEM 21: C-70-16 to C-72-16

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

Decision: The Commission accepted cures in these matters.

(Mr. Lord, Mr. Colquhoun, Mr. McCormick, and Ms. Whitehead participated in the briefings but did not participate in the decisions regarding Items 8 through 21.)

ITEM 22: Informal Matter – Department of Human Resources (16-0275)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a cashier at a retail warehouse club.

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

ITEM 23: Informal Matter – Department of Human Resources (16-0276)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a cashier at a supermarket chain.

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

ITEM 24: Informal Matter – Department of Health & Mental Hygiene (16-0313)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Health & Mental Hygiene wanting to continue working as a cashier at a grocery store.

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

ITEM 25: Informal Matter – Department of Human Resources (16-0336)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as an event staff member for a catering business.

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

ITEM 26: Informal Matter – Maryland Department of Environment (16-0351)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Environment wanting to continue working as a receptionist at a veterinary hospital.

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

ITEM 27: Informal Matter - Department of Health & Mental Hygiene (16-0204)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Health & Mental Hygiene wanting to continue working as a psychiatrist at a county hospital.

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

ITEM 28: Informal Matter – Department of Human Resources (16-0227)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a residential advocate with a family services center.

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

ITEM 29: Informal Matter – Department of Human Resources (16-0309)

Discussion: Mr. Tateyama briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working as a teen parent coordinator with a local family center.

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

ITEM 30: Informal Matter – Department of Human Resources (16-0293)

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 counselor with a crisis center.

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

ITEM 31: Informal Matter – Maryland Transit Administration (16-0323)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Maryland Transit Administration wanting to continue working as a dispatch supervisor with a private passenger transportation contractor.

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

ITEM 32: Informal Matter – Maryland General Assembly (16-0345)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding a staff member for a member of the Maryland General Assembly wanting to teach a course at a private college.

Decision: The Commission approved the proposed secondary employment.

ITEM 33: Informal Matter – Department of Human Resources (16-0339)

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 outpatient mental health clinic therapist with a private psychological service.

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

ITEM 34: Informal Matter – Governor’s Office (16-0356)

Discussion: Ms. Allgair briefed the Commission on a potential request for secondary employment.

Decision: The matter requires additional information and the Commission directed staff to gather more information and present the matter at a later time.

ITEM 35: Informal Matter - Department of Human Resources (16-0267)

Discussion: Ms. Thompson briefed the Commission on this matter regarding an employee in the Department of Human Resources who has a financial interest and secondary employment as a project manager and crisis line worker at her spouse’s private business.

Decision: The Commission granted an exception to allow the financial interest and secondary employment conditioned on the agreement of the Agency that the secondary employment was not a conflict of interest or an appearance of a conflict of interest.

ITEM 36: Informal Matter - Department of Human Resources (16-0310)

Discussion: Ms. Thompson briefed the Commission on this matter regarding an employee in the Department of Human Resources who has a financial interest and secondary employment as a private practice therapist at her spouse's counseling business.

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

ITEM 37: Informal Matter - Department of Health & Mental Hygiene (16-0285)

Discussion: Mr. Tateyama briefed the Commission on this matter regarding an employee in the Department of Health & Mental Hygiene who has a financial interest and secondary employment as owner of a small condiments business.

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

ITEM 38: Informal Matter – State Highway Administration (16-0283)

Discussion: Ms. Allgair briefed the Commission on a request for a continuation of a participation exception. The duties remain the same but the job title has changed.

Decision: The Commission approved the continuation of the participation exception.

ITEM 39: USM Exemption Review (16-0312)

Discussion: Mr. Lord briefed the Commission on an exemption granted to a UMUC official by the University System of Maryland under the Public-Private Partnership Act.

Decision: The Commission agreed with the exemption granted.

ITEM 40: Morgan State University Policy/Procedure Review (16-0340)

Discussion: Mr. Lord briefed the Commission on Morgan State University's draft policy/procedures under the Public-Private Partnership Act.

Decision: The Commission approved the policy and procedures, subject to Morgan State's submission to the Executive Director of an exemption form that comports with the Law.

ITEM 41: Prince George's County Zoning Law

Discussion: Mr. Lord briefed the Commission on revisions to the Prince George's County Zoning Law memorandum.

Decision: The Commission approved the revision to the PG County Zoning Law memo.

ITEM 42: Governor's Office (16-0250)

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

Decision: A memorandum providing guidance on support for charitable activities will be developed and reviewed at a later meeting.

ITEM 43: Executive Director's Report – Regulations / Legislation

Discussion: Mr. Lord briefed the Commission on the updated regulations and proposed legislation submitted regarding mandatory electronic filing of financial disclosure statements by certain members of and applicants for bi-county commissions.

The meeting was adjourned at 1:35 p.m.