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MINUTES OF THE STATE ETHICS COMMISSION MEETING

June 15, 2017

Commission Members Present: Janet E. McHugh, Chair
James R. Benjamin, Jr.
Kim L. Coble
Jacob Yosef Miliman
Craig D. Roswell

Staff Members Present: Michael W. Lord, Executive Director
Jennifer K. Allgair, General Counsel
William J. Colquhoun, Staff Counsel
Darlene J. Brocki, Office Manager
Jennifer D. Whitehead, Paralegal
Maura M. Pizzi, Paralegal
Amanda L. Iavarone, Legal Assistant
Melinda Anderson, Intern
Nathan Baccus, Intern

The meeting convened at 9:40 a.m. at the Commission's offices in Annapolis. Melinda Anderson and Nathan Baccus were introduced as interns for the summer. 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 6, 2017 Meeting

Discussion: The draft minutes of the April 6, 2017 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 3: Annual Election of Chair (July 1, 2017 to June 30, 2018)

Discussion: Ms. McHugh was unanimously elected chair for a one-year term.

ITEM 4: 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 Human Resources, Executive Department, Department of Health & Mental Hygiene, Department of Labor, Licensing & Regulation, Maryland 529, Comptroller's Office, Department of General Services, Department of Natural Resources, Lottery & Gaming Control Agency, Public Service Commission, Department of Planning, Department of Education, Department of Juvenile Services, Department of Commerce, Department of Transportation, Maryland Transit Administration, Motor Vehicle Administration, University of Maryland-College Park, University of Maryland-Baltimore, University of Baltimore, Chesapeake College, Morgan State University and Montgomery College.

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

ITEM 5: Boards and Commissions – Executive Unit Determinations

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

- Maryland Health Insurance Coverage Protection Commission
- Maryland Financial Consumer Protection Commission
- State Advisory Council on Health and Wellness
- Workgroup on the Maryland Open Transportation Investment Decision Act
- Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year Olds
- Seafood Program Management Team
- Task Force on Long-Term Care Education and Planning
- Citizens Advisory Board on Legislative Ethics
- Maryland State Library Board
- Task Force to Study Bicycle Safety on Maryland Highways
- Task Force to Study Erroneous Conviction and Imprisonment
- Task Force on Rural Internet, Broadband, Wireless and Cellular Service
- Task Force regarding Behavioral Interventions in Schools
- Task Force to Study Tax Sales
- Workgroup on Health in all Policies
- Commission on the School-to-Prison Pipeline and Restorative Practices
- Prince George's County Pretrial Release, Work Release, and Diversion Programs Task Force
- Workgroup on Transportation for Middle and High School Students in Prince George's County

Decision: The Commission determined that the following were executive agencies, therefore covered by the Ethics Law:

- State Advisory Council on Health and Wellness
- Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year Olds
- Seafood Program Management Team
- Task Force on Long-Term Care Education and Planning
- Maryland State Library Board
- Task Force to Study Bicycle Safety on Maryland Highways
- Task Force to Study Erroneous Conviction and Imprisonment

Task Force on Rural Internet, Broadband, Wireless and Cellular Service
Task Force regarding Behavioral Interventions in Schools
Workgroup on Health in all Policies
Commission on the School-to-Prison Pipeline and Restorative Practices

The Maryland Health Insurance Coverage Protection Commission, Maryland Financial Consumer Protection Commission, Workgroup on the Maryland Open Transportation Investment Decision Act, Citizens Advisory Board on Legislative Ethics, Task Force to Study Tax Sales, Prince George's County Pretrial Release, Work Release, and Diversion Programs Task Force, and the Workgroup on Transportation for Middle and High School Students in Prince George's County were not considered executive units.

ITEM 6: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Justice Reinvestment Oversight Board's request for exemption from the financial disclosure requirement.

Decision: The Commission did not approve the exemption.

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

ITEM 7: A-14-17

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-2-17)

ITEM 8: A-15-17

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-3-17)

ITEM 9: A-19-17

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

Decision: This matter will remain on the preliminary consideration docket.

ITEM 10: A-1-17

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

Decision: The Commission accepted the late filing agreement.

ITEM 11: A-9-17

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

Decision: The Commission accepted the late filing agreement.

ITEM 12: A-10-17

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

Decision: The Commission accepted the late filing agreement.

ITEM 13: A-11-17

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

Decision: The Commission accepted the late filing agreement.

ITEM 14: A-12-17 (Ms. Coble did not participate in this matter.)

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

Decision: The Commission accepted the late filing agreement.

ITEM 15: A-13-17 (Ms. Coble did not participate in this matter.)

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

Decision: The Commission accepted the late filing agreement.

ITEM 16: A-16-17

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

Decision: The Commission accepted the late filing agreement.

ITEM 17: A-18-17

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

Decision: The Commission accepted the late filing agreement.

ITEM 18: A-20-17

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

Decision: The Commission accepted the late filing agreement in one matter and a complaint will be issued in the other. (C-11-17)

ITEM 19: A-22-17

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

Decision: This matter is closed.

ITEM 20: A-21-17

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

Decision: Complaints will be issued in these matters. (C-4-17 to C-8-17)

ITEM 21: C-35-15

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

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

ITEM 22: C-81-16

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

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

ITEM 23: C-91-16

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

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

ITEM 24: C-97-16

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

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

(Mr. Lord, Mr. Colquhoun, Ms. Pizzi, Ms. Whitehead, Ms. Anderson and Mr. Baccus participated in the briefings but did not participate in the decisions regarding Items 7 through 24.)

ITEM 25: Litigation issues.

Discussion: Mr. Lord briefed the Commission on discussions with the Office of Attorney General concerning possible litigation.

Decision: The Commission directed staff to identify options at the August meeting.

The meeting was reopened at 11:25 a.m.

ITEM 26: Local Government - Baltimore City Public Schools

Discussion: Ms. Allgair briefed the Commission on proposed amendments to the previously approved local ethics law for the Baltimore City Public Schools.

Decision: The Commission approved the proposed amendments.

ITEM 27: Adoption of Proposed Regulations

Discussion: Mr. Lord briefed the Commission on the proposed regulation changes that were published in the Maryland Register dated April 28, 2017.

Decision: The Commission adopted the regulations as proposed.

ITEM 28: Discussion of Proposed Regulation Changes

Discussion: Mr. Lord briefed the Commission on the proposed regulation changes as a result of enactment of HB 879 (Public Integrity Act of 2017) and HB 143 (Elections – Miscellaneous Duties and Procedures).

Decision: The Commission approved the proposed regulation changes.

The Commission voted unanimously to close the meeting at 12:30 p.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 29: Informal Matter – Department of Human Resources (17-0168)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue employment as a customer service associate at a food store.

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

ITEM 30: Informal Matter – Department of Human Resources (17-0179)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue to work as an IT agent with a department store.

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

ITEM 31: Informal Matter - Department of Human Resources (17-0196)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Resources wanting to continue working in the local post office.

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

ITEM 32: Informal Matter – Department of Health & Mental Hygiene (17-0203)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health & Mental Hygiene wanting to continue as a medical consultant with a non-profit health care facility.

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

ITEM 33: Informal Matters – Department of Human Resources (17-0156)

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 life skills tutor with a family crisis center.

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

ITEM 34: Informal Matter – Maryland Health Care Commission (17-0204)

Discussion: Mr. Lord briefed the Commission on staff advice provided to a member of the Maryland Health Care Commission who wanted to serve as a temporary county health officer.

Decision: The Commission concurred in the advice provided by staff and determined that time-sensitive advice requests that do not require a Commission determination and do not involve sensitive issues should

be addressed by Commission staff in accordance with long-standing practice.

ITEM 35: Informal Matter – Department of Housing & Community Development (17-0200)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Housing & Community Development who wants to serve as a member of an electric cooperative and if elected wants to serve as chair.

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

ITEM 36: Informal Matter – Department of Housing & Community Development (17-0167)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Housing & Community Development who wants to continue working as an instructor with an institute for public procurement and also as an instructor for a program management institute.

Decision: The Commission declined to grant an exception to allow outside employment as an instructor with an entity that trains employees from the employee's State agency. The Commission approved the secondary employment as an instructor for the program management institute that does not provide training for agency employees.

ITEM 37: Informal Matter – Department of Natural Resources (17-0210)

Discussion: Ms. Allgair briefed the Commission on the application of the conflict of interest provisions to an individual who is currently an honorary member on a Department of Natural Resources board.

Decision: The Commission determined that an honorary member of the board is not a "public official" for the purposes of the Public Ethics Law.

ITEM 38: Informal Matter – Prince George's County Zoning Law (17-0171)

Discussion: Mr. Lord briefed the Commission on a request for advice concerning whether the prohibition on participation by a member of the Prince George's County Council is triggered by contributions made during the 36-month time period to a State Delegate's campaign committee, before the requester actually becomes a candidate for the County Council.

Decision: The Commission determined a contribution by an applicant within 36 months of filing an application to an individual who holds elective office other than the County Council, who subsequently becomes a candidate for the County Council, and is ultimately elected, triggers the requirement that the candidate recuse him or herself from participation in the proceedings on the application, and approved the addition of a Q&A to the Commission's informational memorandum that addresses this matter.

ITEM 39: Informal Matter – State Highway Administration (17-0218)

Discussion: Mr. Lord briefed the Commission on a financial interest exception request regarding an employee of the State Highway Administration who has an attributable interest in her husband's business which is seeking to participate in a procurement as a subcontractor with the Maryland Transportation Authority.

Decision: The Commission allowed the financial interest exception with certain restrictions.

ITEM 40: Executive Director's Report – Records Retention Schedule Revision

Discussion: Mr. Lord briefed the Commission on the proposed change to the Commission's records retention schedule which seeks to change retention of judges' financial disclosure statements from two years after the filer leaves office to retain four years of filings.

Decision: The Commission approved the proposed changes to the records retention schedule.

The meeting was adjourned at 1:15 p.m.