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MINUTES OF THE STATE ETHICS COMMISSION MEETING

November 2, 2017

Commission Members Present: Kim L. Coble, Acting Chair
James R. Benjamin, Jr. (participated by phone at 11:20 a.m.)
Jacob Yosef Miliman
Craig D. Roswell

Commission Member Absent: Janet E. McHugh

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
Nathan Desjarlais, Intern

The meeting convened at 9:40 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.

ITEM 2: Minutes of the August 24, 2017 Meeting

Discussion: The draft minutes of the August 24, 2017 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 Executive Department, Department of Labor, Licensing & Regulation, Department of Health, State Lottery, Department of Housing & Community Development, Department of Commerce, Comptroller's Office, Department of Juvenile Services, Motor Vehicle Administration, Maryland Transit Administration, University of Maryland College Park, University of Maryland University College, University of Maryland Baltimore, University of Maryland Eastern Shore, Maryland Technology Development Corporation, and the Department of Natural Resources. The Portfolio Analyst position at the Maryland Technology Development Corporation was discussed in detail.

Decision: The Commission approved Mr. Lord's recommendations. The Portfolio Analyst position at the Maryland Technology Development Corporation was added to the financial disclosure list.

ITEM 4: Boards and Commissions – Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on whether the Behavioral and Substance Abuse Programs with Services in the Public Schools in Maryland Workgroup should be considered an executive unit covered by the Public Ethics Law.

Decision: The Commission determined that the Behavioral and Substance Abuse Programs with Services in the Public Schools in Maryland Workgroup was an executive unit, therefore covered by the Ethics Law and, having received a financial disclosure exemption request from the Workgroup, the Commission granted the request.

ITEM 5: Financial Disclosure Exemption Requests

Discussion: Mr. Lord briefed the Commission on the Task Force on Rural Internet, Broadband, Wireless and Cellular Service, Task Force to Study Erroneous Conviction and Imprisonment, Commission on the School-to-Prison Pipeline and Restorative Practices, and the Task Force Regarding Behavioral Interventions in Schools requests for exemptions from the financial disclosure requirement.

Decision: The Commission approved the exemptions for the Task Force on Rural Internet, Broadband, Wireless and Cellular Service, Task Force to Study Erroneous Conviction and Imprisonment, Commission on the School-to-Prison Pipeline and Restorative Practices, and the Task Force Regarding Behavioral Interventions in Schools.

The Commission voted unanimously to close the meeting at 10:03 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 6: A-32-17

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

Decision: A complaint will be issued in this matter. (C-21-17)

ITEM 7: A-33-17

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

Decision: A complaint will not be issued in this matter. This matter will be placed on the preliminary inquiry docket. (B-5-17)

ITEM 8: B-1-17

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

Decision: This matter will be closed with a letter.

ITEM 9: B-2-17

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

Decision: The Commission authorized the issuance of a complaint in this matter.

ITEM 10: B-3-17

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

Decision: The Commission accepted the agreement in this matter.

ITEM 11: A-17-17 Audit Report

Discussion: Mr. Colquhoun briefed the Commission on these matters. The Commission wished to go on the record acknowledging the hard work by the staff on these matters.

ITEM 12: A-34-17

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

Decision: The matters are closed.

ITEM 13: C-12-17

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

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

ITEM 14: C-14-17

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

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

ITEM 15: C-16-17

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

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

ITEM 16: C-19-17

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

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

ITEM 17: C-20-17

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 and Mr. Desjarlais participated in the briefings, but did not participate in the decisions regarding Items 6 through 17.)

The meeting was reopened at 10:37 a.m.

ITEM 18: Local Government – City of Chesapeake Beach (16-0298)

Discussion: Ms. Thompson briefed the Commission on the proposed local ethics law for the City of Chesapeake Beach.

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

ITEM 19: Local Government – Town of Hurlock (17-0469)

Discussion: Ms. Thompson briefed the Commission on proposed amendments to the previously approved local ethics law for the Town of Hurlock.

Decision: The Commission approved the proposed amendments.

ITEM 20: Local Government – Baltimore County (17-0478)

Discussion: Ms. Thompson briefed the Commission on proposed amendments to the previously approved local ethics law for Baltimore County.

Decision: The Commission approved the proposed amendments.

ITEM 21: Adoption of Proposed Regulation Changes

Discussion: Mr. Lord briefed the Commission on the proposed draft regulation changes to the Public Ethics Law as published in the August 4, 2017 Maryland Register.

Decision: The Commission approved the proposed regulation changes.

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 22: Informal Matter – Department of Human Services (17-0331)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to continue employment as a social worker with a private hospital.

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

ITEM 23: Informal Matter – Department of Human Services (17-0377)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to continue employment as a deli attendant at a convenience store.

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

ITEM 24: Informal Matter – Department of Health (17-0436)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as a bartender at a bar and grill.

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

ITEM 25: Informal Matter – Department of Health (17-0466)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as a bartender at a pub.

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

ITEM 26: Informal Matter – Department of Health (17-0457)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as a waitress at a sports bar.

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

ITEM 27: Informal Matter – State Highway Administration (17-0442)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the State Highway Administration wanting to continue employment as a substitute teacher for the county public schools.

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

ITEM 28: Informal Matter – Department of Human Services (17-0359)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to continue employment as a clinician with a Christian counseling service.

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

ITEM 29: Informal Matter – Department of Human Services (17-0386)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to continue employment providing in-home patient care with a community health care center.

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

ITEM 30: Informal Matter – Department of Human Services (17-0358)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to continue employment as a case manager with a private residential treatment program.

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

ITEM 31: Informal Matter – Department of Human Services (17-0403)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to continue employment as an on-call employee with a private healthcare provider.

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

ITEM 32: Informal Matter – Department of Health (17-0460)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as a registered nurse with the University of Maryland Medical System.

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

ITEM 33: Informal Matters – Department of Health (17-0451)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as a recreation leader with a county parks and recreation department.

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

ITEM 34: Informal Matter – Department of Health (17-0448)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as a hospice nurse for a private hospice service.

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

ITEM 35: Informal Matter – Department of Health (17-0450)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as a registered nurse for a private hospital.

Decision: The Commission will grant an exception to allow the secondary employment pending an approval letter from the Department.

ITEM 36: Informal Matter – Department of Health (17-0413, 17-0428 & 17-0429)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as a registered nurse for three different private health services.

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

ITEM 37: Informal Matter – Department of Health (17-0427)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as a weekend family living assistant at an assisted living facility for individuals with developmental disabilities.

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

ITEM 38: Informal Matter – Department of Health (17-0431)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as a clinical microbiology testing technician for a private health organization.

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

ITEM 39: Informal Matter – Elected Official (17-0466)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an elected official who would like to work as an employee for a company in the aviation field.

Decision: The Commission did not grant the exception to allow the secondary employment under the impairment provision.

ITEM 40: Informal Matter – Department of Natural Resources (17-0411)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Natural Resources wanting to continue employment as a hunting guide for a private group.

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

ITEM 41: Informal Matter – State Highway Administration (17-0481)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the State Highway Administration who wants to continue working as a customer services representative for an auto parts store.

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

ITEM 42: Informal Matter – Department of Transportation (17-0014)

Discussion: Ms. Allgair briefed the Commission on a financial interest and secondary employment request regarding an employee in the Department of Transportation wanting to continue employment and

financial interest in an environmental consulting firm that holds minority business, disadvantaged business and small business certifications.

Decision: The Commission granted an exception to allow the secondary employment and financial interest. The Commission also approved the non-participation agreement executed by the employee.

ITEM 43: Informal Matter – Towson University (17-0438)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee at Towson University who wants to continue employment as a test proctor for an educational testing service.

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

ITEM 44: Informal Matter – Liquor Board (17-0432)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding an employee of a board of license commissioners who wants to continue his non-compensated service as president of a volunteer fire company.

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

ITEM 45: Informal Matter – Critical Areas Commission (17-0482)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding a member of the Critical Areas Commission who has been nominated to a position as a member of a board of trustees for an environmental organization.

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

ITEM 46: Informal Matter – Department of Health (17-0480)

Discussion: Mr. Lord briefed the Commission on two issues pertaining to an individual who is the founder and chief executive officer of an IT company that does business with the Department. First, the individual is an appointee to a Department board but did not disclose the financial interest on the individual's Time-of-Appointment form. Second, the Department would like to hire the individual under a personal services contract for a brief period of time to perform certain work for to the Department.

Decision: The Commission determined that service on the board is not allowable and that as a contractual employee the individual would not be under the jurisdiction of the Commission.

ITEM 47: Informal Matter – Maryland Transportation Authority (17-0343)

Discussion: Mr. Lord briefed the Commission on a financial interest exception request involving an employee in the Maryland Transportation Authority who owns Maryland Transportation Authority revenue bonds purchased on his behalf by his financial advisor.

Decision: The Commission determined that the ownership of the bonds is not allowable under the Ethics Law.

ITEM 48: Informal Matter – State Highway Administration (17-0351)

Discussion: Ms. Allgair briefed the Commission on a post-employment inquiry as to whether a former employee with the State Highway Administration who is now employed with a company that plans to contract with SHA on three different contracts.

Decision: The Commission determined that the former employee is prohibited from working on one SHA contract due to prior significant participation in matters related to this specific contract while employed at SHA. The Commission further determined that the former employee did not have any SHA duties related to two other SHA contracts and the former employee is not prohibited from working on those two SHA contracts for the new employer.

Meeting was reopened at 12:20 p.m.

ITEM 49: Executive Director's Report – Commission Meeting Dates for 2018

Discussion: The Commission approved the following 2018 meeting dates: February 15, 2018, April 19, 2018, June 21, 2018, August 23, 2018, October 25, 2018 and December 13, 2018.

ITEM 50: Executive Director's Report – New Law Changes

Discussion: Mr. Lord briefed the Commission on changes to our online filing system required by law that went into effect October 1, 2017.

The meeting was adjourned at 12:45 p.m.