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JAMES R. BENJAMIN, JR.  
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## STATE ETHICS COMMISSION

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*Assistant General Counsel*

### MINUTES OF THE STATE ETHICS COMMISSION MEETING

December 21, 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  
Katherine Thompson, Assistant General Counsel  
Darlene J. Brocki, Office Manager  
Jennifer D. Whitehead, Paralegal  
Maura M. Pizzi, Paralegal

The meeting convened at 9:34 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 as adjusted.

#### ITEM 2: Minutes of the November 2, 2017 Meeting

Discussion: The draft minutes of the November 2, 2017 meeting were reviewed and discussed.

Decision: The draft minutes were approved as adjusted.

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 Office of Administrative Hearings, Department of Aging, Department of Information Technology, Department of Juvenile Services, Department of Labor, Licensing & Regulation, Department of Transportation, Motor Vehicle Administration, University of Maryland-Baltimore, University of Maryland University College, Anne Arundel Community College, Garrett College, Montgomery College, Morgan State University, Department of Human Services, Workers' Compensation Commission and the Department of Natural Resources. Several positions from the Department of Natural Resources were discussed in detail.

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

The Commission voted unanimously to close the meeting at 9:50 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 4: A-35-17

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-6-17)

ITEM 5: A-36-17

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-7-17)

ITEM 6: A-37-17

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

Decision: This matter will be placed on the preliminary inquiry docket. (B-8-17)

ITEM 7: B-2-17

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

Decision: The Commission accepted the Letter of Caution as a cure.

ITEM 8: C-5-17

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

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

(Mr. Lord, Mr. Colquhoun, Ms. Pizzi and Ms. Whitehead participated in the briefings, but did not participate in the decisions regarding Items 4 through 8.)

Meeting was reopened at 10:15 a.m.

ITEM 9: Local Government – Baltimore City (17-0500)

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

Decision: The Commission approved the proposed amendments.

ITEM 10: Local Government – Worcester County (17-0564)

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

Decision: The Commission approved the proposed amendments.

ITEM 11: Local Government – Town of Hurlock (17-0526)

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

Decision: The Commission approved the proposed amendments.

ITEM 12: Local Government – Anne Arundel County (17-0512)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for Anne Arundel County. Amendments were made March 2017, but not forwarded to the Commission for approval until included in the annual certification filing.

Decision: The Commission approved the enacted amendments.

ITEM 13: Local Government – St. Mary's County (17-0584)

Discussion: Ms. Thompson briefed the Commission on the proposed amendments to the previously approved local ethics law for St. Mary's County.

Decision: The Commission approved the proposed amendments.

ITEM 14: Local Government – Chevy Chase Village (17-0608)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the previously approved local ethics law for the Village of Chevy Chase.

Decision: The Commission approved the proposed amendments.

The Commission voted unanimously to close the meeting at 10:34 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 15: Informal Matter – Department of Human Services (17-0516)

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 at a private hospital.

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

ITEM 16: Informal Matter – Department of Human Services (17-0503)

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 package handler for a delivery company.

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

ITEM 17: Informal Matter – Department of Health (17-0497)

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 trainer for patients using a home monitoring system.

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

ITEM 18: Informal Matter – Towson University (17-0507)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in Towson University wanting to continue employment as a test proctor for a private testing service.

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

ITEM 19: Informal Matter – Maryland Health Care Commission (17-0204)

Discussion: Mr. Lord briefed the Commission on a request by a member of the Maryland Health Care Commission for an exception to extend the member's secondary employment as an acting county health officer for an additional year.

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

ITEM 20: Informal Matter – Department of Health (17-0594)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment a nursing assistant at an urgent care facility.

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

ITEM 21: Informal Matter – Department of Health (17-0593)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as nursing assistant at a nursing home and rehabilitation facility.

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

ITEM 22: Informal Matter – Department of Health (17-0591)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as care manager at an assisted living facility.

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

ITEM 23: Informal Matter – Department of Human Services (17-0590)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment in a grocery store.

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

ITEM 24: Informal Matter – Department of Health (17-0589)

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.

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

ITEM 25: Informal Matter – Department of Human Services (17-0586)

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 cashier in a convenience store.

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

ITEM 26: Informal Matter – Department of Human Services (17-0515)

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 cashier in a grocery store.

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

ITEM 27: Informal Matter – Department of Human Services (17-0574)

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 apparel associate in a department store.

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

ITEM 28: Informal Matter – Department of Human Services (17-0620)

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 customer service associate at retail store.

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

ITEM 29: Informal Matter – Department of Health (17-0569)

Discussion: Ms. Thompson briefed the Commission on a financial interest and secondary employment request regarding a nurse in the Department of Health whose spouse's new business is regulated by the Department.

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

ITEM 30: Informal Matter – Maryland Stadium Authority (17-0502)

Discussion: Mr. Lord briefed the Commission on the Maryland Stadium’s Authority proposed policy governing affiliated foundations as it relates to conflicts of interest, which legislation enacted during the 2017 Legislative Session requires the Commission to review and approve.

Decision: The Commission approved the conflict of interest provisions in Maryland Stadium Authority’s policy.

Meeting was reopened at 11:05 a.m.

ITEM 31: Executive Director’s Report – Regulation Changes

Discussion: Mr. Lord briefed the Commission on the status of the recently-approved regulation changes, noting they have been published in the Maryland Register and are now in effect.

ITEM 32: Executive Director’s Report – Citizens’ Group in Carroll County

Discussion: Mr. Lord briefed the Commission on the efforts of VOCAL, a grassroots organization in Carroll County that has been working to encourage the County Council to adopt a county ethics law that complies with the Public Ethics Law.

ITEM 33: Executive Director’s Report – 2018 Legislative Session

Discussion: Mr. Lord informed the Commission that the 2018 Legislative Session will begin on January 10 and he advised he will reach out to the Commission members to establish a Commission position on any bills that could have a substantive impact on the Public Ethics Law.

ITEM 34: Executive Director’s Report – On-line training upgrade

Discussion: Mr. Lord briefed the Commission on the status of efforts to develop an RFP to solicit bids to upgrade the Commission’s on-line training programs. As a result of recent legislation that mandated certain changes to the Commission’s electronic financial disclosure filing system, much of the money that was budgeted for the training upgrade is being diverted to satisfy the requirements of the legislation. Staff is meeting with representatives of the University System next month to discuss the possibility of a partnership to obtain the needed training upgrades.

ITEM 35: Executive Director’s Report – Financial Disclosure and Lobbyist Registration systems

Discussion: Mr. Lord briefed the Commission on issues with the platform used to support the financial disclosure and lobbyist registration systems. Both the Commission’s contractor and DoIT officials concur the software is old and will at some point become obsolete – the contractor is already having difficulty finding programmers to work on it. As a result, staff has requested funds to replace the software and is seeking assistance from DoIT to put together an RFP.

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