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MINUTES OF THE STATE ETHICS COMMISSION MEETING

February 15, 2018

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

Commission Member Absent: James R. Benjamin, Jr.

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 9:35 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 as adjusted.

ITEM 2: Minutes of the December 21, 2017 Meeting

Discussion: The draft minutes of the December 21, 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 Comptroller's Office, Maryland Health Benefit Exchange, Department of the Environment, State Lottery & Gaming Control Agency, Department of General Services, Department of Juvenile Services, Uninsured Employers' Fund, Department of Health, State Highway Administration, University of Maryland-Baltimore, University of Maryland-College Park, Morgan State University, College of Southern Maryland, Howard Community College, Chesapeake College and the Department of Natural Resources. Several positions in the Department of Natural Resources were reviewed in detail.

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

The Commission voted unanimously to close the meeting at 9:45 a.m. pursuant to §3-305(b)(13) of the Open Meetings Act to consider confidential enforcement matters per §5-407 and confidential advice matters per §5-303 of the Public Ethics Law.

ITEM 4: B-4-17

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

Decision: The Commission accepted the Pre-Complaint Disposition Agreement and the matter was closed.

ITEM 5: B-5-17

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

Decision: The Commission accepted the Non-Participation Agreement and the matter was closed.

ITEM 6: A-1-18

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

Decision: These matters are closed.

(Mr. Lord, Mr. Colquhoun, Ms. Pizzi and Ms. Whitehead participated in the briefings, but did not participate in the decisions regarding Items 4 through 6.)

Mr. Colquhoun did not participate in the rest of the meeting.

ITEM 7: Informal Matter – Department of Human Services (17-0613)

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 therapist for a private LLC.

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

ITEM 8: Informal Matter – Department of Human Services (17-0621)

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 front end clerk at a convenience store.

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

ITEM 9: Informal Matter – Department of Health (17-0601)

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 realtor.

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

ITEM 10: Informal Matter – Department of Human Services (18-0033)

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 overnight stocker at a department store.

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

ITEM 11: Informal Matter – Department of Human Services (18-0031)

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 office manager at a private CPR and first aid training center.

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

ITEM 12: Informal Matter – Department of Human Services (18-0021)

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 contractual-home study/post placement social worker for a private adoption center.

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

ITEM 13: Informal Matter – Department of Health (17-0632)

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 home health aide with a private health care agency.

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

ITEM 14: Informal Matter – Department of Health (18-0014)

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 floor nurse at a local healthcare center.

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

ITEM 15: Informal Matter – Department of Health (17-0592)

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

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

ITEM 16: Informal Matter – Department of Human Services (17-0525)

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 call specialist with a local mental health association.

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

ITEM 17: Informal Matter – Department of Health (17-0636)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue employment as an independent contractor with a private nursing referral service.

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

ITEM 18: Informal Matter – Department of Health (17-0631)

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 part-time dental hygienist.

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

ITEM 19: Informal Matter – Department of Human Services (18-0073)

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 student supervisor at a hospital facility.

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

ITEM 20: Informal Matter – Department of Health (18-0077)

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 communications specialist for an emergency response team.

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

Meeting was reopened at 10:25 a.m.

ITEM 21: Local Government – Town of Berwyn Heights (17-0609)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for the Town of Berwyn Heights.

Decision: The Commission did not approve the proposed amendments.

ITEM 22: Local Government – City of Annapolis (18-0049)

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

Decision: The Commission did not approve the proposed amendments.

ITEM 23: Local Government – Town of Chevy Chase (18-0051)

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

Decision: The Commission approved the proposed amendments.

ITEM 24: Local Government – City of Frederick (18-0053)

Discussion: Ms. Thompson briefed the Commission on the proposed amendments to the local ethics law for the City of Frederick.

Decision: The Commission approved the proposed amendments.

ITEM 25: Local Government – Carroll County (18-0052)

Discussion: Ms. Allgair briefed the Commission on the proposed draft local ethics law for Carroll County.

Decision: General Counsel will work with Carroll County to get an approved local ethics law. The public notice will be removed from the Commission’s website based on the progress made at this time.

ITEM 26: Local Government – Town of Middletown (18-0086)

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

Decision: The Commission approved the proposed amendments.

ITEM 27: Local Government – Washington County Board of Education (18-0088)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for the Washington County Board of Education.

Decision: The Commission did not approve the proposed amendments.

The Commission voted unanimously to close the meeting at 10:55 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 28: Informal Matter – Department of Natural Resources (17-0611)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Natural Resources wanting to serve as a non-compensated member of a county recreation advisory board.

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

ITEM 29: Informal Matter – Department of Health (17-0614)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue his board membership with the board of regents.

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

ITEM 30: Informal Matter – Department of Legislative Services (18-0087)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Legislative Services wanting to continue as a temporary Executive Director for a caucus.

Decision: The Commission requested additional information and the matter will be further reviewed after the information is provided.

ITEM 31: Informal Matter – University of Maryland (18-0067)

Discussion: Ms. Thompson briefed the Commission on an employee in the University of Maryland whose spouse received a gift from a controlled donor and would like to be able to go with the spouse.

Decision: The Commission granted an exception to allow acceptance of the gift.

ITEM 32: Informal Matter – Task Force (18-0054)

Discussion: Mr. Lord briefed the Commission on a secondary employment and participation matter regarding whether a member of a Task Force could serve given his position as executive director of an organization engaged in work to be addressed by the Task Force and whether he was precluded from participating in certain matters because his personal circumstances involved issues to be addressed by the Task Force.

Decision: The Commission determined the individual could serve and fully participate in the work of the Task Force because the General Assembly had specifically identified the individual to serve on the Task Force with full knowledge of his circumstances.

ITEM 33: Informal Matter – University of Maryland Board of Regents (18-0022)

Discussion: Mr. Lord briefed the Commission on a prestige issue regarding whether a member of the University of Maryland Board of Regents can receive a stipend for serving as a mentor in a program with the University of Maryland College Park's School of Architecture.

Decision: The Commission determined the Board member can accept the stipend.

Meeting was reopened at 11:35 a.m.

ITEM 34: Executive Director's Report – Legislative Summary

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 246 (Maryland Hatch Act), HB 1330 (Conflicts of Interest – Political Consulting), HB 1342 (Legislative Branch of State Government – Sexual Harassment), HB 1469 (Members of Boards of License Commissioners and Liquor Control Boards) and HB 1625 (Elected and Public Officials – Crimes – Pension Forfeiture (Clean Up Annapolis Act)).

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