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MINUTES OF THE STATE ETHICS COMMISSION MEETING

June 21, 2018

Commission Members Present: Kim L. Coble, Acting Chair
James R. Benjamin, Jr.
Craig D. Roswell

Commission Member Absent: Janet E. McHugh
Jacob Yosef Miliman

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 Whitehead, Paralegal
Maura M. Pizzi, Paralegal
Jill Etzler, Legal Assistant
Stacey Volodin, Intern

The meeting convened at 9:38 a.m. at the Commission's offices in Annapolis. Jill Etzler, the Commission's new Legal Assistant, and Stacey Volodin, the Commission's new intern, were introduced. 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 April 19, 2018 Meeting

Discussion: The draft minutes of the April 19, 2018 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 3: Annual Election of Chair (July 1, 2018 to June 30, 2019)

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 Health, Department of Natural Resources, Department of Commerce, Department of General Services, Maryland Transit Administration, State Highway Administration, University of Maryland-College Park, University of Maryland-Baltimore, Department of Information Technology, and the Department of Housing & Community Development.

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:

1. School Safety Subcabinet Advisory Board
2. Task Force on the Canal Place Preservation and Development Authority
3. Stakeholder Workgroup in the Governor's Office of Small, Minority, and Women Business Affairs ("GOMA")
4. Commission to Advance Next Generation 9-1-1 across Maryland
5. Morgan State University Task Force on Reconciliation and Equity
6. Workgroup to Assist the Department of Transportation Develop and Review Regulations
7. Objective Criteria Committee of the Board of Trustees, State Retirement and Pension System
8. Task Force on the Social Determinants of Health in Baltimore City
9. Advisory Board for the Task Force on the Social Determinants of Health in Baltimore City
10. Task Force to Study Access to Home Health Care for Children and Adults with Medical Disabilities
11. Task Force to Study Maryland's Criminal Gang Statutes
12. Maryland Violence Intervention and Prevention Advisory Council
13. State Community Health Worker Advisory Committee
14. Workgroup on the Assessment and Funding of School Facilities
15. Workgroup on Educational Development Specifications
16. Task Force to Study Cooperative Purchasing for Health Insurance
17. Steering Committee of the Maryland State Department of Education
18. Workgroup to Advise the Department of Health on the Medicaid Family Planning Program
19. Workgroup on the Licensing of Food Service Facilities
20. Rural Health Care Collaborative Pilot and Executive Committee
21. Community Development Program Act of 2018
22. Stakeholder Workgroup to Make Findings on Reimbursement for Services Provided by Certified Peer Recovery Specialists
23. Prince George's County- Affordable Housing Commission
24. Public Health- Sepsis Public Awareness Campaign Workgroup

25. Solid Waste and Recycling Facilities Workgroup
26. Baltimore City Police Department – Commission to Restore Trust in Policing and Audit Review
27. 2020 Census Grant Program Panel
28. Maternal Mortality Review Program Stakeholder Group
29. Task Force to Study State Alcohol Regulation, Enforcement, Safety, and Public Health
30. Prince George’s County – School Construction Master Plan Workgroup
31. Baltimore County Anti-Bullying Task Force
32. Montgomery County Board of Education Compensation Commission
33. Prince George’s County Environmental Justice Commission
34. Prince George’s County- Utility Services- Master Meters and Task Force
35. Baltimore County School Board Nominating Commission
36. School Board Nominating Commission of Anne Arundel County

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

1. School Safety Subcabinet Advisory Board
2. Task Force on the Canal Place Preservation and Development Authority
3. Stakeholder Workgroup in the Governor’s Office of Small, Minority, and Women Business Affairs (“GOMA”)
4. Commission to Advance Next Generation 9-1-1 across Maryland
5. Morgan State University Task Force on Reconciliation and Equity
6. Workgroup to Assist the Department of Transportation Develop and Review Regulations
7. Objective Criteria Committee of the Board of Trustees, State Retirement and Pension System
8. Task Force on the Social Determinants of Health in Baltimore City
9. Advisory Board for the Task Force on the Social Determinants of Health in Baltimore City
10. Task Force to Study Access to Home Health Care for Children and Adults with Medical Disabilities
11. Task Force to Study Maryland’s Criminal Gang Statutes
12. Maryland Violence Intervention and Prevention Advisory Council
13. State Community Health Worker Advisory Committee
14. Workgroup on the Assessment and Funding of School Facilities
15. Workgroup on Educational Development Specifications
16. Task Force to Study Cooperative Purchasing for Health Insurance
17. Steering Committee of the Maryland State Department of Education
18. Workgroup to Advise the Department of Health on the Medicaid Family Planning Program
19. Workgroup on the Licensing of Food Service Facilities
20. Rural Health Care Collaborative Pilot and Executive Committee
21. Community Development Program Act of 2018
22. Stakeholder Workgroup to Make Findings on Reimbursement for Services Provided by Certified Peer Recovery Specialists
23. Public Health- Sepsis Public Awareness Campaign Workgroup
24. Baltimore City Police Department – Commission to Restore Trust in Policing and Audit Review

The Prince George’s County- Affordable Housing Commission, Solid Waste and Recycling Facilities Workgroup, 2020 Census Grant Program Panel, Maternal Mortality Review Program Stakeholder Group, Task Force to Study State Alcohol Regulation, Enforcement, Safety, and Public Health, Prince George’s County – School Construction Master Plan Workgroup, Baltimore County Anti-Bullying Task Force, Montgomery County Board of Education Compensation Commission, Prince George’s County

Environmental Justice Commission, Prince George's County- Utility Services- Master Meters and Task Force and School Board Nominating Commission of Anne Arundel County were not considered executive units.

The Commission deferred a determination on the Baltimore County School Board Nominating Commission until a later meeting.

ITEM 6: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Stakeholder Group to Provide Advice and Make Recommendations on Regulations' request for exemption from the financial disclosure requirement.

Decision: The Commission approved the exemption.

The Commission voted unanimously to close the meeting at 10:18 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-17-18

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-2-18)

ITEM 8: A-22-18

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

Decision: A complaint will be issued in this matter (C-16-18)

ITEM 9: A-20-18

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

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

ITEM 10: A-21-18

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-3-18)

ITEM 11: A-13-18

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

Decision: The Commission accepted the late filing agreement in this matter.

ITEM 12: A-15-18

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

Decision: The Commission accepted the late filing agreement in this matter.

ITEM 13: A-19-18

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

Decision: The Commission accepted the late filing agreement in this matter.

ITEM 14: A-23-18

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

Decision: Complaints will be issued in these matters (C-17-18; C-20-18; C-22-18 through C-25-18; C-27-18 through C-34-18)

ITEM 15: A-24-18

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

Decision: Complaints will be issued in these matters. (C-35-18 and C-36-18)

ITEM 16: C-1-18

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

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

ITEM 17: C-4-18

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

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

ITEM 18: C-6-18

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

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

ITEM 19: C-7-18

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

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

ITEM 20: C-8-18

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

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

ITEM 21: C-10-18

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

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

ITEM 22: C-11-18

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

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

ITEM 23: C-12-15

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

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

ITEM 24: C-15-18

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

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

ITEM 25: Implementation of §5-508

Discussion: Mr. Lord briefed the Commission on the implementation of the new §5-508 (anti-harassment and discrimination provision), including proposed procedures and the advice of counsel that it not apply to local governments.

Decision: The Commission approved the proposed procedures and decided §5-508 will not apply to local governments.

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

Meeting was reopened at 11:10 a.m.

ITEM 26: Local Government – City of Crisfield (18-0180)

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

Decision: The Commission approved the proposed amendments.

ITEM 27: Local Government - Town of University Park (18-0268)

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

Decision: The Commission approved the proposed amendments.

ITEM 28: Local Government – Washington County Public Schools (18-0215)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics law for Washington County Public Schools.

Decision: The Commission approved the proposed amendments.

ITEM 29: Local Government – Worcester County (18-0254)

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

Decision: The Commission approved the proposed amendments.

ITEM 30: Local Government – Baltimore County (18-0216)

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

Decision: The Commission approved the proposed amendments.

ITEM 31: Local Government – General Proposed Changes

Discussion: Ms. Allgair briefed the Commission on proposal to accept revisions to local ethics laws that include the redaction to home addresses for local financial disclosure filers that become effective prior to January 1, 2019.

Decision: The Commission approved this proposal.

ITEM 32: Discussion of Proposed Regulation Changes (HB 879)

Discussion: Mr. Lord briefed the Commission on the proposed regulation changes regarding providing financial disclosure statements online for certain State elected officials and public officials and home addresses being redacted.

Decision: The Commission approved the request to move forward and publish the proposed regulation changes.

The Commission voted unanimously to close the meeting at 11:23 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 33: Informal Matter – Department of Human Services (18-0246)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a cashier at a pharmacy.

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

ITEM 34: Informal Matter – Department of Health (18-0247)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a beverage cart attendant at a private golf course.

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

ITEM 35: Informal Matter – Department of Human Services (18-0261)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a personal shopper at a supermarket chain store.

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

ITEM 36: Informal Matter – Executive Department (18-0152)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Executive Department wanting to serve as a board member of a nonprofit.

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

ITEM 37: Informal Matter – Department of Human Services (18-0273)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a call center counselor.

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

ITEM 38: Informal Matter – University of Maryland, Baltimore (18-0243)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the University of Maryland, Baltimore wanting to serve as a member of the board of directors for a nonprofit business.

Decision: The Commission granted an exception to allow this secondary employment with strict participation restrictions.

ITEM 39: Informal Matter – Maryland Stadium Authority (18-0298)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Maryland Stadium Authority wanting to work as a traffic control officer for a Maryland Stadium Authority vendor.

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

ITEM 40: Informal Matter - Maryland Stadium Authority (18-0299)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Maryland Stadium Authority wanting to work as a traffic control officer for a Maryland Stadium Authority vendor.

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

ITEM 41: Informal Matter - Maryland Stadium Authority (18-0300)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Maryland Stadium Authority wanting to work as a traffic control officer for a Maryland Stadium Authority vendor.

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

ITEM 42: Informal Matter - Maryland Stadium Authority (18-0301)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Maryland Stadium Authority wanting to work as a traffic control officer for a Maryland Stadium Authority vendor.

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

ITEM 43: Informal Matter – Anne Arundel Community College (18-0312)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding a board member at the Anne Arundel Community College who was asked to serve as a temporary interim president.

Decision: The Commission granted an exception to allow this secondary employment on an interim basis.

ITEM 44: Informal Matter – Frostburg State University (18-0213)

Discussion: Ms. Allgair briefed the Commission on a financial interest request regarding an employee at Frostburg State University who has a partial ownership interest in a laundry service business that has entered into a contract with Frostburg State University.

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

ITEM 45: Informal Matter – Technology Development Corporation (18-0206)

Discussion: Ms. Allgair briefed the Commission on a financial interest and secondary employment request regarding an employee at the Technology Development Corporation wanting to continue service as a board member and ownership interest in a social networking app business.

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

ITEM 46: Informal Matter – Maryland Environmental Trust (18-0284)

Discussion: Ms. Allgair briefed the Commission on a request for guidance on the application of the post-employment and conflict of interest provisions of the Public Ethics Law by the agency related to an employee's potential transition to employment with an outside entity that may receive funding from the agency.

Decision: The Commission determined that the transition, as currently proposed, raises concerns under various conflict of interest provisions. The Commission directed staff to meet with agency representatives to provide guidance and offer to review additional future information related to this matter before anything is finalized by the agency.

ITEM 47: Informal Matter – State Highway Administration (18-0296) Mr. Roswell did not participate in this matter and therefore, there was no quorum.

Decision: This matter will be reviewed at a later meeting.

ITEM 48: Informal Matter – Department of Human Services (18-0317)

Discussion: Ms. Thompson briefed the Commission on this financial interest and secondary employment request regarding an employee at the Department of Human Services owning their own business and fulfilling a contract from a different Division of the Department of Human Services.

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

ITEM 49: Informal Matter – Department of Labor, Licensing and Regulation (18-0295)

Discussion: Ms. Allgair briefed the Commission on a request for guidance related to a Department of Labor, Licensing and Regulation employee receiving a scholarship from a local group to attend a professional development program in exchange for performing certain tasks related to the program. The employee's agency supports participation in this program.

Decision: The Commission determined the scholarship is not a gift, but rather is given in exchange for specific services and tasks related to the program. The Commission also determined that the employee should be advised of the prestige of office restrictions.

Meeting was reopened at 12:35 p.m.

ITEM 50: Executive Director's Report – Proposed Legislation

Discussion: Mr. Lord briefed the Commission on potential proposed legislation regarding mandatory electronic filing of lobbying records.

Decision: The Commission approved the proposed legislation.

ITEM 51: Executive Director's Report – Upgrading Commission's Training and Online Filing Programs

Discussion: Mr. Lord briefed the Commission on the progress of the work to upgrade the online training modules with the cooperation of the University of Maryland and the work to upgrade the financial disclosure and lobbyist filing systems.

ITEM 52: Executive Director's Report – Publishing Appointee Exemption Forms

Discussion: Mr. Lord briefed the Commission on the status of the requirement for the Ethics Commission to post appointee exemption forms online.

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