



**COMMISSION MEMBERS:**  
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## STATE ETHICS COMMISSION

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*Assistant General Counsel*

### MINUTES OF THE STATE ETHICS COMMISSION MEETING

July 11, 2019

Commission Members Present: Janet E. McHugh, Chair  
Kim L. Coble  
Craig D. Roswell  
Geneau M. Thames

Commission Member Absent: Aruna Miller

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  
Maura M. Pizzi, Paralegal  
Stephen Garrett, Paralegal  
Emma Craig, Legal Assistant  
Jennefer Fetters, Intern

The meeting convened at 9:39 a.m. at the Commission's offices in Annapolis. Jennefer Fetters was introduced to the Commission as the Commission's summer intern. 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. Note that Commissioner Coble joined the meeting during the discussion of Item 4.

#### 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 18, 2019 Meeting

Discussion: The draft minutes of the April 18, 2019 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 Financial Disclosure Administrator Young Smith and him. The recommendations covered the Executive Department, Department of Budget & Management, Department of Information Technology, Maryland Department of Health, Department of Natural Resources, Public Broadcasting Commission, Department of the Environment, Office of Administrative Hearings, Department of Labor, Licensing & Regulation, Maryland State Department of Education, Department of Juvenile Services, Department of General Services, Department of Transportation, Motor Vehicle Administration, Maryland Transit Administration, Maryland Port Administration, State Highway Administration, University of Maryland-College Park, University of Maryland-Baltimore County, University of Maryland-University College, University of Baltimore, Anne Arundel Community College, Howard Community College, Montgomery College, Prince George's Community College and the Department of Housing & Community Development.

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

ITEM 4: Boards and Commissions – Executive Unit Determinations

Discussion: Mr. Lord briefed the Commission on whether or not the following should be considered an executive unit covered by the Public Ethics Law:

Maryland Technology Infrastructure Authority  
Workgroup of the Maryland Health Insurance Coverage Protection Commission  
Alcohol and Tobacco Commission  
Prescription Drug Affordability Board  
Prescription Drug Affordability Stakeholder Council  
TEDCO Investment Committee  
TEDCO Advisory Committee  
Task Force to Study Crime Classification and Penalties  
Talk Force on Maryland Maternal and Child Health  
Workgroup on the Baltimore Symphony Orchestra  
Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors  
Workgroup on Alcohol Outlet Density Zones in Prince George's County  
Maryland Easy Enrollment Health Insurance Program Advisory Workgroup  
Task Force to Study the Frederick County Public School System's Elementary School  
Social-Emotional Learning Pilot Program  
Maryland Lynching Truth and Reconciliation Commission  
Hearing Accessibility Advisory Board  
Task Force to Study Transportation Access  
Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or  
Domestic Violence Allegations  
Workgroup to the Study the Maryland State Department of Education and the  
Maryland Higher Education Commission  
Student Data Privacy Council  
Juvenile Justice Reform Council

Decision: The Commission determined the following were executive units and therefore covered by the Ethics Law:

Maryland Technology Infrastructure Authority  
Alcohol and Tobacco Commission  
Prescription Drug Affordability Board  
Prescription Drug Affordability Stakeholder Council  
TEDCO Investment Committee  
TEDCO Advisory Committee  
Talk Force on Maryland Maternal and Child Health  
Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors  
Maryland Easy Enrollment Health Insurance Program Advisory Workgroup  
Maryland Lynching Truth and Reconciliation Commission  
Hearing Accessibility Advisory Board  
Task Force to Study Transportation Access  
Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or  
Domestic Violence Allegations  
Workgroup to the Study the Maryland State Department of Education and the  
Maryland Higher Education Commission  
Student Data Privacy Council  
Juvenile Justice Reform Council

The Commission determined that the Workgroup of the Maryland Health Insurance Coverage Protection Commission, Task Force to Study Crime Classification and Penalties, Workgroup on the Baltimore Symphony Orchestra, Workgroup on Alcohol Outlet Density Zones in Prince George's County and the Task Force to Study the Frederick County Public School System's Elementary School Social-Emotional Learning Pilot Program were not executive units covered by the Public Ethics Law.

ITEM 5: Local Government – Wicomico County (19-0145)

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

Decision: The Commission approved the proposed amendments.

ITEM 6: Local Government – Talbot County (19-0146)

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

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government – City of District Heights (19-0303)

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

Decision: The Commission approved the proposed amendments.

(Mr. Lord was absent for the presentations of Items 5 through 7.)

The Commission voted unanimously to close the meeting at 10:02 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 and confidential advice matters per §5-303 of the Public Ethics Law.

ITEM 8: A-35-18

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

Decision: An exception to allow a financial interest will be granted in this matter contingent upon approval from the head of the governmental unit.

ITEM 9: A-12-19

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

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

ITEM 10: A-26-19

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-4-19)

ITEM 11: B-8-17

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

Decision: The Commission accepted the Non-Participation Agreement and allowed the financial interest exception in this matter.

ITEM 12: B-5-18

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

Decision: This matter will be closed with a letter.

ITEM 13: B-3-19

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

Decision: The Commission accepted the Pre-Complaint Disposition Agreement in this matter.

ITEM 14: C-16-18

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

Decision: The Commission accepted the proposed Stipulation of Settlement Agreement.

ITEM 15: A-15-19

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

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 16: A-16-19

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

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 17: A-17-19

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

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 18: A-18-19

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

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 19: A-14-19

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

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 20: A-19-19

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

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 21: A-22-19

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

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 22: A-23-19

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

Decision: The Commission accepted the Lobbyist Filing Agreement in this matter.

ITEM 23: A-21-19

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

Decision: The Commission accepted the Lobbyist Filing Agreements in these matters.

ITEM 24: A-20-19

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

Decision: The Commission accepted the Lobbyist Settlement Agreement in this matter.

ITEM 25: A-24-19

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

Decision: Complaints will be issued in these matters. (C-2-19 to C-4-19; C-6-19 to C-21-19; C-23-19)

ITEM 26: A-25-19

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

Decision: The Commission authorized a complaint, but it will not be issued unless the employee fails to complete training on July 18, 2019. (C-25-19)

ITEM 27: Jurisdiction – Clerks of the Courts

Discussion: Mr. Lord briefed the Commission on the status of this matter.

(Mr. Lord, Mr. Colquhoun, Ms. Pizzi and Mr. Garrett participated in the briefings, but did not participate in the decisions regarding Items 8 through 26.)

ITEM 28: Informal Matter – Maryland Environment Trust (18-0284)

Discussion: Ms. Allgair briefed the Commission on the status of 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 sufficient steps have been taken by the agency to resolve prior concerns related to the post-employment restrictions of the Public Ethics Law and directed staff to provide guidance to the agency.

ITEM 29: Informal Matter – Department of Health (19-0314)

Discussion: Ms. Thompson briefed the Commission on a prestige question regarding the appropriate circumstances when board members can make a recommendation using the board's letterhead.

Decision: The Commission determined this activity is strictly limited to those situations contemplated by statute, law or board regulation.

ITEM 30: Informal Matter – Department of Human Services (19-0340)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to serve as a direct care worker for a private health care services organization.

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

ITEM 31: Informal Matter – Department of Human Services (19-0336)

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 residential crisis facilitator for a private non-profit mental health organization.

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

ITEM 32: Informal Matter – Department of Health (19-0330)

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

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

ITEM 33: Informal Matter – Department of Health (19-0359)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a crisis response member with a private behavioral health group.

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

ITEM 34: Informal Matter – Department of Health (19-0304)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as an urgent care moonlighter with a private physician network.

Decision: The Commission did not approve the secondary employment exception for this employee.

ITEM 35: Informal Matter –Department of Health (19-0354)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a community health worker at a health education center.

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

ITEM 36: Informal Matter – Department of Health (19-0355)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a program coordinator at a health education center.

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

ITEM 37: Informal Matter –Department of Health (19-0356)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a mobile crisis team specialist with behavioral health service group.

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

ITEM 38: Informal Matter – Department of Health (19-0358)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to serve as a board member of a local non-profit.

Decision: The Commission determined to allow this secondary employment with restrictions.

ITEM 39: Informal Matter – University of Maryland Eastern Shore (19-0276)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the University of Maryland Eastern Shore wanting to serve as a board member of a local non-profit.

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

ITEM 40: Informal Matter – Department of Human Services (19-0282)

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 residential crisis facilitator with a non-profit behavioral health care organization.

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

ITEM 41: Informal Matter – Department of Health (19-0270)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as an independent contractor with a private behavioral health company.

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

ITEM 42: Informal Matter – Department of Health (19-0333)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as an associate psychiatrist with a private health system.

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



ITEM 43: Informal Matter – Department of Health (19-0288)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as an evening staff psychiatrist with a private hospital.

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

ITEM 44: Informal Matter – Department of Health (19-0253)

Discussion: Ms. Allgair briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a clinical trainer at a pharmaceutical company.

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

ITEM 45: Informal Matter – Morgan State University (19-0185)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding an employee at Morgan State University wanting to continue to serve as a board member on a foundation.

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

ITEM 46: Informal Matter – Board of Examiners in Optometry (19-0313)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding an employee of the Board of Examiners of Optometry wanting to serve in a non-compensated position on a board.

Decision: The Commission this was ex officio service and therefore could be performed by the employee as part of her regular duties.

ITEM 47: Informal Matter – Maryland State Board of Education (19-0329)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding a member of the Maryland State Board of Education who wants to substitute teach and present workshops.

Decision: The Commission determined the substitute teaching was exempted because the employee disclosed it on her Appointee Exemption Disclosure Form, but the workshops were not disclosed and therefore not exempted. The member is permitted to provide the workshops if she is not compensated.

ITEM 48: Informal Matter – Department of Transportation (19-0342)

Discussion: Mr. Lord briefed the Commission on a secondary employment request regarding an employee in the Department of Transportation wanting to serve on a county economic development advisory board.

Decision: The Commission determined the advisory board service does not constitute secondary employment and therefore was not barred by the Public Ethics Law. However, the Commission directed the Executive Director to express the Commission's reservations and provide appropriate precautions.

ITEM 49: Informal Matter – Department of Human Services (19-0281)

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

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

ITEM 50: Informal Matter – Department of Human Services (19-0240)

Discussion: Ms. Thompson presented to the Commission a secondary employment request regarding an employee in the Department of Human Services wanting to work as an abuse/domestic violence specialist with a county medical center.

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

ITEM 51: Informal Matter – Department of Health (19-0324)

Discussion: Ms. Thompson presented to the Commission a secondary employment request regarding an employee in the Department of Health wanting to work as a customer service representative with a county medical group.

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

ITEM 52: Informal Matter – Department of Health (19-0271)

Discussion: Ms. Thompson presented to the Commission a secondary employment request regarding an employee in the Department of Health wanting to work as a counselor at a mental health facility.

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

ITEM 53: Informal Matter – Department of Human Services (19-0268)

Discussion: Ms. Thompson presented to the Commission a secondary employment request regarding an employee in the Department of Human Services wanting to work as a police communications operator for a local police department.

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

ITEM 54: Informal Matter – Department of Human Services (19-0343)

Discussion: Ms. Thompson presented to the Commission a secondary employment request regarding an employee in the Department of Human Services wanting to work as mail handler assistant with the post office.

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

ITEM 55: Informal Matter – Department of Human Services (19-0369)

Discussion: Ms. Thompson presented to the Commission a secondary employment request regarding an employee in the Department of Human Services wanting to work as a cashier for a department store.

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

ITEM 56: Informal Matter – Department of Human Services (19-0365)

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 therapist at a mental health clinic.

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

ITEM 57: Informal Matter – Department of Human Services (19-0368)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as an advocate at a multicultural woman's organization.

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

The meeting was reopened at 12:30 p.m.

ITEM 58: Executive Director's Report – Legislative Proposals

Discussion: Mr. Lord briefed the Commission on potential proposed legislation regarding mandating State Departments and agencies to assist the Commission with identifying financial disclosure filers.

Decision: The Commission approved the proposed legislation.

ITEM 59: Annual Election of Chair (July 1, 2019 to June 30, 2020)

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

The meeting was adjourned at 12:33 p.m.