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MINUTES OF THE STATE ETHICS COMMISSION MEETING

October 24, 2019

Commission Members Present: Craig D Roswell, Acting Chair
Aruna Miller
Geneau M. Thames

Commission Member Absent: Janet E. McHugh

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
Rita Dade, Intern

The meeting convened at 9:05 a.m. at the Commission's offices in Annapolis. Ms. Rita Dade was introduced as the new temporary 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.

ITEM 1: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved as adjusted.

ITEM 2: Minutes of the August 22, 2019 Meeting

Discussion: The draft minutes of the August 22, 2019 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 Financial Disclosure Administrator Young Smith and him. The recommendations covered the Department of Health, Department of Agriculture, Department of Budget & Management, Department of Information Technology, Treasurer's Office, Department of Human Services, Department of Natural Resources, Department of Commerce, Public Broadcasting Commission, Institute for Emergency Medical Services Systems, Military Department, Technology Development Corporation, State Highway Administration, Maryland Transit Administration, Montgomery College, Harford Community College, Maryland State Archives, Anne Arundel Community College, Executive Department, Department of the Environment and the College of Southern Maryland.

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

ITEM 4: Boards and Commissions - Executive Unit Determination

Discussion: Mr. Lord briefed the Commission on whether or not the Nursing Home Appeal Board and the Hospital Appeal Board should be considered executive units covered by the Public Ethics Law.

Decision: The Commission determined that the Nursing Home Appeal Board and the Hospital Appeal Board are executive agencies and their members are public officials covered by the Ethics Law.

ITEM 5: Financial Disclosure Exemption Request

Discussion: Mr. Lord briefed the Commission on the Juvenile Justice Reform Council's request for exemption from the financial disclosure requirement.

Decision: The Commission approved an exemption for the Juvenile Justice Reform Council.

ITEM 6: Local Government – Garrett County (19-0581)

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

Decision: The Commission will notify the jurisdiction of the necessary changes to be in compliance.

ITEM 7: Local Government – Anne Arundel County (19-0587)

Discussion: Ms. Allgair briefed the Commission on the proposed amendments to the local ethics regulations for Anne Arundel County.

Decision: The Commission approved the proposed amendments.

The Commission voted unanimously to close the meeting at 09:25 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-31-19

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

Decision: A complaint will be issued in this matter. (C-35-19)

ITEM 9: A-35-19

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

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

ITEM 10: A-30-19

Discussion: Mr. Colquhoun briefed the Commission on this matter. Mr. Roswell recused himself from participating in this matter and consequently the Commission was unable to proceed.

Decision: The Commission deferred a determination until a later meeting.

ITEM 11: A-32-19

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

Decision: Complaints will be issued in these matters. (C-28-19, C-33-19, C-34-19)

ITEM 12: C-8-17

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

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

ITEM 13: C-2-19

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

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

ITEM 14: C-4-19

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

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

ITEM 15: C-5-19

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

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

ITEM 16: C-13-19

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

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

ITEM 17: C-15-19

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

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

ITEM 18: C-22-19

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

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

ITEM 19: C-23-19

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

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

ITEM 20: C-24-19

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

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

ITEM 21: C-26-19

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

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

ITEM 22: C-27-19

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

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

ITEM 23: C-29-19

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

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

ITEM 24: C-31-19

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

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

ITEM 25: C-32-19

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, Mr. Garrett and Ms. Dade participated in the briefings, but did not participate in the decisions regarding Items 8 through 25.)

ITEM 26: Informal Matter – University of Maryland (19-0574)

Discussion: Ms. Thompson briefed the Commission on a participation matter regarding an employee in the University of Maryland who would like to manage a contract with a company where her spouse is employed.

Decision: The Commission did not grant an exemption to allow this participation.

ITEM 27: Informal Matter – Military Department (19-0547)

Discussion: Mr. Lord briefed the Commission on staff advice provided in the case of a prospective employee of the Military Department who wanted to perform the duties of the new position while in a terminal leave status from an entity that did business with the Department.

Decision: The Commission concurred in the advice provided by staff.

ITEM 28: Informal Matter – Department of Human Services (19-0517)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services wanting to work as a rehabilitation specialist with a charity.

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

ITEM 29: Informal Matter – Department of Human Services (19-0555)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Human Services wanting to work as a rehabilitation specialist with a charity.

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

ITEM 30: Informal Matter – Department of Health (19-0484)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work at a private mental health facility where she has a financial interest.

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

ITEM 31: Informal Matter – Department of Human Services (19-0476)

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 customer service associate at a convenience store.

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

ITEM 32: Informal Matter – Department of Health (19-514)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue as a mental health specialist in her own private practice for a few hours a week.

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

ITEM 33: Informal Matter – Department of Human Services (19-0526)

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 self-help checkout cashier at a local grocery store.

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

ITEM 34: Informal Matter – Department of Human Services (19-0520)

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 merchandiser at a warehouse chain store.

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

ITEM 35: Informal Matter –Department of Health (19-0489)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee at the Department of Health wanting to work as a dance teacher for a recreation council.

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

ITEM 36: Informal Matter – Motor Vehicle Administration (19-0499)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Motor Vehicle Administration wanting to work as a golf coach at a local high school.

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

ITEM 37: Informal Matter –Department of Health (19-0477)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a teaching assistant at a private university.

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

ITEM 38: Informal Matter –Department of Health (19-0579)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as an administrative assistant with a private mental health facility.

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

ITEM 39: Informal Matter –Department of the Environment (19-0578)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of the Environment wanting to work as a petty officer in the coast guard.

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

ITEM 40: Informal Matter –Department of Health (19-0586)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to have a financial interest and work at a construction company.

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

ITEM 41: Informal Matter –Executive Department (19-0469)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Executive Department wanting to serve as an officer of an elementary school PTA.

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

ITEM 42: Informal Matter –Department of Human Services (19-0599)

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 member of the board of directors for a non-profit child advocacy center.

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

ITEM 43: Informal Matter –Department of Health (19-0589)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work providing back-up respite care support for a family member through a community support organization.

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

ITEM 44: Informal Matter –Department of Health (19-0598)

Discussion: Ms. Thompson briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a clerk at a grocery store.

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

ITEM 45: Informal Matter –Department of Human Services (19-0599)

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 loader at a mail delivery organization.

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

ITEM 46: Informal Matter – Lobbying (19-0595)

Discussion: Mr. Lord briefed the Commission on a request for advice by the chair of a commission that was created by the General Assembly and is expected to sunset in December. The request sought guidance on the effects of the Law's post-employment and lobbying provisions on the requestor's plans concerning future activity with regard to the work of the commission.

Decision: The Commission determined the conflicts of interest provisions did not apply because the commission had been determined not to be an executive unit. The Commission provided guidance on the Law's lobbying provisions.

ITEM 47: Informal Matter – Lobbying (19-0580)

Discussion: Ms. Allgair briefed the Commission on a lobbyist who wanted to purchase an interest in a company that may hire a registered lobbyist.

Decision: The Commission determined that interest is allowable.

The meeting was reopened at 10:07 a.m.

ITEM 48: Executive Director's Report – New Registration and Reporting System for Lobbyists

Discussion: Mr. Lord briefed the Commission on the implementation of the new registration and reporting system for lobbyists.

ITEM 49: Executive Director's Report – Online Training System

Discussion: Mr. Lord briefed the Commission on the status of the online training system. The Conflicts of Interest training has been placed on the State's learning management system (HUB) making it available to all State employees.

ITEM 50: Executive Director's Report – Proposed Legislation

Discussion: Mr. Lord briefed the Commission on the impact on the Ethics Law of an agency's proposed legislation to establish affiliated foundations.

ITEM 51: Executive Director's Report – Lobbyist Climate Survey

Discussion: Mr. Lord reminded the Commission that the response rate from lobbyists participating in the harassment and discrimination climate survey initiated by the Department of Legislative Services in the spring was only 15%. The substantive comments will not be available until December.

ITEM 52: Commission Meeting Dates for 2020

Discussion: The Commission approved the following 2018 meeting dates: February 20, 2020, April 16, 2020, June 18, 2020, September 3, 2020, October 22, 2020 and December 17, 2020.

The meeting was adjourned at 10:25 a.m.