



COMMISSION MEMBERS:
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JAMES N. ROBNEY, JR.
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MINUTES OF THE STATE ETHICS COMMISSION MEETING

January 21, 2021

Commission Members Present: Janet E. McHugh, Chair
James N. Robey, Jr.
Craig D Roswell
Geneau M. Thames (participated by phone)

Staff Members Present: Jennifer K. Allgair, Executive Director
William J. Colquhoun, General Counsel
Katherine Thompson, Staff Counsel
Kirsten S. Krogen, Assistant General Counsel
Darlene J. Gavel, Office Manager

The meeting convened at 9:00 a.m. at 45 Calvert Street, Room 164 in Annapolis. It was announced that Commission Member Aruna Miller resigned from the Ethics Commission. 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 during the open meeting.

ITEM 2: Minutes of the October 22, 2020 Meeting

Discussion: The draft minutes of the August 20, 2020 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 3: Financial Disclosure Exemption Request

Discussion: Ms. Allgair briefed the Commission on the Alcohol and Drug Counselor Subcommittee and the Equine Health, Safety, and Welfare Advisory Committee requests for exemption from the financial disclosure requirement.

Decision: The Commission granted exemptions for the Alcohol and Drug Counselor Subcommittee and the Equine Health, Safety, and Welfare Advisory Committee.

ITEM 4: Boards and Commissions - Executive Unit Determination

Discussion: Ms. Allgair briefed the Commission on whether or not the State Transparency and Accountability Reform Commission and Maryland Citizen Redistricting Commission should be considered executive units covered by the Public Ethics Law.

Decision: The Commission determined that the State Transparency and Accountability Reform Commission and Maryland Citizen Redistricting Commission are executive agencies and their members are public officials covered by the Ethics Law.

ITEM 5: Financial Disclosure Additions and Deletions

Discussion: Ms. Allgair 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 Executive Director, Jennifer Allgair. The recommendations covered the Department of Health, Department of Aging, Department of General Services, University of Maryland Global Campus, Maryland Office of the Inspector General for Education, Maryland State Police, State Retirement Agency, University of Maryland-Baltimore, Executive Department, Department of Natural Resources, Department of Budget & Management, Governor's Office of Crime Prevention, Youth and Victim Services, Department of the Environment, Carroll Community College, Maryland Public Broadcasting Commission, Department of Housing & Community Development and the Maryland Port Administration.

Decision: The Commission approved Ms. Allgair's recommendations.

ITEM 6: Local Government – Town of Forest Heights (20-0565)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for Town of Forest Heights.

Decision: The Commission approved the proposed amendments.

ITEM 7: Local Government – Washington County (20-0644)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for Washington County.

Decision: The Commission approved the proposed amendments.

ITEM 8: Local Government – St. Mary's County (20-0656)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for St. Mary's County.

Decision: The Commission approved the proposed amendments.

ITEM 9: Local Government – Anne Arundel County (20-0690)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for Anne Arundel County.

Decision: The Commission approved the proposed amendments.

ITEM 10: Local Government – Montgomery County (20-0695)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for Montgomery County.

Decision: The Commission did not approve of all changes to the proposed amendments. The Commission approved the proposed amendments in Montgomery County Bill 42-20, but did not approve the proposed amendments in Montgomery County Bill 47-20.

ITEM 11: Local Government – Town of Hurlock (20-0704)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for the Town of Hurlock.

Decision: The Commission approved the proposed amendments.

ITEM 12: Executive Director’s Report – Temporary Office Move

Discussion: Ms. Allgair briefed the Commission on the status of the Commission’s move to temporary office space which will be in the Department of Natural Resources Tawes Building.

ITEM 13: Executive Director’s Report – Maintenance Fee Dispute

Discussion: Ms. Allgair briefed the Commission on a dispute with the Commission’s online filing systems’ vendor and the request for a \$50,000 maintenance fee for each system.

ITEM 14: Executive Director’s Report – Update to Retention Schedules

Discussion: Ms. Allgair briefed the Commission on the proposed updates to the Commission’s retention policy for all records and working with Archives to have those updates finalized.

ITEM 15: Executive Director’s Report – Substantial Change Form 20

Discussion: Ms. Allgair briefed the Commission on a question regarding if a legislator purchased a new primary residence in the previous year which would require reporting on the Substantial Change Form, can the legislator list a description of the location such as city or county instead of the exact address since that would be shielded from the public on a Form 19.

Decision: The Commission approved advice given to allow only listing the city or county of the address on the Substantial Change Form 20 instead of the exact address.

ITEM 16: Executive Director’s Report – Commission Meeting Dates

Discussion: The next meetings of the Commission are tentatively scheduled for March 24, 2021 or March 31, 2021 and then June 10, 2021, August 26, 2021, October 21, 2021 and December 16, 2021.

ITEM 17: Executive Director's Report – 2021 Proposed Legislation

Discussion: Ms. Allgair briefed the Commission on the status of legislation 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: HB0002/SB0002 (Maryland Environmental Service Reform Act of 2021), SB0004/HB0363 (Maryland Public Ethics Law – Retaliation for Reporting or Participating in Investigation – Prohibition), HB0292 (Public Ethics – Gifts and Lobbyist Registration (Public Integrity Act of 2021)), and HB0183 (Public Information Act – Revisions (Equitable Access to Records Act)).

The Commission voted unanimously to close the meeting at 9:55 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 18: A-43-20

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be closed.

ITEM 19: A-44-20

Discussion: Ms. Thompson briefed the Commission on this matter.

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

ITEM 20: A-45-20

Discussion: Ms. Thompson briefed the Commission on this matter.

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

ITEM 21: A-46-20

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-1-21)

ITEM 22: B-3-20

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: The Commission accepted the Pre-Complaint Disposition Agreements.

ITEM 23: B-5-19

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

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

ITEM 24: A-47-20

Discussion: Ms. Thompson briefed the Commission on these matters.

Decision: The Commission accepted the Lobbyist Filing Agreements in these matters; and closed one matter with a letter.

ITEM 25: A-48-20

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: The Commission accepted the Lobbyist Filing Agreement.

ITEM 26: A-1-21

Discussion: Ms. Thompson briefed the Commission on this matter.

Decision: Complaints were authorized, but not issued.

(Ms. Thompson and Ms. Allgair participated in the briefings to the Commission, but did not participate in the decisions regarding Items 18 through 26. Mr. Colquhoun participated in the briefing to the Commission for Item 23, but did not participate in the decision.)

ITEM 27: Informal Matter – Department of General Services (20-0608)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee with the Department of General Services wanting to be a consultant with an entity seeking a sports gaming license in Virginia.

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

ITEM 28: Informal Matter – Department of Health (20-0646)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to participate in a Fellowship with a private university that contracts with the employee's unit.

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

ITEM 29: Informal Matter – University of Maryland School of Medicine (20-0015)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding a board member of the University of Maryland School Of Medicine who wants to teach continuing education classes at the University and another entity.

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

ITEM 30: Informal Matter – Department of Housing & Community Development (20-0645)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Housing & Community Development wanting to serve as a member on a County Planning Board.

Decision: The Commission determined the two positions are not inconsistent employment.

ITEM 31: Informal Matter – Department of Health (20-0579)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work with a home health service that is a vendor of the Department.

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

ITEM 32: Informal Matter – Department of Health (20-0578)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work at an outpatient mental health clinic that is a vendor of the Department.

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

ITEM 33: Informal Matter – Department of Human Services (20-0555 & 20-0648)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services who wants to apply with two nursing and rehabilitation centers that have or could have referral relationships with the Department.

Decision: The Commission granted an exception to allow these secondary employments subject to additional information.

ITEM 34: Informal Matter – Morgan State University (20-0485)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee with Morgan State University who wants to serve as a Governance Board Member and a Chair of a private-public partnership.

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

ITEM 35: Informal Matter – Department of Health (20-0558)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a part-time psychiatric nurse with a private hospital.

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

ITEM 36: Informal Matter – Department of Health (20-0572)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a part-time PRN nurse with a hospital that is regulated by the Department.

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

ITEM 37: Informal Matter – Morgan State University (20-0580)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee at Morgan State University who would like to serve as Vice Chair of a national higher education board.

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

ITEM 38: Informal Matter – Department of Health (20-0615)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a part-time PRN home-visiting nurse with a non-profit hospice.

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

ITEM 39: Informal Matter – University of Maryland (20-0655)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the University of Maryland wanting to have a financial interest in and serve as a board member for a medical supplier.

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

ITEM 40: Informal Matter – Office of the Attorney General (20-0031)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Office of the Attorney General wanting to serve as a board member of a non-profit organization that has entered into a grant agreement with the Office of the Attorney General.

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

ITEM 41: Informal Matter –Department of Human Services (20-0647)

Discussion: Ms. Krogen 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 private mental health company.

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

ITEM 42: Informal Matter – Department of Human Services (20-0641)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a handler for a mail distribution company.

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

ITEM 43: Informal Matter – Department of Human Services (20-0654)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a money center associate at a department store.

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

ITEM 44: Informal Matter – Department of the Environment (20-0649)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of the Environment wanting to work part-time as an administrator for a county recreation and parks.

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

ITEM 45: Informal Matter – University of Maryland (20-0674)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee at the University of Maryland wanting to work as a lab technician for a private university.

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

ITEM 46: Informal Matter – Department of Human Services (20-0602)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a social worker for a private school of medicine.

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

ITEM 47: Informal Matter – Department of Human Services (21-0025)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a front desk associate at a local YMCA.

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

ITEM 48: Informal Matter – Department of Human Services (21-0034)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a customer service representative at a convenience store.

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

ITEM 49: Informal Matter – Department of Health (20-0613)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to have a financial interest in and work for an acupuncturist clinic regulated by the Department.

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

ITEM 50: Informal Matter – Department of Health (20-0642)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to have a financial interest in and work at a behavioral health practice regulated by the Department.

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

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