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KIRSTEN S. KROGEN
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MINUTES OF THE STATE ETHICS COMMISSION MEETING

March 31, 2021

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

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

The meeting convened at 9:00 a.m. at 580 Taylor Avenue in the 1st Floor conference room. 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 January 21, 2021 Meeting

Discussion: The draft minutes of the January 21, 2021 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 Advisory Council on Health & Physical Education and the Collaborative Planning and Implementation Committee for the Crisis Intervention Team Center of Excellence requests for exemption from the financial disclosure requirement.

Decision: The Commission granted exemptions for the Advisory Council on Health & Physical Education and the Collaborative Planning and Implementation Committee for the Crisis Intervention Team Center of Excellence.

ITEM 4: Boards and Commissions - Executive Unit Determination

Discussion: Ms. Allgair briefed the Commission on whether or not the Maryland Mental Health & Substance Use Disorder Registry & Referral System Advisory Committee should be considered executive unit covered by the Public Ethics Law.

Decision: The Commission determined that the Maryland Mental Health & Substance Use Disorder Registry & Referral System Advisory Committee is an executive agency 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 Frostburg State University, Northeast Maryland Waste Disposal Authority, Department of Natural Resources, College of Southern Maryland, Maryland Transportation Authority, State Highway Administration, Department of Information Technology, Department of the Environment, Maryland Environmental Service, Bowie State University, Department of Health, University of Maryland-Baltimore, Department of Agriculture, Department of General Services, Towson University, Maryland State Department of Education, Montgomery College, Attorney Grievance Commission and several hundred positions from the Department of Public Safety & Correctional Services.

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

ITEM 6: Draft Annual Report for 2020

Discussion: There was a general discussion of the Commission's draft Annual Report.

Decision: The draft Annual Report was approved as adjusted.

ITEM 7: Discussion of Interim Financial Disclosure Statement

Discussion: Ms. Allgair briefed the Commission on whether or not an interim State official's financial disclosure statement should be available to the public.

Decision: The Commission determined that interim State official's financial disclosure statements should be available to the public.

ITEM 8: Financial Disclosure Filing Deadline

Discussion: There was a discussion of whether the deadline for financial disclosure statements should be changed this year.

Decision: The Commission determined the deadline would not be changed and forms are due April 30, 2021.

ITEM 9: Local Government – Dorchester County (21-0043)

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

Decision: The Commission approved the proposed amendments.

ITEM 10: Executive Director’s Report – Temporary Office Relocation

Discussion: Ms. Allgair briefed the Commission on the office move to the temporary location at the DNR Tawes Building.

ITEM 11: Executive Director’s Report – Maintenance Agreements

Discussion: Ms. Allgair briefed the Commission on the maintenance agreements for the lobbying and financial disclosure systems. Enovational agreed to support both systems at a reduced cost for a year starting March 30, 2021.

ITEM 12: Executive Director’s Report – Policy Reviews

Discussion: Ms. Allgair briefed the Commission on the review of the lobbying and financial disclosure programs for the best use of resources and practices and will create written policies to be discussed at a later meeting.

ITEM 13: Executive Director’s Report – Legislative Update

Discussion: Ms. Allgair briefed the Commission on the status of legislation enacted during the 2021 Legislative Session. Discussion included HB363/SB4 (Maryland Public Ethics Law – Retaliation for Reporting or Participating in Investigation – Prohibition), HB980 (Prince George's County - Public Ethics - Definition of Application PG 416-21) and HB1058 (Public Ethics - Disclosures, Training, and Use Of Confidential Information) and the impacts on the Commission.

The Commission voted unanimously to close the meeting at 9:33 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 14: A-2-21

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-2-21)

ITEM 15: A-4-21

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

Decision: This matter will be closed.

ITEM 16: A-5-21

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

Decision: This matter will be closed.

ITEM 17: A-6-21

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

Decision: This matter will be closed.

ITEM 18: B-4-20

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

Decision: The Commission reviewed and approved the amendments and closed the financial disclosure audit with a letter.

ITEM 19: B-5-20

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

Decision: This matter will be closed with a letter.

ITEM 20: B-6-20

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

Decision: The Commission authorized a complaint in this matter.

ITEM 21: B-1-21

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

Decision: This matter will be closed with letters.

ITEM 22: A-3-21

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

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

ITEM 23: A-7-21

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

Decision: Complaints were authorized, but not issued.

ITEM 24: A-8-21

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 14 through 24.)

ITEM 25: Informal Matter – Maryland Transit Administration (21-0146)

Discussion: Mr. Colquhoun briefed the Commission on an employee in the Maryland Transit Administration who would like to participate in matters related to his father's employer.

Decision: The Commission did not approve the participation exception.

ITEM 26: Informal Matter – Department of Health (21-0058)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee with the Department of Health wanting to continue service as a member of a town council.

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

ITEM 27: Informal Matter – Department of Health (21-0003)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee with the Department of Health wanting to work as a child and adolescent psychiatrist with a private counseling center which is regulated by the Department.

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

ITEM 28: Informal Matter – Governor's Office of Crime Prevention, Youth and Victim Services (21-0006)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee with the Governor's Office of Crime Prevention, Youth and Victim Services (GOCPYVS) wanting to serve as a board member of an entity that applies for grants from the GOCPYVS.

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

ITEM 29: Informal Matter – Department of Health (21-0063)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee with the Department of Health wanting to work as a Charge Nurse for a private entity which is regulated by the Department.

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

ITEM 30: Informal Matter – Maryland Center for School Safety (21-0086)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Maryland Center for School Safety wanting to serve as a member of a board of directors of a private theatre center that receives grants from the Department of Education.

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

ITEM 31: Informal Matter – Maryland State Police (21-0096)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Maryland State Police wanting to work as a customer service representative with a private technology company.

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

ITEM 32: Informal Matter – Department of Human Services (21-0112)

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 company that receives referrals from the Department.

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

ITEM 33: Informal Matter – Department of Health (21-0114)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a Medical Director of an agency that is regulated by and receives funds from the Department. Ms. Craig did not participate in this matter.

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

ITEM 34: Informal Matter – Department of Human Services (21-0115)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee with the Department of Human Services wanting to work as a therapist for a youth program that receives referrals from the Department.

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

ITEM 35: Informal Matter – Department of Health (21-0124)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to work as a psychiatrist with a private entity that is regulated by and receives funds from the Department.

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

ITEM 36: Informal Matter – Department of Human Services (21-0054)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as catering staff to a county civic center that receives payments from the Department.

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

ITEM 37: Informal Matter – Department of Human Services (21-0056)

Discussion: Ms. Krogen briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work at a private mental health clinic.

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

ITEM 38: Informal Matter – Department of Health (21-0123)

Discussion: Ms. Krogen briefed the Commission on a financial interest and secondary employment request regarding an employee in the Department of Health wanting to work as a psychiatrist at a behavioral health clinic that is owned by the employee's spouse and regulated by the Department.

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

ITEM 39: Informal Matter – Department of Health (21-0125)

Discussion: Ms. Krogen briefed the Commission on a financial interest and secondary employment request regarding an employee in the Department of Health wanting to work as a psychiatrist and have a financial interest in an entity that is regulated by the Department.

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

ITEM 40: Informal Matter – Technology Development Corporation (21-0014)

Discussion: Mr. Colquhoun briefed the Commission on financial interest and secondary employment request regarding an employee at the Technology Development Corporation wanting to work at and have a financial interest in a robotics company that is seeking funding from the Corporation.

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

ITEM 41: C-1-19

Discussion: Ms. Krogen briefed the Commission on a request to move an enforcement matter that had been considered at the Commission's August 20, 2020 meeting to the Commission's formal advisory opinion docket.

Decision: This matter will be reviewed as a formal advisory opinion at the Commission's June 10, 2021 meeting.

The meeting was adjourned at 11:20 a.m.