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STATE ETHICS COMMISSION

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MINUTES OF THE STATE ETHICS COMMISSION MEETING – amended 1/6/22

June 10, 2021

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

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

The meeting convened at 9:10 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: Annual Election of Chair (July 1, 2021 to June 30, 2021)

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

ITEM 2: Tentative Agenda

Discussion: The Commission reviewed the tentative agenda.

Decision: The tentative agenda was approved during the open meeting.

ITEM 3: Minutes of the March 31, 2021 Meeting

Discussion: The draft minutes of the March 31, 2021 meeting were reviewed and discussed.

Decision: The draft minutes were approved.

ITEM 4: Boards and Commissions - Executive Unit Determination – corrected 1/6/22

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

Maryland Commission on Health Equity
Health Equity Resources Community Advisory Committee
Task Force on Oral Health in Maryland
Multiple-Disciplinary Alternative Response Advisory Council
Commission on Trauma-Informed Care
Genetic Counseling Advisory Committee
Commission on LGBTQ Affairs
Advisory Committee on Veteran-Owned Small Business Enterprise (VSBE)
Task Force to Study Canine Breeding Facilities and Sourcing Standards
Workgroup on Low-Income Utility Assistance
Geothermal Energy Workgroup
Workgroup on Home Detention Monitoring
Maryland Food System Resiliency Council
Sports Wagering Application Review Commission
Historic St Mary’s City Fort to 400 Commission – SB 946/HB 1364 – staffed by Division of Tourism,
Film and the Arts in Department of Commerce with assistance by Maryland Historical Trust
and Maryland State Archives
Workgroup to Study Partial Expungement
Advisory Board on the Transfer of Control of the Police Department of Baltimore City
Workgroup on Adaptive Reuse of Vacant Commercial Spaces
Workgroup to Study the Transformation of Manufacturing in Maryland’s Emerging Digital Economy
Maryland Consortium on Coordinated Community Supports
Accountability and Implementation Board
Accountability and Implementation Board Nominating Committee
Career and Technical Education Committee
Career and Technical Education (“CTE”) Skills Standards Advisory

Decision: The Commission determined that the following were executive agencies and its members are public officials covered by the Ethics Law:

Maryland Commission on Health Equity
Health Equity Resources Community Advisory Committee
Task Force on Oral Health in Maryland
Multiple-Disciplinary Alternative Response Advisory Council
Commission on Trauma-Informed Care
Genetic Counseling Advisory Committee
Commission on LGBTQ Affairs
Advisory Committee on Veteran-Owned Small Business Enterprise (VSBE)
Task Force to Study Canine Breeding Facilities and Sourcing Standards
Workgroup on Low-Income Utility Assistance
Geothermal Energy Workgroup
Workgroup on Home Detention Monitoring
Maryland Food System Resiliency Council
Sports Wagering Application Review Commission
Accountability and Implementation Board

Accountability and Implementation Board Nominating Committee
Career and Technical Education Committee
Career and Technical Education (“CTE”) Skills Standards Advisory

The Commission determined the following were not an executive unit:

Historic St Mary’s City Fort to 400 Commission – SB 946/HB 1364 – staffed by Division of Tourism, Film and the Arts in Department of Commerce with assistance by Maryland Historical Trust and Maryland State Archives
Workgroup to Study Partial Expungement
Advisory Board on the Transfer of Control of the Police Department of Baltimore City
Workgroup on Adaptive Reuse of Vacant Commercial Spaces
Workgroup to Study the Transformation of Manufacturing in Maryland’s Emerging Digital Economy
Maryland Consortium on Coordinated Community Supports

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 State Highway Administration, Department of Labor, Department of Health, University of Maryland Global Campus, Department of the Environment, Towson University, Maryland Technology Development Corporation (TEDCO), Maryland Transit Administration, Department of Information Technology, Department of Assessments & Taxation, Department of General Services, Institute for Emergency Medical Services Systems, Department of Human Services, Department of Natural Resources, Department of Transportation, Department of Budget & Management, Prince George’s Community College, State Retirement Agency, Maryland Transportation Authority, University of Maryland College Park, Anne Arundel Community College and several hundred positions from the Department of Public Safety & Correctional Services.

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

ITEM 6: Local Government – Baltimore County Board of Education (21-0242)

Discussion: Mr. Colquhoun briefed the Commission on the proposed amendments to the local ethics ordinance for Baltimore County Board of Education.

Decision: The Commission approved the proposed amendments.

ITEM 7: Executive Director’s Report – Legislation Update

Discussion: There was a general discussion of the following bills and the actions needed to be taken by the Commission to comply: HB 363 – Public Ethics – Officials and Employees, Acceptance of Gifts and Prohibited Retaliation, HB 980 – Prince George’s County- Public Ethics – Payments and Transfer and Zoning Intensification Requests and HB 1058 – Public Ethics – Disclosures, Training, Use of Confidential Information (Integrity in High Office Act).

ITEM 8: Executive Director’s Report – Return to Office Plan

Discussion: Ms. Allgair briefed the Commission on the plan to return staff to the office beginning July 1.

ITEM 9: Executive Director's Report – Review of Compensation for Board and Commission Members

Discussion: Ms. Allgair briefed the Commission on the need to review compensated boards to determine if they need to file Form 1 since compensation schedules have changed and the need to review boards to see if they should consider asking for an exemption from filing.

The Commission voted unanimously to close the meeting at 9:45 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 10: A-9-21

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

Decision: This matter will be closed.

ITEM 11: A-11-21

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

Decision: This matter will be closed.

ITEM 12: A-16-21

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

Decision: This matter will be closed.

ITEM 13: A-10-21

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

Decision: This matter will be closed.

ITEM 14: A-13-21

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

Decision: This matter will be closed.

ITEM 15: A-14-21

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-3-21)

ITEM 16: A-17-21

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

Decision: This matter will be placed on the Preliminary Inquiry Docket. (B-4-21)

ITEM 17: B-6-20

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

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

ITEM 18: A-12-21

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

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

ITEM 19: A-15-21

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

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

ITEM 20: A-21-21

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

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

ITEM 21: A-22-21

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

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

ITEM 22: A-23-21

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

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

ITEM 23: A-24-21

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

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

ITEM 24: A-25-21

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

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

ITEM 25: A-26-21

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

Decision: The Commission authorized complaints in this matter.

ITEM 26: A-18-21

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

Decision: Complaints were authorized, but not issued.

ITEM 27: A-19-21

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

Decision: A complaint was 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 10 through 27.)

ITEM 28: Informal Matter – State Highway Administration Non-Participation and Mitigation Agreements

Discussion: The staff presented five non-participation agreements or mitigation agreements provided by the State Highway Administration and approved by the staff. The matters included 21-0224, 21-0267, 21-0277, 21-0276 and 21-0300.

ITEM 29: Informal Matter – University of Maryland Center for Environmental Science (21-0304)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee with the University of Maryland Center for Environmental Science wanting to serve on a board of trustees for a nature conservancy.

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

ITEM 30: Informal Matter – Department of Human Services (21-0151)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services (DHS) wanting to work as a contractual employee with a county health department that receives funding from the Department.

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

ITEM 31: Informal Matter – Department of Health (21-0162)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to provide emergency physician services to a State hospital.

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

ITEM 32: Informal Matter – Department of Health (21-0163)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to be a public health research consultant to a private school.

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

ITEM 33: Informal Matter – Department of Health (21-0248)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to be an instructor for a private university.

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

ITEM 34: Informal Matter – Department of Health (21-0170)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee with the Department of Health wanting to continue working as a psychiatrist with a county crisis center that is regulated by the Department.

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

ITEM 35: Informal Matter – Department of Health (21-0171)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Health wanting to continue working as a psychiatrist with an entity that is regulated by the Department.

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

ITEM 36: Informal Matter – Department of Human Services (21-0237)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a direct support professional with a county DSS.

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

ITEM 37: Informal Matter – Department of Human Services (21-0225)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as an outpatient mental health therapist at an entity that may receive referrals from the Department.

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

ITEM 38: Informal Matter – Department of Human Services (20-0216)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a part-time associate at a convenience store.

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

ITEM 39: Informal Matter – Department of Human Services (21-0269)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee in the Department of Human Services wanting to work as a personal shopper for a department store.

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

ITEM 40: Informal Matter – Department of Health (21-0217)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee at the Department of Health wanting to work as a physician assisting with COVID vaccinations.

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

ITEM 41: Informal Matter – Department of the Environment (21-0301)

Discussion: Mr. Colquhoun briefed the Commission on a secondary employment request regarding an employee at the Department of the Environment wanting to be a respiratory mask fit tester.

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

ITEM 42: Informal Matter – Department of Health (21-0173)

Discussion: Mr. Colquhoun briefed the Commission on an employee in the Department of Health who wants to have a financial interest in and secondary employment as a psychiatrist in private practice.

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

ITEM 43: Informal Matter – University of Maryland College Park (21-0317)

Discussion: Ms. Allgair briefed the Commission on the proposed conflict of interest policy changes provided by the University of Maryland College Park.

Decision: The Commission approved the revisions to the University of Maryland College Park's conflict of interest policy.

ITEM 44: Departmental Legislation Discussion - State Board of Elections

Discussion: Ms. Allgair briefed the Commission on proposed legislative changes by another State agency that would impact the Public Ethics Law lobbying provisions.

Decision: The Commission did not oppose the proposed changes.

ITEM 45: Advisory Opinion Request – REQ-21-01r

Discussion: Ms. Krogen briefed the Commission on an advisory opinion request regarding to which extent the post-employment provision of §5-504(d) of the Public Ethics Law limit the activities of a former WCHD employee, who now wants to work on matters as a private consultant, in which the former WCHD employee was previously involved on behalf of the State. Representatives from the Department of Health and the Department of the Environment were present virtually. Confidentiality was not waived.

Decision: Commission staff will draft an advisory opinion for Commission review and approval.

The meeting was adjourned at 1:50 p.m.