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STATE ETHICS COMMISSION

PRE-COMPLAINT DISPOSITION AGREEMENT

This Agreement, made this 13 day of December, 2016, by and between Javid Brathwaite, University of Maryland Eastern Shore, and William J. Colquhoun, Esq., Staff Counsel to the State Ethics Commission (hereinafter "Staff Counsel").

The State Ethics Commission ("the Commission") is the executive agency of the State of Maryland established by Chapter 513, Acts 1979 for the purpose of enforcing the Maryland Public Ethics Law (General Provisions Article, Title 5, Annotated Code of Maryland) including the provisions of Subtitle 5, Conflicts of Interest.

AGREED STATEMENT OF FACTS

1. Javid Brathwaite was at all times relevant to this matter employed by the University of Maryland Eastern Shore ("UMES"), an executive agency of the State of Maryland, and an employee subject to the conflict of interest provisions of the Public Ethics Law.

2. Mr. Brathwaite is employed as the Director of the Office of Auxiliary and Business Services at UMES. The Office of Auxiliary and Business Services is charged with overseeing contracts for non-academic services such as dining, mail, and the bookstore. Mr. Brathwaite's duties include supervising the distribution of an annual need-based textbook scholarship provided by Follett Higher Education Group, Inc., the company which holds the contract for the UMES Neebo Bookstore.

3. Section 5-501(a)(1) of the Public Ethics Law prohibits a State employee or official from participating in a matter if the employee or official, or a qualifying relative of the employee or official, has an interest in the matter and the employee or official knows of the interest. Section 5-101(gg) of the Public Ethics Law defines "qualifying relative" as a spouse, parent, child, brother or sister.

4. Mr. Brathwaite's spouse is a student at UMES. From February 2014 to January 2016, Mr. Brathwaite's spouse was awarded textbook scholarships from Follett Higher Education Group, Inc. through the Office of Auxiliary and Business Services. Mr. Brathwaite participated in awarding \$2,056.76 in scholarships to his spouse. Of the total amount awarded only \$1,344.42 was used.

5. Mr. Brathwaite is voluntarily entering into this agreement to admit certain violations of the Public Ethics Law, to accept certain sanctions, and to resolve the matter now pending against him without the issuance of a complaint and a hearing before the Commission.

NOW THEREFORE, in consideration of the agreed facts contained herein, and effective on the date of the Commission's acceptance of the terms of this Agreement, Javid Brathwaite and William J. Colquhoun, Staff Counsel, agree as follows:

A. That Mr. Brathwaite stipulates that his participation in matters relating to his spouse receiving Follett Higher Education Group, Inc. Scholarship funds in 2014, 2015 and 2016 violated § 5-501(a)(1) of the Public Ethics Law.

B. That Mr. Brathwaite understands that violations of the conflict of interest provisions of the Public Ethics Law may result in civil fines pursuant to Section 5-902 of the Public Ethics Law. Mr. Brathwaite further agrees to pay, in lieu of potential fines, the sum of \$1,344.42 for the above admitted violation of the law and that said sum will be paid by check to UMES on or before February 17, 2017. The funds will be paid to the Follett Higher Education Group, Inc. Scholarship or another similar scholarship as determined by UMES. Mr. Brathwaite will not seek a tax deduction for the payment.

C. That Mr. Brathwaite will retake the two hour State Employees Conflict of Interest Training on or before February 17, 2017. Mr. Brathwaite will educate the employees he supervises on how to access the State Employees Conflict of Interest Training so that they are better informed of their responsibilities under the Public Ethics Law.

D. That the Commission will issue a reprimand to Mr. Brathwaite effective the date of the Commission's acceptance of the Agreement.

E. That the Commission will transmit a copy of the Agreement to the Governor and the President of UMES.

F. That Mr. Brathwaite will not participate in any UMES matter in which a qualifying relative has an interest. The Commission, through its published opinions, has defined "participate" as "participating as a State officer or employee in any proceeding, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise" and "matter" as "any proceeding, application, submission, request for ruling or other determination, contract, claim, case or other such particular matter" (Opinion No. 80-17). Section 5-101(t) of the Public Ethics Law defines an "interest" as "a legal or equitable economic interest that is owned or held wholly or partly, jointly or severally, or directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition."

G. That Mr. Brathwaite waives any formal proceedings and hearing in this matter if the Commission accepts the Agreement and agrees that acceptance of this Agreement by the Commission constitutes a final action and finding of violation by the Commission.

H. Mr. Brathwaite further agrees that the Agreement and materials related to this matter are not subject to the confidentiality provisions of the Public Ethics Law and will be public information unless otherwise protected.

I. That upon execution of this Agreement by Mr. Brathwaite, Staff Counsel will recommend that the Commission suspends any further proceedings against Mr. Brathwaite. Should Mr. Brathwaite fail to comply with the terms of the Agreement, and after written notice is issued to him, the Commission reserves the right to open an investigation and issue a Complaint for violation of Sections 5-501 of the Public Ethics Law.

J. That in the event the Commission declines to accept the Agreement, both Mr. Brathwaite and Staff Counsel are relieved of their respective obligations hereunder, and neither this Agreement, nor any admission it may contain, shall be admissible in any subsequent proceeding by the Commission.

K. That Mr. Brathwaite and Staff Counsel are entering into this agreement for the sole purpose of resolving the matters involved in the Commission's Preliminary Inquiry matter and for no other purpose.

IN WITNESS WHEREOF, Javid Brathwaite and William J. Colquhoun, Staff Counsel, State Ethics Commission, have hereunto set their hands.



William J. Colquhoun, Staff Counsel
State Ethics Commission
45 Calvert Street, 3rd Floor
Annapolis, Maryland 21401
(410) 260-7770



Javid Brathwaite

State of Maryland
County of: Somerset, to wit:

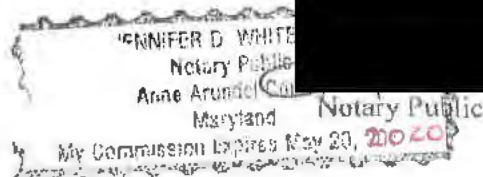
Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Javid Brathwaite, who made oath in due form of law on this 13th day of December, 2016 that the matters and facts hereinabove set forth in the Pre-Complaint Disposition Agreement are true to the best of his knowledge, information and belief, it is his voluntary act and that he executed this document for the purpose set forth herein.

[Redacted Signature]
Notary Public

My Commission Expires: 3/22/2020 (Notary Seal)

State of Maryland,
County of: Anne Arundel, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared William J. Colquhoun, Staff Counsel to the State Ethics Commission, who made oath on this 14th day of December, 2016 in due form of law that he executed this agreement for the purposes therein contained.



My Commission Expires: _____ (Notary Seal)

Accepted by the Commission

[Redacted Signature]
Janet L. McHugh, Chair
for the Commission

Date: Dec, 15, 2016