

PRE-COMPLAINT DISPOSITION AGREEMENT

This Agreement, made this 21 day of JANUARY, 2021, by and between Michael D. Miles, Natural Resources Planner III for the Maryland Department of the Environment, and William J. Colquhoun, Designated Staff Counsel to the State Ethics Commission (hereinafter "Designated 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), (hereinafter "the Ethics Law") including the provisions of Subtitle 5, Conflicts of Interest.

AGREED STATEMENT OF FACTS

1. Michael D. Miles was, at all times relevant to this matter, employed by the Maryland Department of the Environment ("MDE"), and an employee subject to the conflicts of interest provisions of the Ethics Law.
2. Mr. Miles is employed as Natural Resources Planner III for MDE. His responsibilities include answering requests for information, writing reports, modeling watersheds and performing data visualization for the public.
3. Section 5-506(a)(1)(i) of the Ethics Law prohibits a State employee or official from intentionally using the prestige of his or her office for his or her own private gain or that of another. The Commission, through its published opinions and enforcement matters, has interpreted the prestige provision to mean that State employees should not use their State title or any State resources, such as State computers, State email accounts, or State time for activities unrelated to their State duties. (Op. No. 08.01).
4. In November 2019, the Acting Deputy Director for the Water & Science Administration for MDE requested that the Commission review this matter. The Commission placed this matter on the docket at its December 19, 2019 meeting, and directed Designated Staff Counsel to conduct a preliminary inquiry. During the inquiry into this matter, the MDE staff cooperated and provided assistance to Commission staff. Designated Staff Counsel and other Commission staff spent numerous hours reviewing documents for this inquiry.
5. Mr. Miles, in his capacity as Natural Resources Planner III, while developing a continuing education seminar for a private company, used his State email account, State telephone, and State time to communicate with the company.
6. Mr. Miles has been forthright in his cooperation of Designated Staff Counsel's review of this matter.

7. Mr. Miles is voluntarily entering into this Agreement to admit certain violations of the 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, Michael D. Miles, Natural Resources Planner III, and William J. Colquhoun, Designated Staff Counsel, agree as follows:

- A. That Mr. Miles admits that using State time, title, and resources for matters unrelated to his State duties, is a violation of the prohibition against using the prestige of one's office for their private gain or that of another contained in § 5-506(a)(1)(i) of the Ethics Law.
- B. Mr. Miles understands that violations of the conflicts of interest provisions of the Ethics Law may result in civil fines pursuant to Section 5-902 of the Ethics Law. Mr. Miles further agrees to pay, in lieu of potential fines, the sum of SIX HUNDRED and no/100 DOLLARS (\$600.00) for the above admitted violation of the Ethics Law and that said sum will be paid by check or money order payable to the "State of Maryland" on or before March 31, 2021. The fee shall be distributed to the Fair Campaign Financing Fund established under § 15-103 of the Fair Campaign Finance Article. If the fee is not paid, it is agreed that the matter will be transferred to the Maryland State Central Collection Unit for the purpose of collecting the monies owed.
- C. The Commission will issue a reprimand to Mr. Miles effective the date of the Commission's acceptance of this Agreement.
- D. Mr. Miles agrees that he will not use State time, title, or resources for business unrelated to his State duties.
- E. Mr. Miles waives any formal proceedings and hearing in this matter (if the Commission accepts this Agreement) and agrees that acceptance of this Agreement by the Commission constitutes a final action and finding of violation by the Commission.
- F. Mr. Miles further agrees that this Agreement and materials related to this matter are not subject to the confidentiality provisions of the Ethics Law and will be public information unless otherwise protected.
- G. Upon execution of this Agreement by Mr. Miles, Designated Staff Counsel will recommend that the Commission suspend any further proceedings against Mr. Miles. Should Mr. Miles fail to comply with the terms of this Agreement, and after written notice is issued to him, the

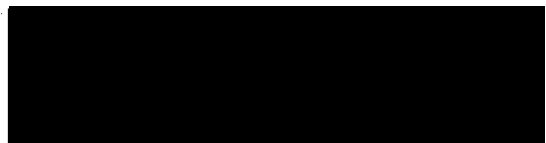
Commission reserves the right to open an investigation and issue a complaint for violation of Section 5-506 of the Ethics Law.

- H. In the event the Commission declines to accept this Agreement, both Mr. Miles and Designated 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.
- I. That Mr. Miles and Designated 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.

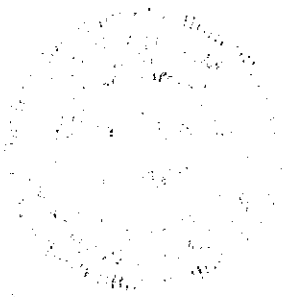
IN WITNESS WHEREOF, Michael D. Miles, Natural Resources Planner III, Maryland Department of the Environment, and William J. Colquhoun, Designated Staff Counsel, State Ethics Commission, have hereunto set their hands.



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



Michael D. Miles

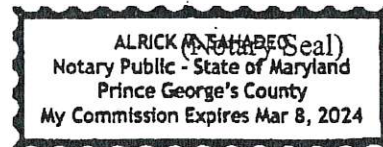


State of Maryland
County of Anne Arundel, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Michael D. Miles, who made oath in due form of law on this 20 day of January, 2021, that the matters and facts hereinabove set forth in this Agreement are true to the best of his knowledge, information and belief, that it is his voluntary act and that he executed this document for the purposes set forth herein.

[Redacted Signature]
Notary Public

My Commission Expires: March 8 2024



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, Designated Staff Counsel to the State Ethics Commission, who made oath on this 22nd day of January, 2021, in due form of law that he executed this Agreement for the purposes therein contained.

[Redacted Signature]
Notary Public

My Commission Expires: June 20, 2021



Accepted by the Commission

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

Date: Jan. 21, 2021