

SUBPOENA

**BY AUTHORITY OF THE GENERAL ASSEMBLY OF THE
STATE OF MARYLAND**

To Roy McGrath

You are hereby commanded to be and appear before the Joint Committee on Fair Practices and State Personnel Oversight of the Maryland General Assembly at the place, date, and time specified below.

X to testify touching matters of inquiry committed to the Joint Committee; and you are not to depart without leave of the Joint Committee.

Place of testimony: Remote Hearing – Hearing log-in instructions forthcoming

Date: October 29, 2020

Time: 1:00 pm

X to produce the things identified on the attached schedule touching matters of inquiry committed to the Joint Committee on Fair Practices and State Personnel Oversight.

Place of Production: Joint Committee on Fair Practices & State Personnel Oversight c/o Department of Legislative Services, Legislative Services Building, 90 State Circle, Annapolis, MD 21401

Date: October 23, 2020

Time: 9:00 am



Given under my hand, by authority vested in me by the Committee, on this 15th day of October, 2020.

Wallace J. Jett

Co-Chair, Legislative Policy Committee

Adrienne A. Jones

Co-Chair, Legislative Policy Committee

SCHEDULE A

Definitions and Instructions

For purposes of the Documents Requested below, the following definitions and instructions apply:

A. The term “**document**” means any original and all copies of any written, printed, typed, photocopied, photographic, reproduced material, or electronically stored information, including but not limited to any writing, drawing, graph, chart, photograph, sound recording, image, other data, or data compilation stored in any medium from which information can be obtained; all reports, contracts, diaries, e-mails, text messages, social media posts or messages (e.g., Facebook, blogs), facsimiles, calendars, statements, affidavits, desk pads, correspondence, communications, telegrams, teletypes, memoranda, notes, bills, work papers, journals, studies, films, slides, magnetic and electronic recordings, lists, minutes and entries in books, and other data compilation from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. The term “document” includes any and all drafts of any such document. The term “document” includes email communications to, from, or copying Mr. McGrath’s government-issued email addresses and any personal/non-governmental email addresses Mr. McGrath utilized during the period covered by these requests.

B. The term “**communication**” means the transmittal of information (in the form of facts, ideas, records, inquiries or otherwise) by any method, including electronically. The term includes any manner or form of information or message transmission however produced or reproduced, whether by correspondence, memorandum or other document, orally or otherwise, that is made, distributed or circulated between or among persons or data storage or processing units, in any way, either directly or indirectly. The term includes any conversation, discussion, meeting, conference, or any other oral statement.

C. The term “**MES**” means the Maryland Environmental Service.

D. The terms “**relate,**” “**related,**” and “**relating to**” mean comprising, concerning, constituting, containing, describing, disclosing, discussing, embodying, explaining, identifying, pertaining to, reflecting, setting forth, showing, stating, or summarizing.

E. The term “**concerning**” means referred to, alluded to, related to, connected with, commencing on, in respect of, about, regarding, discussing, showing, describing, in support of, in substitution of, reflecting or analyzing.

F. “**All**” means “any and all”; “**any**” means “any and all.”

G. “**And**” and “**or**” encompass both “and” and “or.”

H. “**Including**” means “including but not limited to.”

I. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular.

J. If requested documents are maintained in a file, the file folder is included in the request for production of those documents. Electronically stored information should be produced as PDF or single page TIFF files, OCR text files with load files (DAT) with coding / metadata.

K. Unless otherwise indicated, Documents Requested refer to and request production of documents, information, or objects for the time period January 1, 2017 to the present date.

Documents Requested

1. All documents and communications related to an executive severance payment to Roy McGrath upon his departure from MES.

2. All documents containing communications with Governor Hogan and any member of the Governor's staff from March 1, 2020 to present concerning Mr. McGrath's departure from MES and Mr. McGrath's transition to his new position as Chief of Staff to the Governor.

3. All documents containing communications with Governor Hogan or any current or former member of the Governor's staff relating to compensation and expense reimbursements for Mr. McGrath as Director of MES.

4. All documents containing communications with members of the MES Board of Directors relating to compensation and expense reimbursements for Mr. McGrath as Director of MES.

5. All documents containing communications with MES staff relating to compensation and expense reimbursements for Mr. McGrath as Director of MES.

6. All documents and communications related to MES Board of Directors meetings or MES Board of Directors committee meetings held in May, June, and July 2020.

7. All documents and communications submitted to the Board of Directors relating to Mr. McGrath's executive severance payment.

8. All documents and communications related to the MES press release dated August 15, 2020 concerning an executive severance payment issued to Mr. McGrath, including any revisions of drafts of that press release.

9. All documents and communications related to severance payments issued to Jim Harkins and John O'Neill upon their departures from MES.

10. All documents and communications related to MES policies and procedures for severance payments.
11. All documents containing communications between Mr. McGrath and MES employees and/or the MES Board of Directors during the period that Mr. McGrath served as Chief of Staff to Governor Hogan.
12. All documents and communications related to expense reimbursement requests submitted by Mr. McGrath during the period he served as Director of MES, including any documents providing the bases/justifications for any such expense reimbursement requests by Mr. McGrath.
13. All documents and communications explaining or otherwise articulating MES's policies and procedures for approving expense reimbursement requests.
14. All documents and communications explaining or otherwise articulating MES's policies and procedures for issuing executive incentive payments.
15. All documents and communications requesting that Mr. McGrath be authorized to use a state-issued vehicle and/or relating to the purchase of a state-issued vehicle for Mr. McGrath's use.
16. All documents and communications explaining or otherwise articulating the purposes for which MES engaged media relations or public relations firms.
17. All documents and communications related to expenditures for the Environmental Business Leadership Conference, including any communications with or about Beth Wojton.
18. All documents and communications related to Mr. McGrath's enrollment in courses at the Harvard Kennedy School, including documents concerning reimbursement for Mr. McGrath's tuition for such courses.
19. All documents and communications related to international business travel in which Mr. McGrath engaged during the period he served as Director of MES.
20. All documents and communications related to MES's hiring of Matthew Sherring.
21. All documents and communications related to MES's creation of the Director of Operations position, including documents stating the responsibilities, qualifications, and salary for that position.
22. All documents and communications from March 15, 2020 to June 1, 2020 related to contemplated or requested changes to MES's operating budget, staffing, or delaying payments due MES in response to the Covid-19 pandemic.

23. All documents containing communications with Beth Wojton from May 25, 2020 to May 28, 2020.

24. All documents and communications reflecting Mr. McGrath's experience with environmental programs and policies prior to his employment with MES.