

Baltimore City Ethics Board
635 City Hall
Baltimore, MD 21202
November 9, 2022

Minutes of the Meeting

The Ethics Board met on November 9, 2022 at 2:30 pm by conference call.

Call to Order: Chairman Stephan Fogleman called the Ethics Board meeting to order at 2:51 pm with three board members, a quorum, present. Vice Chair Davis was absent.

Statement Concerning October's Administrative Session and Potential Administrative Session:
Chair Fogleman read the following statement:

Per the Open Meetings Act, the Board discloses that it adjourned its virtual open meeting on October 12, 2022 to enter into an administrative session at approximately 3:13 pm. All Board members were present. Members discussed administrative matters including complaints.

The Board may need to close some or all of this meeting to preserve the confidentiality mandated by the Ethics Code or as otherwise authorized by the State Open Meetings Act. Likewise, upon adjournment of the Open Session, the Board may reconvene for an Administrative Session to discuss non-public, administrative functions of the Board.

Sustainability Plan Charitable/Governmental Gift Solicitation Waiver Application, Department of Planning (DOP): Sustainability Director Ava Richardson and Environmental Planner Amy Gilder-Busatti with the Department of Planning's Office of Sustainability were present at the Public Session. Richardson provided an overview of the gift solicitation waiver application to solicit and accept in-kind and monetary gifts for the implementation of the 2019 Sustainability Plan, in addition to other initiatives of the Office of Sustainability.

Chair Fogleman asked Director Richardson if the Office of Sustainability anticipates receiving donations from energy companies. In response, Richardson stated that Baltimore Gas & Electric (BGE) had donated bags to the Office of Sustainability under the Office's previous charitable/governmental gift solicitation waiver and that the Office of Sustainability anticipates receiving donations from utility companies under the new waiver. In response to Fogleman's inquiry about past waivers, Richardson stated that the Office of Sustainability had received a gift solicitation waiver for the Sustainability Plan previously and Ethics Officer Ford confirmed that the Office of Sustainability had received two prior waivers for the Sustainability Plan.

Ethics Officer Ford reminded the Board that the waiver application had not yet been endorsed by the Board of Estimates (BOE) and proposed that Ethics Board approval be contingent on BOE endorsement.

With a vote of 3-0, the Board approved the gift solicitation waiver contingent on BOE endorsement.

Approval of Written Minutes for October 12, 2022 Public Meeting: Ethics Officer Ford corrected the total number of help desk requests identified in the written minutes; the correct total is 196. The Board approved the amended minutes with a vote of 3-0.

Ethics Officer's Update: Ethics Officer Ford updated the Board on the Board staff's recent work:

- Help Desk
 - 47 help desk requests were received and resolved by the Ethics Board Staff in October.
 - 0 help desk requests were from lobbyists.
 - 10 help desk requests were concerning gift solicitations.
 - 11 help desk requests were concerning financial disclosure statements.
 - 14 help desk requests were ethics inquiries.
 - 4 help desk requests were concerning the Ethics Training.
 - 2 help desk requests were administrative (question about deadlines, forms, etc).
 - 6 help desk requests were not within the Board's jurisdiction and were referred elsewhere.
 - **FY23 requests: 243**

- Complaints
 - Since last Ethics Board meeting:
 - New Complaints: 0
 - Open Complaints: 3
 - **FY23 Complaints: 4 (2 pending from FY22)**

- Advisory Opinions
 - Requests: 1
 - Pending: 2
 - **FY23 Issued Opinions: 0**

- Gift Solicitation Reports (since last Ethics Board meeting)
 - 1 gift solicitation application was submitted to the Ethics Board.
 - 0 gift solicitation campaigns expired.
 - 1 gift solicitation campaign filed a final report.
 - 1 gift solicitation campaigns filed a supplemental final report.
 - 5 gift solicitation campaigns filed an interim report.
 - **FY23 Active Waivers: 19**
 - **FY23 Expired Waivers: 4**

City Council Bill 22-0260 ("Ethics Board Financial Disclosures – Public Inspection – Identifying Information"): Director Amberger reminded the Board that Bill 22-0260 proposes removing the requirement that "viewers" identify themselves when inspecting financial disclosure statements filed with the Ethics Board. Amberger explained that, per the Board's request, he had discussed the Bill with Chief Solicitor Jeff Hochstetler and that the Law Department since issued a report on the Bill, which identifies the same concerns the Board had identified about the Bill.

Amberger proposed that the Board endorse the Law Department's response and recommend that privacy concerns are assessed by Baltimore City Information & Technology (BCIT). Amberger reminded the Board that the General Counsel for the State Ethics Commission explained that local jurisdictions are not

required to identify those who inspect financial disclosure statements in order to comply with the State Ethics Law.

Member Hengerer requested a copy of the Law Department's report on the Bill and Ethics Officer Ford agreed to send the report to the Board members.

Amberger explained that in his draft response on the Bill, Amberger proposes that the Board not take a position since the Board does not have legal grounds for opposing the Bill. With of vote of 3-0, the Board approved Director Amberger's draft response to Bill 22-0260.

The public meeting adjourned at 3:09 pm.