

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



BOARD OF ETHICS
OF BALTIMORE CITY

LINDA B. "LU" PIERSON, Chair
AVERY AISENSTARK, Director
626 City Hall
Baltimore, Maryland 21202

December 3, 2012

The Honorable President and Members
of the Baltimore City Council
Fourth Floor, City Hall
Baltimore, Maryland 21202
c/o Karen Randle, Executive Secretary

Re: Bill 12-163 {"Public Ethics Law – Prohibited Participation"}

You have referred Bill 12-163 {"Public Ethics Law – Prohibited Participation"} to the Ethics Board for its comments. As stated in the Title to Bill 12-163, the bill's purpose is to:

redefin[e] "business entity", as used in Ethics Law provisions that prohibit participation in certain matters, to exclude Baltimore City or any instrumentality, unit, or agency of Baltimore City under certain circumstances

Ethics Code § 6-6 {"Prohibited participation"} currently prohibits a public servant from "participating in ... any matter" to which a "business entity" is a party if a "disqualifying relative" (a parent, sibling, spouse, or child) of the public servant is "a[n] ... employee" of the business entity.

Experience has taught that a literal application of this rule can unnecessarily preclude a public servant from participating in contract, legislative, or other matters involving a city agency if the agency happens to employ a "disqualifying relative" of the public servant – *even where*, for example, the relative is but a clerical employee or manual laborer, without any personal or job-related interest, authority, or involvement in the matter at hand.

Bill 12-163 would authorize the Ethics Board to develop regulations for various situations in which the "party to the matter" is a city agency and, yet, the agency's employment of an otherwise "disqualifying relative" would not, under appropriate guidelines and safeguards, implicate a conflict of interest or an appearance of a conflict.

Tel: (410) 396-4730 ☎ Fax: (410) 396-8483
<http://www.baltimorecity.gov/Government/BoardsandCommissions/EthicsBoard.aspx>

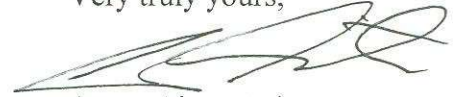


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From: Board of Ethics

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This, then, is to respectfully request your consideration and approval of Bill 12-163.

Very truly yours,



Avery Aisenstark

xc: The Honorable James B. Kraft
Ms. Angela Gibson