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Vacant



Director: J. Christoph Amberger

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**BALTIMORE CITY BOARD OF ETHICS**

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October 14, 2022

**Via Electronic Mail**

The Honorable President  
Members of the City Council  
c/o Natawna Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday St.  
Baltimore, MD 21202

Re: City Council Bill 22-0275 (“Ethics – Conforming Changes”)

Dear President and City Council Members:

The Baltimore City Board of Ethics (“Ethics Board”) has been asked to comment on Bill 22-0275 {Ethics – Conforming Changes for the purpose of updating the City Ethics Article to conform to state law} (herein, “the Bill”).

The Maryland Public Ethics Law, MD. CODE ANN., General Provisions (“GP”) 5-101 *et seq.*, requires that local ethics codes adopt provisions that are "similar" or "substantially similar" to analogous provisions set forth in State law with respect to conflict of interest, financial disclosure, and lobbying. *See*, GP 5-807, 5-808(a), 5-809(b)(1), and 5-810. Local provisions applicable to elected officials must be "equivalent" to analogous State provisions. *See* GP 5-808(b) and 5-809(b)(2). GP Section 5-807 *et seq.* requires the City’s Ethics Law to contain provisions similar to the State Ethics Law pertaining to conflicts of interest and financial disclosure requirements.

The Bill would enact a number of amendments to the Baltimore City Public Ethics Law, contained in Article 8 of the City Code, to conform to the State Ethics Law. By October 1<sup>st</sup> of each year, the City’s Ethics Board must certify conformity to the State Ethics Commission. GP § 5-807(c). Although this Bill will not be enacted before October 1st, the State Ethics Commission has been informed that necessary legislative changes have been initiated.

Amendments proposed by the Bill are summarized, *infra*.

- (1). **Article 8, Section 6-26:** Prohibits City employees and officials from soliciting gifts, regardless of whether the potential donor is a “controlled donor,” e.g., someone who does business with the solicitor’s agency.

This **conforms to GP § 5-505(a)** (prohibiting State officials and employees from soliciting any gift, regardless of the donor’s identity).

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***Baltimore City Board of Ethics***

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The existing exemption in Art. 8, § 6-26(b) for approved charitable/governmental programs remains intact.

- (2). **Article 8, Section 6-27:** Adds associations representing counties or municipal corporations (e.g., MACO and MML) to the list of donors whose gifts may not be accepted, absent an exemption.

This conforms to **GP § 5-505(b)(2)(v)**.

Existing exemptions in Art. 8, § 6-28 may still apply to permit acceptance of certain types of gifts from these entities, but these gifts must be disclosed (*see, infra.*)

- (3). **Article 8, Section 6-37:** Adds former public servants to the existing prohibition on disclosing confidential information acquired during City employment.

This conforms to **GP § 5-507**.

- (4). **Article 8, Section 6-40:** A new section prohibiting retaliation against an individual for reporting or participating in an investigation of a potential ethics violation.

This conforms to **GP § 5-509**.

- (5). **Article 8, Section 7-17:** Adds additional business entities whose interests will be attributed to a public servant for financial disclosure purposes.

This conforms to **GP § 5-608(a)(2)(i-iv)**.

- (6). **Article 7-19:** A new section requiring financial disclosure filers who disclose interests in business entities to also disclose any other names the business entity is using to trade or conduct business.

This conforms to **GP § 5-507(a-1)**.

- (7). **Article 8, Section 7-23:** Requires financial disclosure filers to disclose any gift greater than \$20 received from an association representing counties or municipal corporations (e.g., MACO and MML).

- (8). **Article 8, Section 7-27:** Prohibits financial disclosure filers from disclosing a minor child's place of employment or affiliated business entities unless the employer/business entity is regulated by/under the authority of the filer's agency or has contracts in excess of \$10,000 with the filer's agency.

This conforms to **GP § 5-607(i)(2)**.

- (9). **Article 8, Section 7-29:** A new section requiring financial disclosure filers to disclose financial or contractual relationships with the University of Maryland Medical System (UMMS), State or local governmental entities, and State or local quasi-governmental entities.

This conforms to **GP § 5-607(j)(1-2)**.

(10). Definition of “quasi-governmental entity” added in **new Art. 8, Section 2-24** (meaning an entity that: (1) is created by State statute; (2) performs a public function; and (3) is supported in whole or in part by the State but managed privately.)

This definition conforms to **GP § 5-101(gg)(1)**.

- Any consideration listed in a disclosure under this new section must be kept confidential by the Ethics Board, i.e., it cannot be part of the publicly viewable disclosure statement.
- This protection is added by an **amendment to Art. 8, Section 7-4(3)**.

This protection conforms to **GP § 5-606(a)(3)(ii)**.

The amendments in this Bill will bring the City’s Ethics Law into required statutory conformity with the relevant provisions of the State Ethics Law.

Accordingly, the Board does not oppose any of the changes and/or amendments to Article 8 in the Bill.

Sincerely,



J. Christoph Amberger  
Director, Ethics Board

CC: Stephan Fogleman, Ethics Board Chair  
Members of the Ethics Board  
Isabel Cumming, Ethics Board Executive Director  
Nina Themelis, Mayor’s Office of Government Affairs Deputy Director