

CITY OF BALTIMORE
STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

January 9, 2012

Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attn: Karen Randle
Executive Secretary

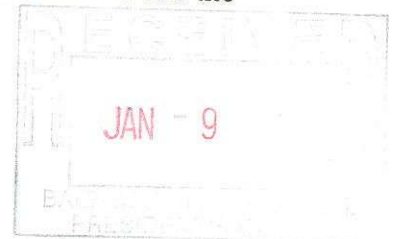
Re: City Council Bill No. 11-0003-Public Ethics - Financial Disclosures -
Online Posting of Elected Officials' Statements

Dear President and City Council Members:

The Law Department has been asked to review City Council Bill 11-0003 amends the Baltimore City Ethics Code to require that the financial disclosure statements of elected officials be posted on the Ethics Board website and remain posted until the elected official leaves office. The bill also requires that a record be maintained of those who request to inspect financial disclosure statements.

The Maryland Annotated Code, State Government Art. Sec. 15-805 states that "the financial disclosure provisions for elected local officials enacted by a county or municipal corporation under § 15-803 of this subtitle shall be equivalent to or exceed the requirements of Subtitle 6 of this title, but shall be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction." Subtitle 6, Sec. 15-606 provides that the Ethics Commission and the Joint Ethics Committee shall maintain the statements submitted under this subtitle and, during normal office hours, make the statements available to the public for examination and copying. Sec. 15-606 also requires that a record be maintained of the name and address of anyone who inspects or copies financial disclosure statements and the name of the official whose statement is being requested.

To comply with the mandates of State law, Section 3-18(b) of the Baltimore City Ethics Code states that the Ethics Board must make any documents filed with it and other records available for public inspection and copying during regular office hours. Section 7-4 requires that the Executive Director of the Ethics Board record the name, home address, telephone number, and organization represented of all who request to inspect financial disclosure statements and the name of the official whose statement is being requested.



City Council Bill 11-0003

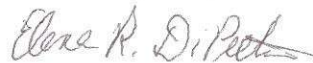
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City Council Bill 11-0003 would impose the additional requirement that all financial disclosure statements of elected officials be available for inspection on the Ethics Board website. In addition, the bill exempts online viewers of these documents from the requirement that they must identify themselves and that their information be recorded. The bill therefore exceeds State law by requiring that the statements be available online and relieving online requesters from the obligation of identifying themselves and recording their information. State law allows local jurisdictions to modify their ethics laws to exceed the requirements of State law to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in their jurisdictions. To the extent that the proposed provisions are relevant to the prevention of conflicts of interest in Baltimore City, they are consistent with State law.

Based on the foregoing, the Law Department approves City Council Bill 11-0003 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: George Nilson, City Solicitor
Angela Gibson, Mayors' Legislative Liaison
Ashlea Brown
Hilary Ruley
Victor Tervalva