Introduced by: The Council President

At the request of: Baltimore City Ethics Board

Prepared by: Department of Legislative Reference

Date: June 29, 2017

Referred to: JUDICIARY AND LEGISLATIVE INVESTIGATION6 Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

### CITY COUNCIL 17 - 0095

#### A BILL ENTITLED

AN ORDINANCE concerning

#### Public Ethics Law - City Board of Liquor License Commissioners -Conformance to New State Law

FOR the purpose of amending the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly, which subjects the members and employees of virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the restrictions and requirements of the Maryland Public Ethics Law and, consequently, under the exclusive jurisdiction of the State Ethics Commission; and providing for a special effective date coinciding with the effective date of Chapter 519.

#### By authority of

State Code Article - General Provisions Sections 5-103(b)(6) and 5-801(c), inter alia (2014 Volume and 2016 Supplement) (As amended by Chapter 519, 2017 Acts of the General Assembly)

By repealing and reordaining, without amendment

Article 8 - Ethics Sections 2-2(a) and 2-3(a) Baltimore City Code (Edition 2000)

<sup>\*\*</sup>The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.

### Agencies

Ciher:	Other:
Other:	Other:
Other:	Other: Liquor Board Commision
noissimmo 9grW	Employees, Retirement System
Planning Commission	Commission on Sustainability
Parking Authority Board	Comm. for Historical and Architectural Preservation
Labor Commissioner	Board of Municipal and Zoning Appeals
Fire & Police Employees' Retirement System	Board of Ethics
Environmental Control Board	Board of Estimates
Other:	Other: Boards and Cor
Other:	Other:
Police Department	Other:
Office of the Mayor	Department of Planning
VgolondəsT noitsmroini to soillO 2'10VBM	Department of Human Resources
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Employment Development	Department of General Services
Health Department	Department of Finance
Fire Department	Department of Audits
Department of Transportation	Comptroller's Office
Department of Recreation and Parks	City Solicitor
Department of Real Estate	Baltimore Development Corporation
Department of Public Works	Baltimore City Public School System

# CITY OF BALTIMORE ORDINANCE 7 . 063 Council Bill 17-0095

Introduced by: The Council President

At the request of: Baltimore City Board of Ethics Introduced and read first time: July 17, 2017

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable Council action: Adopted

Read second time: September 18, 2017

#### AN ORDINANCE CONCERNING

1 2	Public Ethics Law - City Board of Liquor License Commissioners - Conformance to New State Law
3	
4	FOR the purpose of amending the Baltimore City Public Ethics Law to comply with Chapter 519,
5	2017 Acts of the General Assembly, which subjects the members and employees of virtually
6	all local liquor control boards and local boards of liquor license commissioners, including the
7	Baltimore City Board of Liquor License Commissioners, to the restrictions and requirements
8	of the Maryland Public Ethics Law and, consequently, under the exclusive jurisdiction of the State Ethics Commission; and providing for a special effective date coinciding with the
9	effective date of Chapter 519.
10	BY authority of
11	State Code Article - General Provisions
12	Sections 5-103(b)(6) and 5-801(c), inter alia
13	(2014 Volume and 2016 Supplement)
14	(As amended by Chapter 519, 2017 Acts of the General Assembly)
15	By repealing and reordaining, without amendment
16	Article 8 - Ethics
17	Sections 2-2(a) and 2-3(a)
18	Baltimore City Code
19	(Edition 2000)
20	By repealing
21	Article 8 - Ethics
22	Sections 2-2(b)(4), 2-3(b)(5), and 7-8(27)
23	Baltimore City Code
24	(Edition 2000)
25	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
26	Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates matter added to the bill by amendment.

<u>Strike out</u> indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

#### Council Bill 17-0095

1	Baltimore City Code
2	Article 8. Ethics
3	Subtitle 2. Definitions; General Provisions
4	§ 2-2. "Agency".
5	(a) In general.
6 7	"Agency" means any department, board, commission, council, authority, committee, office, or other unit of City government.
8	(b) Inclusions.
9 10	"Agency" also includes:
11 12	[(4) Board of Liquor License Commissioners for Baltimore City;]
13	§ 2-3. "Board".
14	(a) In general.
15 16 17	"Board" means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a part-time basis.
18	(b) Inclusions.
19 20	"Board" also includes:
21 22	[(5) Board of Liquor License Commissioners for Baltimore City;]
23	Subtitle 7. Financial Disclosure
24	§ 7-8. Persons required to file – Agency officials and staff.
25 26 27	The following officials and employees must file the financial disclosure statements required by this subtitle:
28	[(27) Liquor License Commissioners Board.
29	(i) Members of Board.
30	(ii) Executive Secretary.

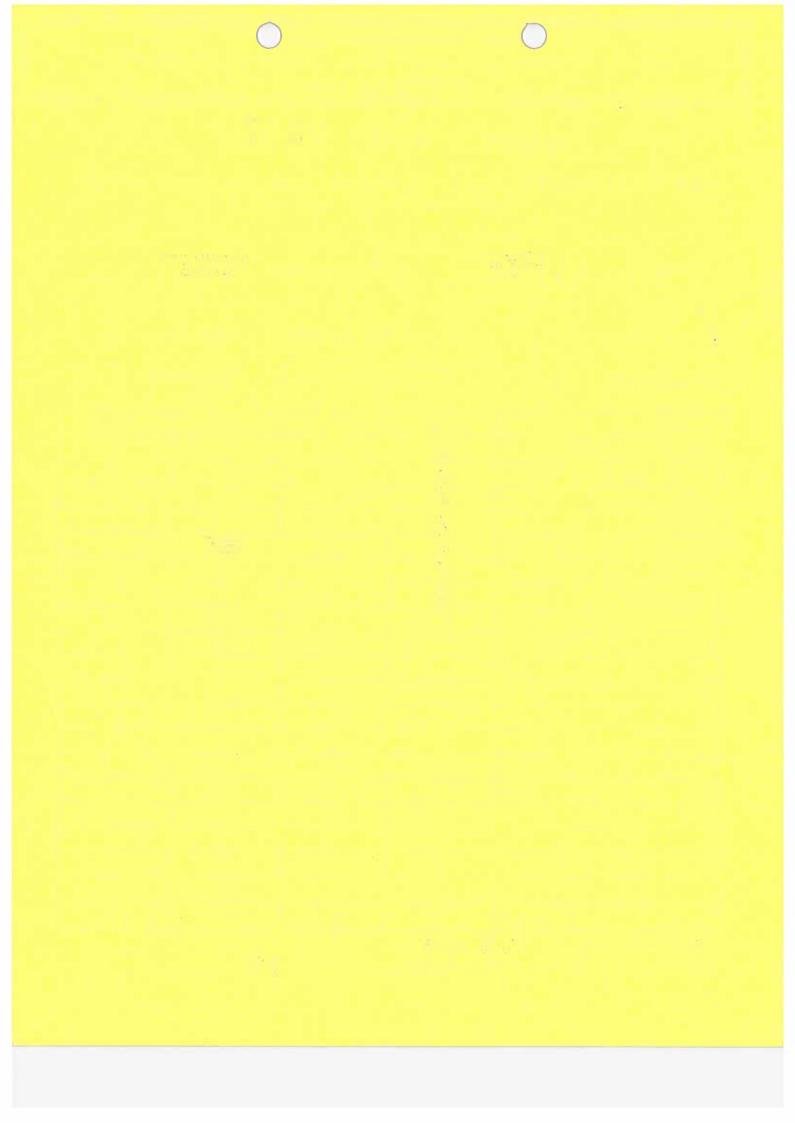


## Courcil Bill 17-0095

1	(iii) All inspectors.
2	(iv) All non-clerical employees of Board.]
4 5 6	SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.
7 8	SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on October 1, 2017.
	Certified as duly passed this day of SEP 2 5 2016  President, Baltimore City Council
	Certified as duly delivered to Her Honor, the Mayor,
	this day of _SEP 2 5 20170
	Approved this 2 day of October, 20 17
	Mayor, Baltimere City
	Approved For Form and Legal Sufficiency
	This 28th Day of Sentember 2017

### BALTIMORE CITY COUNC JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE **VOTING RECORD**

BILL#: <u>CC-17-009</u>	95 <b>DAT</b>	E: 9/12	./17	
BILL TITLE: Public Ethics		oard of Liqu	or License Co	nmissioners
MOTION BY: <u>CLARKE</u>	MOTION BY: CLARKE SECONDED BY: PINKETT			
FAVORABLE   FAVORABLE WITH AMENDMENTS				
☐ UNFAVORABLE ☐ WITHOUT RECOMMENDATION				
NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	J			
Clarke, M., Vice Chair	V			
Bullock, J.	J			
Pinkett, L.	J			
Reisinger, E.	J		垂	
Scott, B.	V			
Stokes, R.	J			
*				
*				
*				
*				
*				
*				
*				
*				
*				
*				
*				
*				
TOTALS	7	0	0	0
CHAIRPERSON: Z-COMMITTEE STAFF: D'		r, Initials:	Dn.	



CATHERINE E. PUGH, Mayor



#### OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director 415 City Hall, 100 N. Holliday Street Baltimore, Maryland 21202 410-396-7215 / Fax: 410-545-7596 email: larry.greene@baltimorecity.gov

#### **HEARING NOTES**

Bill: 17-0095

Public Ethics Law	- City Board of Liquor License Commissioners - Conformance to New State Law
Committee: Judicia	ary and Legislative Investigations
Chaired By: Counci	ilmember Eric Costello
Hearing Date:	September 12, 2017
Time (Beginning):	
Time (Ending):	10:15 p.m.
Location:	Clarence "Du" Burns Chamber
<b>Total Attendance:</b>	
Committee Member	
Eric Costello Mary I	
Leon Pinkett Edwar	
Attendance sheet in Agency reports read Hearing televised or	file?
	ertising/posting notices in the file? yes 🔲 no 🔯 n/a
	tion to property owners? yes no n/a
	this hearing?yes no n/a
	Councilwoman Clarke
	Councilman Pinkett
Final Vote:	Favorable, 7-0

#### **Major Speakers**

(This is not an attendance record.)

- Thomas Akras, Board of Liquor License Commissioners
- Elena DiPietro, Law Department
- Thaddeus Watulak, Baltimore City Ethics Board

#### **Major Issues Discussed**

- 1. Chairman Costello introduced the proceedings and discussed the agency reports for 17-0095.
- 2. Mr. Thomas Akras explained the Board of Liquor License Commissioners' stance on the Bill. He stated that 17-0095 was introduced to make the City in compliance with State law. Mr. Akras noted that newly adopted laws would cause conflicts with the City's laws. He added that the Board has already received State training on ethics issues, and intends to be in full compliance with the new State law by October 15, 2017, a week ahead of the deadline.
- 3. Ms. Elena DiPietro provided the Law Department's stance on 17-0095. She stressed that the City must come into compliance with State law.
- 4. Mr. Thaddeus Watulak represented the City's Ethics Board and also noted that the City must adhere to State requirements. He added that he is confident the Board of Liquor License Commissioners will have its ethics adequately policed.
- 5. Chairman Costello discussed the timeline for the Bill's passage and noted that it must be passed by October 1, 2017. He asked that the Mayor's representative, Mr. Kyron Banks, ensure that 17-0095 is signed into law by the Mayor prior to said deadline.

Furt	her Study
Was further study requested?	☐ Yes ⊠ No
If yes, describe. N/A	
8 4	nittee Vote:
E. Costello:	
M. Clarke:	
J. Bullock:	
L. Pinkett:	Yea
E. Reisinger:	Yea
B. Scott:	Yea
R. Stokes:	Von

Date: September 15, 2017

cc: Bill File

DOal Mile

OCS Chrono File

D'Paul Nibber, Committee Staff

Hearing Notes
Page 2 of 2



# BALTIMORE CITY COUNCIL JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE

#### **Mission Statement**

On behalf of the Citizens of Baltimore City, the mission of the Judiciary and Legislative Investigations Committee is to investigate and study the continuing operations, efficiency, and functions of Baltimore City government in accordance with the laws of Baltimore City, the State of Maryland, and the United States.

As a result of its investigations and studies, the Committee will recommend and oversee reforms to improve the operations of Baltimore City's government through legislative, administrative, and/or budgetary processes.

# The Honorable Eric T. Costello Chairman

### **PUBLIC HEARING**

Tuesday, September 12, 2017 10:00 AM CLARENCE "DU" BURNS COUNCIL CHAMBERS

Council Bill 17-0095

Public Ethics Law - City Board of Liquor License Commissioners Conformance to New State Law

#### CITY COUNCIL COMMITTEES

#### **BUDGET AND APPROPRIATIONS**

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Murray

#### **EDUCATION AND YOUTH**

Zeke Cohen – Chair Mary Pat Clarke – Vice Chair John Bullock Kristerfer Burnett Ryan Dorsey Staff: D'Paul Nibber

#### **EXECUTIVE APPOINTMENTS**

Robert Stokes – Chair Kristerfer Burnett– Vice Chair Mary Pat Clarke Zeke Cohen Isaac "Yitzy" Schleifer Staff: Jennifer Coates

#### **HOUSING AND URBAN AFFAIRS**

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

#### **JUDICIARY AND LEGISLATIVE INVESTIGATIONS**

Eric Costello – Chair Mary Pat Clarke – Vice Chair John Bullock Leon Pinkett Ed Reisinger Brandon Scott Robert Stokes Staff: D'Paul Nibber

#### **LABOR**

Shannon Sneed – Chair Robert Stokes – Vice Chair Eric Costello Bill Henry Mary Pat Clarke Staff: Marguerite Murray

#### LAND USE AND TRANSPORTATION

Edward Reisinger - Chair
Sharon Green Middleton - Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Marshall Bell

#### **PUBLIC SAFETY**

Brandon Scott – Chair Ryan Dorsey – Vice Chair Kristerfer Burnett Shannon Sneed Zeke Cohen Leon Pinkett Isaac "Yitzy" Schleifer Staff: Marshall Bell

### TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair Leon Pinkett – Vice Chair Erick Costello Edward Reisinger Robert Stokes Staff: Jennifer Coates

- Larry Greene (pension only)

CATHERINE E. PUGH, Mayor



#### OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director 415 City Hall, 100 N. Holliday Street Baltimore, Maryland 21202 410-396-7215 / Fax. 410-545-7596 email: larry.greene@baltimorecity.gov

#### **BILL SYNOPSIS**

**Committee:** Judiciary and Legislative Investigations

#### Bill 17-0095

Public Ethics Law - City Board Of Liquor License Commissioners - Conformance To New State Law

Sponsor: President Young (Administration), et al

Introduced: July 17, 2017

#### Purpose:

For the purpose of amending the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly, which subjects the members and employees of virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the restrictions and requirements of the Maryland Public Ethics Law and, consequently, under the exclusive jurisdiction of the State Ethics Commission; and providing for a special effective date coinciding with the effective date of Chapter 519.

Effective: On October 1, 2017.

Hearing Date/Time/Location: September 12, 2017/10:00 a.m./Clarence "Du" Burns Chamber

#### **Agency Reports**

Law Department
Board of Ethics
Board of Liquor Licenses Commissioners

Favorable Favorable No Objections

#### **ANALYSIS**

#### **Current Law**

Chapter 519, 2017 Acts of the General Assembly extends the requirements of Maryland's ethics laws to members of local liquor controlling bodies, and subjects them to the State's exclusive ethics governance. Article 8, §§ 2-2, 2-3, and 7-8 of the Baltimore City Code provide the current standards governing the ethics of any "department, board, commission, council, authority, committee, office, or other unit of City government," including the Board of Liquor License Commissioners of Baltimore City.

#### Background

Council Bill 17-0095 revises the Baltimore City Code such that the City no longer governs the ethics of the Board of Liquor License Commissioners. It removes language in Article 8, §§ 2-2, 2-3, and 7-8 of the Baltimore City Code that refers specifically to said Board. These changes were necessitated by a recently enacted State statute, Chapter 519, 2017 Acts of the General Assembly. Upon enactment of 17-0095, the State will have exclusive jurisdiction over the ethics of the Board of Liquor License Commissioners, including its members and employees. The Baltimore Sun reports that the aforementioned State ethics statute was introduced because the selection process for liquor board members was being described as a "vestige of a political patronage system" by Governor Hogan.

The Law Department provided a favorable report, stating that the Bill is approved for form and legal sufficiency. The Board of Ethics also provided a favorable report, describing the Bill as "purely corrective" by removing "obsolete references." Moreover, the Board of Liquor License Commissioners provided comments on 17-0095, noting that it would "avoid any conflicts between the requirements of Baltimore City Ethics Board and the State Ethics Commission."

#### **Additional Information**

Fiscal Note: Not Available

Information Source(s): Law Department; Board of Ethics; Board of Liquor Licenses

replicition que s'esqui a materiary die disquesca de la Patrico del mest aux disposarilly while Dannier

Commissioners; Baltimore Sun

DiPaul & Teller

Analysis by:

D'Paul S. Nibber

Direct Inquiries to: (410) 396-1268

**Analysis Date:** 

September 8, 2017

#### CITY OF BALTIMORE COUNCIL BILL 17-0095 (First Reader)

Introduced by: The Council President

At the request of: Baltimore City Board of Ethics Introduced and read first time: July 17, 2017

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Ethics, Baltimore City Board

of Liquor License Commissioners

#### A BILL ENTITLED

1	AN ORDINANCE concerning		
2 3	Public Ethics Law – City Board of Liquor l Conformance to New Sta		- 1
4	FOR the purpose of amending the Baltimore City Public Et	thics Law to comply with	Chapter 519,
5	2017 Acts of the General Assembly, which subjects the		
6	all local liquor control boards and local boards of liquo		
7	Baltimore City Board of Liquor License Commissioner		
8	of the Maryland Public Ethics Law and, consequently,	under the exclusive jurisc	liction of the
9	State Ethics Commission; and providing for a special e		
10	effective date of Chapter 519.	•	
11	By authority of		
12	State Code Article - General Provisions		
13	Sections 5-103(b)(6) and 5-801(c), inter alia		
14	(2014 Volume and 2016 Supplement)		
15	(As amended by Chapter 519, 2017 Acts of the General	l Assembly)	
16	By repealing and reordaining, without amendment		4
17	Article 8 - Ethics	¥4	
18	Sections 2-2(a) and 2-3(a)		
19	Baltimore City Code		
20	(Edition 2000)		
21	By repealing		
22	Article 8 - Ethics		
23	Sections 2-2(b)(4), 2-3(b)(5), and 7-8(27)		
24	Baltimore City Code		
25	(Edition 2000)		
26	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CI	TY COUNCIL OF BALTIM	ORE, That the
27	Laws of Baltimore City read as follows:		-

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

#### Council Bill 17-0095

1	Baltimore City Code
2	Article 8. Ethics
3	Subtitle 2. Definitions; General Provisions
4	§ 2-2. "Agency".
5	(a) In general.
6 7	"Agency" means any department, board, commission, council, authority, committee, office, or other unit of City government.
8	(b) Inclusions.
9 10	"Agency" also includes:
11 12	[(4) Board of Liquor License Commissioners for Baltimore City;]
13	§ 2-3. "Board".
14	(a) In general.
15 16 17	"Board" means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a part-time basis.
18	(b) Inclusions.
19 20	"Board" also includes:
21 22	[(5) Board of Liquor License Commissioners for Baltimore City;]
23	Subtitle 7. Financial Disclosure
24	§ 7-8. Persons required to file – Agency officials and staff.
25 26 27	The following officials and employees must file the financial disclosure statements required by this subtitle:
28	[(27) Liquor License Commissioners Board.
29	(i) Members of Board.
30	(ii) Executive Secretary.

#### Council Bill 17-0095

1	(iii) All inspectors.
2	(iv) All non-clerical employees of Board.]
3	••••
4	SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance
5	are not law and may not be considered to have been enacted as a part of this or any prior
6	Ordinance.
7	SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on October 1,
8	2017.

# JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE

## Council Bill 17-0095

Hearing Date: September 12, 2017

## **Agency Reports:**

- Law Department
  - o Favorable
- Board of Ethics
  - o Favorable
- Board of Liquor Licenses Commissioners
  - o No Objections

CATHERINE E. PUGH, Mayor



#### DEPARTMENT OF LAW

101 City Half Baltimore, Maryland 21202

July 18, 2017

The Honorable President and Members of the Baltimore City Council Attn: Natawna B. Austin, Executive Secretary Room 409, City Hall 100 N. Holliday Street Baltimore, Maryland 21202

> City Council Bill 17-0095 - Public Ethics Law - City Board of Liquor Re: License Commissioners - Conformance to New State Law

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0095 and approves it for form and legal sufficiency.

The bill amends the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly. The new State law subjects the members and employees of virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the restrictions and requirements of the Maryland Public Ethics Law. As a consequence, the Baltimore City Board of Liquor License Commissioners will fall under the exclusive jurisdiction of the State Ethics Commission. The ordinance takes effect on October 1, 2017.

Sincerely,

Victor K. Tervala Chief Solicitor

David Ralph, Acting City Solicitor cc:

Karen Stokes, Director, Mayor's Office of Government Relations

Kyron Banks, Mayor's Legislative Liaison

Elena DiPictro, Chief Solicitor, General Counsel Division

Hilary Ruley, Chief Solicitor

Jennifer Landis, Assistant Solicitor

CATHERINE E. PUGH, Mayor



#### BOARD OF ETHICS OF BALTIMORE CITY

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

July 21, 2017

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

Re: Council Bill 17-0095 {"Public Ethics Law - City Board of Liquor License Commissioners - Conformance to New State Law"}

You have referred Council Bill 17-0095 to the Ethics Board for its report and comments. As indicated in the Title to Council Bill 17-0095, the bill's purpose is to:

amen[d] the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly, which subjects the members and employees of ... the Baltimore City Board of Liquor License Commissioners ... to the restrictions and requirements of the Maryland Public Ethics Law ....

Chapter 519 amends the Maryland Public Ethics Law, effective October 1, 2017, to subject virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the Maryland Public Ethics Law, subject to exclusive ethics oversight by the State Ethics Commission. (A copy of Chapter 519 is attached.) Thus, as of October 1, 2017, the City Public Ethics Law no longer will have any applicability to or jurisdiction over the City Board of Liquor License Commissioners.

Council Bill 17-0095, in turn, is purely corrective: It would simply amend the City Public Ethics Law, also effective October 1, 2017, to delete that law's then-to-be obsolete references to the City Board of Liquor License Commissioner, its officers and employees.

The Ethics Board respectively requests your consideration and approval of this bill.

Very truly yours.

Avery Aisenstark

xc: Kyron Banks, Mayor's Legislative Liaison

Tel: (410) 396-4730 🏗 Fax: (410) 396-8483



ALBERT J. MATRICCIANI, JR. CHAIRMAN

COMMISSIONERS

AARON J. GREENFIELD, ESQ.

DANA P. MOORE, ESQ.

ALTERNATE COMMISSIONER HARVEY E. JONES



DOUGLAS K. PAIGE EXECUTIVE SECRETARY

THOMAS R. AKRAS, ESQ.
DEPUTY EXECUTIVE SECRETARY

STACI L. RUSSELL
ACTING ASSISTANT EXECUTIVE
SECRETARY

STATE OF MARYLAND

#### **BOARD OF LIQUOR LICENSE COMMISSIONERS**

FOR BALTIMORE CITY
231 E. BALTIMORE STREET, 6TH FLOOR
BALTIMORE, MARYLAND, 21202-3258
PHONE: (410) 396-4377

To: Ms. Natawna Austin, Executive Secretary to the City Council

Cc: Mr. Douglas K. Paige, Executive Secretary, Board of Liquor License Commissioners for Baltimore City

From: Mr. Thomas R. Akras, Esq. Deputy Executive Secretary

Re: Summary of the Effects of the Council Bill 17-0095

Date: 8/15/2017

#### **Effects of Council Bill 17-0095**

This legislation would remove the Board of Liquor License Commissioners and all applicable employees from the jurisdiction of the Baltimore City Ethics Board. This legislation was introduced due to the passage of HB1386 during the 2017 Maryland Legislative Session.

HB1386 not only subjects the BLLC to the Maryland Public Ethics Law, but almost every other Board of Commissioners and their employees in the State, except those jurisdictions wherein the local county council serves as the Board of Commissioners.

HB1386 subjects the members and employees of the Board of Liquor License Commissioners for Baltimore City (BLLC) to the Maryland Public Ethics law, effective October 1, 2017.

The passage of Council Bill 17-0095 would bring the City into compliance with State law, and avoid any conflicts between the requirements of Baltimore City Ethics Board and the State Ethics Commission.

# JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE

## Council Bill 17-0095

Hearing Date: September 12, 2017

## **Attachments:**

 "Hogan proposes Maryland government ethics reforms" – Baltimore Sun

# Hogan proposes Maryland government ethics reforms

Governor Larry Hogan proposes several ethics reforms. (Pamela Wood & Erin Cox, Baltimore Sun video)



SHARE THIS

Maryland Gov. Larry Hogan proposes ethics reforms.

JANUARY 19, 2017, 8:27 PM

ollowing allegations of ethical lapses by state lawmakers, Gov. Larry Hogan proposed a broad package of reforms Thursday, saying, "We cannot allow a culture of corruption to take root."

Standing on the steps of the State House, Hogan announced legislation that would more clearly prohibit members of the General Assembly from voting on bills that would help them financially and give the state ethics commission oversight of legislators accused of missteps.

Hogan also proposed making former state employees wait a year before taking a job as a lobbyist, reforming how local liquor board appointments are made and forcing the House of Delegates and state Senate to broadcast sessions online. And he is again seeking to establish a nonpartisan commission to draw legislative and congressional districts following the next census.

The Republican governor said he's following up on his promises of "cleaning up the mess of Annapolis and restoring integrity to our state capital."

This month, a pair of scandals ensuared a former, a current and a prospective state lawmaker.

"We are now also painfully aware that current and former members of our own legislature, along with local government officials and others, have been abusing the public trust and using their offices for self-enrichment and criminal activity," Hogan said. "This type of conduct is disgraceful and must no longer be tolerated in our great state."

Trophy Funds Free Preview Get key financial insights

LOOK INSIDE

E. Pugh was indicted on campaign finance a vacant seat in the House. The governor rescinded

Meanwhile, in Prince George's County, two liquor board officials and two business owners were indicted this month on federal charges in a bribery scandal.

Federal court documents describe an unnamed state lawmaker accepting cash in exchange for voting for a liquor bill. In the same case, a former state delegate from Prince George's, Will Campos, pleaded guilty to accepting cash bribes while on the Prince George's County Council in exchange for directing government grants to nonprofits associated with business owners who had given him money.

After announcing his proposals, Hogan walked up the State House steps to deliver them to the House of Delegates and state Senate, where nearly two-thirds of members are Democrats. Leaders of both chambers said they would consider the governor's plans but did not commit to supporting them.

Senate Majority Leader Douglas J.J. Peters said he hadn't reviewed the governor's proposals, but generally supports making lawmakers' work more transparent to the public. He said Democratic leaders encourage their members to meet with ethics advisers and disclose any possible conflicts of interest.

"We've really moved forward with transparency. I don't think any of us would not support more transparency," said Peters, who represents Prince George's County.

A spokesman for Senate President Thomas V. Mike Miller said several senators were already drafting ethics legislation. In a statement, the Calvert County Democrat said he looked forward to reviewing the governor's proposals.

House Speaker Michael E. Busch, an Anne Arundel County Democrat, said he would work with Hogan to ensure that "Maryland has the highest standards of transparency and ethics."

Senate Minority Leader J.B. Jennings said he hopes members of both parties can get behind Hogan's proposals.

"This should not be anything about politics," said Jennings, who represents Harford and Baltimore counties.

"This should be about letting the voters and the public know that they can trust their state government to do what is ethically moral and what is right."

House Minority Leader Nic Kipke, who represents Anne Arundel County, said Hogan's ideas "would go a long way to deter some of the bad behavior that occurs."

The government watchdog group Common Cause cheered Hogan's proposals, several of which the organization has pushed variations of for years. The group's executive director, Jennifer Bevan-Dangel, said she welcomed the governor's support.

"It's very exciting to see good government being put front and center," she said.

In recent years, some ethics scandals have centered on whether lawmakers properly disclosed potential conflicts, not on the conflicts themselves.

For instance, Del. Dan Morhaim came under ethics scrutiny last year for advocating for medical marijuana policies without also disclosing he had agreed to run a medical marijuana dispensary.

Morhaim, a Baltimore County Democrat, says he followed all ethics laws when he disclosed that he might do consulting for such companies.

A committee of legislators weighed whether his disclosure was sufficient — not whether the relationship was improper. Those proceedings are confidential, and it is not clear whether they have concluded.

In another case, Del. Tony McConkey, an Anne Arundel County Republican, was reprimanded by his colleagues in 2013 after he failed to disclose a conflict of interest and pushed legislation that directly benefited him. McConkey had offered an amendment to a bill that would have made it easier for him to pay a fine in order to have his real estate license reinstated.

And in 2012, Democratic Sen. Ulysses Currie of Prince George's County was disciplined by his colleagues after he was accused of using his position to help Shoppers Food Warehouse, which paid him as a consultant. Currie was acquitted of federal charges, but senators voted to censure him and he lost his leadership positions.

If lawmakers passed Hogan's proposal, an independent commission, not colleagues, would weigh whether legislators broke ethics rules.

Currently, lawmakers can file paperwork that discloses a "presumed or apparent" conflict of interest on a topic or bill and then sign a document swearing they are able to vote on those matters "fairly, objectively, and in the

public interest."

Hogan's proposal would eliminate that waiver. The bill would prohibit lawmakers from "pushing or effecting" legislation that directly benefits their employer or a business they own, including sponsoring such bills, lobbying their colleagues or voting when they have a declared conflict of interest.

Another proposal from Hogan would expand a "cooling off" period that currently requires former lawmakers to sit out one year or one General Assembly session before coming back to Annapolis as lobbyists. Hogan would expand the cooling-off period to include members of the executive branch staff and the legislative staff.

In the third year of Gov. Martin O'Malley's second term, two of his top aides left the administration and immediately became lobbyists. Many aides to the presiding officers also have become lobbyists. Hogan's proposal would prohibit such a transition without the waiting period.

Hogan is also sponsoring a bill to require that all meetings of the General Assembly be live-streamed. He put \$1.2 million in his budget to pay for cameras to be added to the House and Senate chambers.

Currently the legislature's committee hearings are live-streamed, but full sessions of the House and Senate — when final votes on bills are taken — only have audio streaming. A bipartisan group of lawmakers has pushed for cameras in both chambers.

Hogan said Maryland is one of only seven states that don't have video streaming of legislative sessions.

On liquor boards, Hogan said appointments in some counties are a vestige of a political patronage system. His proposal would require senators to nominate prospective liquor board members, who would be reviewed by the state ethics commission before being appointed.

Liquor board appointment processes vary by jurisdiction. Last year, lawmakers voted to remove the state entirely from the process of appointing Baltimore's liquor board members. That authority now rests with the mayor and City Council.

For the second consecutive year, Hogan proposed revamping the way Maryland is divided into legislative and congressional districts. The current system gives the power to draw congressional districts to the General Assembly and the power to draw legislative districts to the governor.

Maryland's congressional districts have been criticized for unfairly benefiting Democrats. The districts have been described as among the most gerrymandered in the nation.

Baltimore Sun reporter Erin Cox contributed to this article.

pwood@baltsun.com

twitter.com/pwoodreporter

ALBERT J. MATRICCIANI, JR. CHAIRMAN

COMMISSIONERS

AARON J. GREENFIELD, ESQ.

DANA P. MOORE, ESQ.

ALTERNATE COMMISSIONER HARVEY E. JONES



DOUGLAS K. PAIGE EXECUTIVE SECRETARY

THOMAS R. AKRAS, ESO.
DEPUTY EXECUTIVE SECRETARY

STACI L. RUSSELL
ACTING ASSISTANT EXECUTIVE
SECRETARY

STATE OF MARYLAND

#### **BOARD OF LIQUOR LICENSE COMMISSIONERS**

FOR BALTIMORE CITY
231 E. BALTIMORE STREET, 6<sup>TH</sup> FLOOR
BALTIMORE, MARYLAND, 21202-3258
PHONE: (410) 396-4377

To: Ms. Natawna Austin, Executive Secretary to the City Council

Cc: Mr. Douglas K. Paige, Executive Secretary, Board of Liquor License Commissioners for Baltimore City

From: Mr. Thomas R. Akras, Esq. Deputy Executive Secretary

Re: Summary of the Effects of the Council Bill 17-0095

Date: 8/15/2017

#### Effects of Council Bill 17-0095

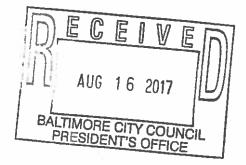
This legislation would remove the Board of Liquor License Commissioners and all applicable employees from the jurisdiction of the Baltimore City Ethics Board. This legislation was introduced due to the passage of HB1386 during the 2017 Maryland Legislative Session.

HB1386 not only subjects the BLLC to the Maryland Public Ethics Law, but almost every other Board of Commissioners and their employees in the State, except those jurisdictions wherein the local county council serves as the Board of Commissioners.

HB1386 subjects the members and employees of the Board of Liquor License Commissioners for Baltimore City (BLLC) to the Maryland Public Ethics law, effective October 1, 2017.

The passage of Council Bill 17-0095 would bring the City into compliance with State law, and avoid any conflicts between the requirements of Baltimore City Ethics Board and the State Ethics Commission.







CATHERINE E. PUGH, Mayor

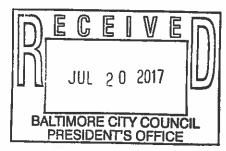


### BOARD OF ETHICS OF BALTIMORE CITY

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

July 21, 2017

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



Re: Council Bill 17-0095 {"Public Ethics Law - City Board of Liquor License Commissioners - Conformance to New State Law"}

You have referred Council Bill 17-0095 to the Ethics Board for its report and comments. As indicated in the Title to Council Bill 17-0095, the bill's purpose is to:

amen[d] the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly, which subjects the members and employees of ... the Baltimore City Board of Liquor License Commissioners ... to the restrictions and requirements of the Maryland Public Ethics Law ....

Chapter 519 amends the Maryland Public Ethics Law, effective October 1, 2017, to subject virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the Maryland Public Ethics Law, subject to exclusive ethics oversight by the State Ethics Commission. (A copy of Chapter 519 is attached.) Thus, as of October 1, 2017, the City Public Ethics Law no longer will have any applicability to or jurisdiction over the City Board of Liquor License Commissioners.

Council Bill 17-0095, in turn, is purely corrective: It would simply amend the City Public Ethics Law, also effective October 1, 2017, to delete that law's then-to-be obsolete references to the City Board of Liquor License Commissioner, its officers and employees.

The Ethics Board respectively requests your consideration and approval of this bill.

Very truly yours,

Avery Aisenstark

xc: Kyron Banks, Mayor's Legislative Liaison

Tel: (410) 396-4730 🏗 Fax: (410) 396-8483

Printed on recycled paper with environmentally friendly soy based ink.



CATHERINE E. PUGH, Mayor



#### DEPARTMENT OF LAW

101 City Hall Baltimore, Maryland 21202

July 18, 2017

The Honorable President and Members of the Baltimore City Council Attn: Natawna B. Austin, Executive Secretary Room 409, City Hall 100 N. Holliday Street Baltimore, Maryland 21202

> City Council Bill 17-0095 - Public Ethics Law - City Board of Liquor Re:

License Commissioners - Conformance to New State Law

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0095 and approves it for form and legal sufficiency.

The bill amends the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly. The new State law subjects the members and employees of virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the restrictions and requirements of the Maryland Public Ethics Law. As a consequence, the Baltimore City Board of Liquor License Commissioners will fall under the exclusive jurisdiction of the State Ethics Commission. The ordinance takes effect on October 1, 2017.

Chief Solicitor

BALTIMORE CITY COUNCIL PRESIDENT'S OFFICE

David Ralph, Acting City Solicitor cc: Karen Stokes, Director, Mayor's Office of Government Relations Kyron Banks, Mayor's Legislative Liaison

Elena DiPietro, Chief Solicitor, General Counsel Division

Hilary Ruley, Chief Solicitor

Jennifer Landis, Assistant Solicitor



## CITY OF BALTIMORE COUNCIL BILL 17-0095 (First Reader)

Introduced by: The Council President

At the request of: Baltimore City Board of Ethics Introduced and read first time: July 17, 2017

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Ethics, Baltimore City Board of Liquor License Commissioners

#### A BILL ENTITLED

1	AN ORDINANCE concerning
2 3	Public Ethics Law – City Board of Liquor License Commissioners – Conformance to New State Law
4 5 6 7 8 9	FOR the purpose of amending the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly, which subjects the members and employees of virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the restrictions and requirements of the Maryland Public Ethics Law and, consequently, under the exclusive jurisdiction of the State Ethics Commission; and providing for a special effective date coinciding with the effective date of Chapter 519.
11 12 13 14 15	By authority of State Code Article - General Provisions Sections 5-103(b)(6) and 5-801(c), inter alia (2014 Volume and 2016 Supplement) (As amended by Chapter 519, 2017 Acts of the General Assembly)
16 17 18 19 20	By repealing and reordaining, without amendment Article 8 - Ethics Sections 2-2(a) and 2-3(a) Baltimore City Code (Edition 2000)
21 22 23 24 25	By repealing Article 8 - Ethics Sections 2-2(b)(4), 2-3(b)(5), and 7-8(27) Baltimore City Code (Edition 2000)
26 27	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

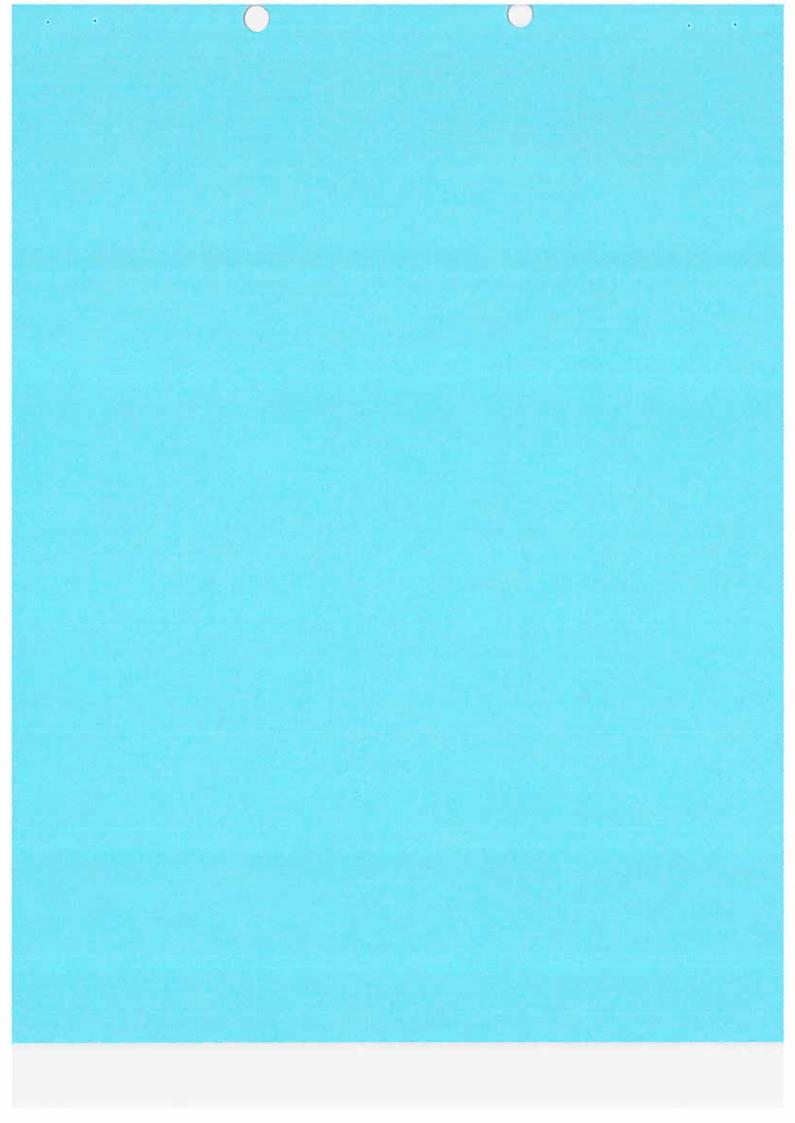
, IT .

1	Baltimore City Code
2	Article 8. Ethics
3	Subtitle 2. Definitions; General Provisions
4	§ 2-2. "Agency".
5	(a) In general.
6 7	"Agency" means any department, board, commission, council, authority, committee, office, or other unit of City government.
8	(b) Inclusions.
9 10	"Agency" also includes:
11 12	[(4) Board of Liquor License Commissioners for Baltimore City;]
13	§ 2-3, "Board".
14	(a) In general.
15 16 17	"Board" means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a part-time basis.
18	(b) Inclusions.
19 20	"Board" also includes:
21 22	[(5) Board of Liquor License Commissioners for Baltimore City;]
23	Subtitle 7. Financial Disclosure
24	§ 7-8. Persons required to file – Agency officials and staff.
25 26 27	The following officials and employees must file the financial disclosure statements required by this subtitle:
28	[(27) Liquor License Commissioners Board.
29	(i) Members of Board.
30	(ii) Executive Secretary.

dlr | 7-0279(2)=1st/|4Jul17 art8/cb17-0095=1st/aa nbr

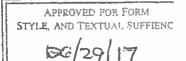
1	(iii) All inspectors.
2	(iv) All non-clerical employees of Board.]
4 5 6	SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.
7 8	SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on October 1, 2017.

By repealing
Article 8 - Ethics
Sections 2-2(b)(4), 2-3(b)(5), and 7-8(27)
Baltimore City Code
(Edition 2000)



#### INTRODUCTORY\*

# CITY OF BALTIMORE COUNCIL BILL \_\_\_\_



DEP'T LEGISLATIVE REFERENCE

Introduced by: The Council President
At the request of: Baltimore City Ethics Board

A BILL ENTITLED

AN ORDINANCE concerning

# Public Ethics Law – City Board of Liquor License Commissioners – Conformance to New State Law

FOR the purpose of amending the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly, which subjects the members and employees of virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the restrictions and requirements of the Maryland Public Ethics Law and, consequently, under the exclusive jurisdiction of the State Ethics Commission; and providing for a special effective date coinciding with the effective date of Chapter 519.

By authority of

State Code Article - General Provisions
Sections 5-103(b)(6) and 5-801(c), inter alia
(2014 Volume and 2016 Supplement)
(As amended by Chapter 519, 2017 Acts of the General Assembly)

By repealing and reordaining, without amendment

Article 8 - Ethics Sections 2-2(a) and 2-3(a) Baltimore City Code (Edition 2000)

By repealing

Article 8 - Ethics Sections 2-2(b)(4), 2-3(b)(5), and 7-8(27) Baltimore City Code (Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law, [Brackets] indicate matter deleted from existing law.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

dlr17-279(2)-intro/29Jun17 art8/LiquorBoard/aa.me

#### **Baltimore City Code**

#### Article 8. Ethics

#### Subtitle 2. Definitions; General Provisions

#### § 2-2. "Agency".

- (a) In general.
  - "Agency" means any department, board, commission, council, authority, committee, office, or other unit of City government.
- (b) Inclusions.

"Agency" also includes:

. . .

[(4) Board of Liquor License Commissioners for Baltimore City;]

. . . .

#### § 2-3. "Board".

(a) In general.

"Board" means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a part-time basis.

(b) Inclusions.

"Board" also includes:

. .

[(5) Board of Liquor License Commissioners for Baltimore City;]

.

#### Subtitle 7. Financial Disclosure

#### § 7-8. Persons required to file - Agency officials and staff.

The following officials and employees must file the financial disclosure statements required by this subtitle:

\* \* \*

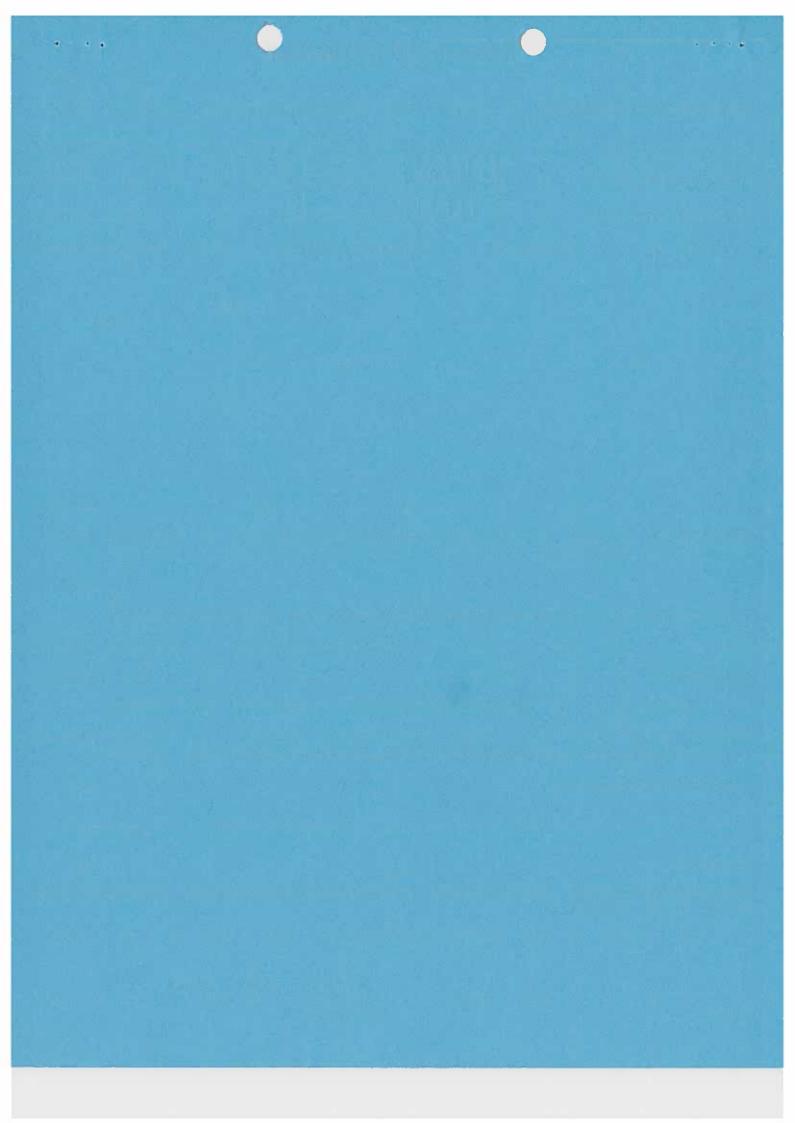
- [(27) Liquor License Commissioners Board.
  - (i) Members of Board.
  - (ii) Executive Secretary.
  - (iii) All inspectors.
  - (iv) All non-clerical employees of Board.]

dlr17-279(2)-intro/29Jun17 art8/LiquorBoard/aa/me SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on October 1, 2017.

. . . .





# ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION			JUL 17 ZUI1 20
PUBLIC HEARING HELD ON	SEPTEMBER	17	20 17
COMMITTEE REPORT AS OF	SEPTEMBER	18	20
V FAVORABLE UNFA	VORABLEFAVORA	ABLE AS AMENDED	WITHOUT RECOMMENDATION
		GV-P	AA
			Chair
COMMITTEE MEMBERS:		COMMITTEE MEMBER	S:
		A	
		-	
Third Reading of		cated on the copy attack	SEP 1 8 2017  ned to this blue backing.
THIRD READING			SEP 2 5 <sub>0</sub> 2017
Amendments were read and	adopted (defeated) as indi	cated on the copy attack	
THIRD READING (ENROLLED)			20
Amendments were read and	adopted (defeated) as indi	cated on the copy attack	hed to this blue backing.
THIRD READING (RE-ENROLLED)			20
			ity Council Ordinance be withdrawn
from the files of the City Council.	equest to: withurawai, it wa	is so ordered that this C	ity Council Cidinalics be williciawii
Bolas	Dun /	Liana	Dane
President	5 4	Chief Clerk	7000

ALBERT J. MATRICCIANI, JR. CHAIRMAN

COMMISSIONERS AARON J. GREENFIELD, ESQ. DANA P. MOORE, ESQ.

ALTERNATE COMMISSIONER HARVEY E. JONES



DOUGLAS K. PAIGE EXECUTIVE SECRETARY

THOMAS R. AKRAS, ESQ.
DEPUTY EXECUTIVE SECRETARY

STACI L. RUSSELL
ACTING ASSISTANT EXECUTIVE
SECRETARY

STATE OF MARYLAND

### **BOARD OF LIQUOR LICENSE COMMISSIONERS**

FOR BALTIMORE CITY
231 E. BALTIMORE STREET, 6<sup>TH</sup> FLOOR
BALTIMORE, MARYLAND, 21202-3258
PHONE: (410) 396-4377

To: Ms. Natawna Austin, Executive Secretary to the City Council

Cc: Mr. Douglas K. Paige, Executive Secretary, Board of Liquor License Commissioners for Baltimore City

From: Mr. Thomas R. Akras, Esq. Deputy Executive Secretary

Re: Summary of the Effects of the Council Bill 17-0095

Date: 8/15/2017

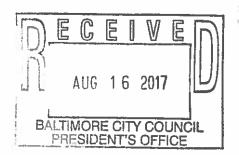
#### Effects of Council Bill 17-0095

This legislation would remove the Board of Liquor License Commissioners and all applicable employees from the jurisdiction of the Baltimore City Ethics Board. This legislation was introduced due to the passage of HB1386 during the 2017 Maryland Legislative Session.

HB1386 not only subjects the BLLC to the Maryland Public Ethics Law, but almost every other Board of Commissioners and their employees in the State, except those jurisdictions wherein the local county council serves as the Board of Commissioners.

HB1386 subjects the members and employees of the Board of Liquor License Commissioners for Baltimore City (BLLC) to the Maryland Public Ethics law, effective October 1, 2017.

The passage of Council Bill 17-0095 would bring the City into compliance with State law, and avoid any conflicts between the requirements of Baltimore City Ethics Board and the State Ethics Commission.







#### CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

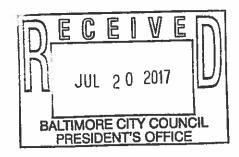


# BOARD OF ETHICS OF BALTIMORE CITY

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

July 21, 2017

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



Re: Council Bill 17-0095 {"Public Ethics Law - City Board of Liquor License Commissioners - Conformance to New State Law"}

You have referred Council Bill 17-0095 to the Ethics Board for its report and comments. As indicated in the Title to Council Bill 17-0095, the bill's purpose is to:

amen[d] the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly, which subjects the members and employees of ... the Baltimore City Board of Liquor License Commissioners ... to the restrictions and requirements of the Maryland Public Ethics Law ....

Chapter 519 amends the Maryland Public Ethics Law, effective October 1, 2017, to subject virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the Maryland Public Ethics Law, subject to exclusive ethics oversight by the State Ethics Commission. (A copy of Chapter 519 is attached.) Thus, as of October 1, 2017, the City Public Ethics Law no longer will have any applicability to or jurisdiction over the City Board of Liquor License Commissioners.

Council Bill 17-0095, in turn, is purely corrective: It would simply amend the City Public Ethics Law, also effective October 1, 2017, to delete that law's then-to-be obsolete references to the City Board of Liquor License Commissioner, its officers and employees.

The Ethics Board respectively requests your consideration and approval of this bill.

Very truly yours,

Avery Aisenstark

xc: Kyron Banks, Mayor's Legislative Liaison

Tel: (410) 396-4730 T Fax: (410) 396-8483

Printed on recycled paper with environmentally friendly soy based ink.

#### CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



#### DEPARTMENT OF LAW

101 City Hall Baltimore, Maryland 21202

July 18, 2017

The Honorable President and Members of the Baltimore City Council Attn: Natawna B. Austin, Executive Secretary Room 409, City Hall 100 N. Holliday Street Baltimore, Maryland 21202

> City Council Bill 17-0095 - Public Ethics Law - City Board of Liquor Re:

License Commissioners - Conformance to New State Law

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0095 and approves it for form and legal sufficiency.

The bill amends the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly. The new State law subjects the members and employees of virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the restrictions and requirements of the Maryland Public Ethics Law. As a consequence, the Baltimore City Board of Liquor License Commissioners will fall under the exclusive jurisdiction of the State Ethics Commission. The ordinance takes effect on October 1, 2017.

Victor K. Tervala

Chief Solicitor

BALTIMORE CITY COUNCIL PRESIDENT'S OFFICE

David Ralph, Acting City Solicitor cc: Karen Stokes, Director, Mayor's Office of Government Relations Kyron Banks, Mayor's Legislative Liaison Elena DiPietro, Chief Solicitor, General Counsel Division Hilary Ruley, Chief Solicitor Jennifer Landis, Assistant Solicitor





## CITY OF BALTIMORE COUNCIL BILL 17-0095 (First Reader)

Introduced by: The Council President

At the request of: Baltimore City Board of Ethics Introduced and read first time: July 17, 2017

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Ethics, Baltimore City Board of Liquor License Commissioners

#### A BILL ENTITLED

1	AN ORDINANCE concerning
2 3	Public Ethics Law – City Board of Liquor License Commissioners – Conformance to New State Law
4 5 6 7 8 9	FOR the purpose of amending the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly, which subjects the members and employees of virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the restrictions and requirements of the Maryland Public Ethics Law and, consequently, under the exclusive jurisdiction of the State Ethics Commission; and providing for a special effective date coinciding with the effective date of Chapter 519.
11 12 13 14 15	BY authority of State Code Article - General Provisions Sections 5-103(b)(6) and 5-801(c), inter alia (2014 Volume and 2016 Supplement) (As amended by Chapter 519, 2017 Acts of the General Assembly)
16 17 18 19 20	By repealing and reordaining, without amendment Article 8 - Ethics Sections 2-2(a) and 2-3(a) Baltimore City Code (Edition 2000)
21 22 23 24 25	By repealing Article 8 - Ethics Sections 2-2(b)(4), 2-3(b)(5), and 7-8(27) Baltimore City Code (Edition 2000)
26 27	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law.



#### INTRODUCTORY\*

# CITY OF BALTIMORE COUNCIL BILL 17-00 95

APPROVED FOR FORM
STYLE, AND TEXTUAL SUFFIENC

GG/29/17

DEP'T LEGISLATIVE REFERENCE

Introduced by: The Council President

At the request of: Baltimore City Ethics Board

A BILL ENTITLED

AN ORDINANCE concerning

Public Ethics Law – City Board of Liquor License Commissioners – Conformance to New State Law

FOR the purpose of amending the Baltimore City Public Ethics Law to comply with Chapter 519, 2017 Acts of the General Assembly, which subjects the members and employees of virtually all local liquor control boards and local boards of liquor license commissioners, including the Baltimore City Board of Liquor License Commissioners, to the restrictions and requirements of the Maryland Public Ethics Law and, consequently, under the exclusive jurisdiction of the State Ethics Commission; and providing for a special effective date coinciding with the effective date of Chapter 519.

By authority of

State Code Article - General Provisions
Sections 5-103(b)(6) and 5-801(c), inter alia
(2014 Volume and 2016 Supplement)
(As amended by Chapter 519, 2017 Acts of the General Assembly)

By repealing and reordaining, without amendment

Article 8 - Ethics Sections 2-2(a) and 2-3(a) Baltimore City Code (Edition 2000)

By repealing

Article 8 - Ethics Sections 2-2(b)(4), 2-3(b)(5), and 7-8(27) Baltimore City Code (Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

dlr17-279(2)-intro/29Jun17 art8/LiquorBoard as me

#### **Baltimore City Code**

#### Article 8. Ethics

#### Subtitle 2. Definitions; General Provisions

#### § 2-2. "Agency".

- (a) In general.
  - "Agency" means any department, board, commission, council, authority, committee, office, or other unit of City government.
- (b) Inclusions.

"Agency" also includes:

. . .

[(4) Board of Liquor License Commissioners for Baltimore City;]

. . ·

#### § 2-3. "Board".

(a) In general.

"Board" means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a part-time basis.

(b) Inclusions.

"Board" also includes:

20.4

[(5) Board of Liquor License Commissioners for Baltimore City;]

. .

#### Subtitle 7. Financial Disclosure

#### § 7-8. Persons required to file - Agency officials and staff.

The following officials and employees must file the financial disclosure statements required by this subtitle:

. .

[(27) Liquor License Commissioners Board.

- (i) Members of Board.
- (ii) Executive Secretary.
- (iii) All inspectors.
- (iv) All non-clerical employees of Board.]

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on October 1, 2017.



## 

Introduced by: The Council President

At the request of: Baltimore City Board of Ethics Introduced and read first time: July 17, 2017

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable Council action: Adopted

Read second time: September 18, 2017

#### AN ORDINANCE CONCERNING

1	Public Ethics Law - City Board of Liquor License Commissioners -
2	Conformance to New State Law
3	FOR the purpose of amending the Baltimore City Public Ethics Law to comply with Chapter 519,
4	2017 Acts of the General Assembly, which subjects the members and employees of virtually
5	all local liquor control boards and local boards of liquor license commissioners, including the
7	Baltimore City Board of Liquor License Commissioners, to the restrictions and requirements of the Maryland Public Ethics Law and, consequently, under the exclusive jurisdiction of the
8	State Ethics Commission; and providing for a special effective date coinciding with the
9	effective date of Chapter 519.
10	BY authority of
11	State Code Article - General Provisions
12	Sections 5-103(b)(6) and 5-801(c), inter alia
13	(2014 Volume and 2016 Supplement)
14	(As amended by Chapter 519, 2017 Acts of the General Assembly)
15	By repealing and reordaining, without amendment
16	Article 8 - Ethics
17	Sections 2-2(a) and 2-3(a)
18	Baltimore City Code
19	(Edition 2000)
20	BY repealing
21	Article 8 - Ethics
22	Sections 2-2(b)(4), 2-3(b)(5), and 7-8(27)
23	Baltimore City Code
24	(Edition 2000)
25	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE. That the

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

Underlining indicates matter added to the bill by amendment.

Strike out indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Laws of Baltimore City read as follows:

26

1	Baltimore City Code
2	Article 8. Ethics
3	Subtitle 2. Definitions; General Provisions
4	§ 2-2. "Agency".
5	(a) In general.
6 7	"Agency" means any department, board, commission, council, authority, committee, office, or other unit of City government.
8	(b) Inclusions.
9	"Agency" also includes:
10	
11 12	[(4) Board of Liquor License Commissioners for Baltimore City;]
	§ 2-3. "Board".
13	
14	(a) In general.
15 16 17	"Board" means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a part-time basis.
18	(b) Inclusions.
19 20	"Board" also includes:
21 22	[(5) Board of Liquor License Commissioners for Baltimore City;]
23	Subtitle 7. Financial Disclosure
24	§ 7-8. Persons required to file – Agency officials and staff.
25 26 27	The following officials and employees must file the financial disclosure statements required by this subtitle:
28	[(27) Liquor License Commissioners Board.
29	(i) Members of Board.
30	(ii) Executive Secretary.

N-	(iii) All inspector	S.	
2	(iv) All non-cleric	cal employees of Boa	rd.]
1 5	SECTION 2. AND BE IT FURT are not law and may not be cons Ordinance.	THER ORDAINED, That idered to have been ex	t the catchlines contained in this Ordinance nacted as a part of this or any prior
7	SECTION 3. AND BE IT FURT 2017.	THER ORDAINED, Tha	t this Ordinance takes effect on October 1,
	Certified as duly passed this	day of	, 20
		<u>-</u>	President, Baltimore City Council
	Certified as duly delivered to He	er Honor, the Mayor,	
	this day of	, 20	
		_	Chief Clerk
	Approved this day of	, 20	
		44 5	Mayor, Baltimore City

