

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

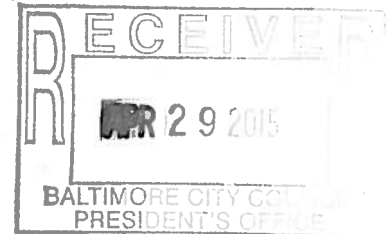


BOARD OF ETHICS
OF BALTIMORE CITY

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

April 28, 2015

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



Re: Bill 15-0499 {"Public Ethics Law – Prohibited Gifts – Closing Gaps"}

You have referred Bill 15-499 {"Public Ethics Law – Prohibited Gifts – Closing Gaps"} to the Ethics Board for comment. As indicated in the Title to Bill 15-499, the bill's purpose is essentially corrective: to "clarif[y] expressly that certain prohibitions encompass gifts from [(i)] persons that a public servant knows or has reason to know seek to engage in an activity that is regulated by the public servant's agency or [(ii)] from persons that have recently been lobbyists with respect to matters within the jurisdiction of the public servant".

1. The first change is to conform the language of §§ 6-26(a)(2) and 6-27(2) to that in §§ 6-26(a)(1) and 6-27(1).

Both §§ 6-26(a)(1) and 6-27(1), as well as their State Ethics Law counterparts, prohibit a public servant from soliciting or accepting gifts from someone the public servant knows or has reason to know "does *or seeks to do* business" with the public servant's agency. In contrast, current §§ 6-26(a)(2) and 6-27(2), and *their* MPEL counterparts, refer simply to gifts from a person who one knows or has reason to know "engages in an activity" regulated or controlled by one's own agency.

The absence in the latter of "or seeks to engage" struck the Ethics Board as an inadvertent omission in need of correction. For but one example among many: A restaurant serving alcoholic beverages "engages" in activities that are "regulated or controlled" by both the Health Department and the Liquor Board; thus, an employee of either of those agencies is prohibited from accepting a gift from that establishment.

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To: City Council
From: Ethics Board

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cc: The Honorable James B. Kraft
Robert Pearre, Inspector General
Ms. Angela Gibson