



March 1, 2016

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 15-0568 {"Public Ethics Law – Administrative Modifications"}

You have referred Bill 15-568 {"Public Ethics Law –Administrative Modifications"} to the Ethics Board for comment. As indicated in the Title to Bill 15-568, the bill's purposes are to:

confor[m] exclusions from the definition of "interest" to those recently added to the State Public Ethics Law; clarif[y] certain other exclusions; modif[y], updat[e], and clarif[y] provisions that require certain timely notices to newly appointed public servants; modif[y], updat[e], and clarif[y] provisions that require agencies' assistance in preparing for and administering the annual filing of financial disclosure statements; [and] updat[e] and clarif[y] provisions that require a record of persons inspecting financial disclosure statements

Most of the proposed changes are, we trust, self-explanatory. For example, the amendments to the definition of "interest" in § 2-19(b) would, as summarized in the Title, simply adopt certain routine exceptions that, as recently recognized by corresponding amendments to the State Public Ethics Law, do not generate potential conflicts.

Other modifications, as in § 3-20(d) and § 3-24, are designed to clarify (and, indeed, underscore) (i) the important, but oft overlooked, need for Finance, Human Resources, and other service agencies to provide assistance to the Ethics Board, as well as (ii) the need for *all agencies* to provide *their own* new appointees with clear, timely notices of the appointees' inaugural – and time-sensitive – responsibilities under the Ethics Code (e.g., filing entry disclosure statements and attending ethics training sessions).

Thus, § 3-20(d) {"Training course: Assistance"} is included in the bill to (i) restate the current, albeit as yet unfulfilled, directive for Human Resources to notify the Ethics Board of

“all [newly appointed] officials [who are] subject to the training requirements” and (ii) add a specific qualification that the notice be given in a “timely” manner.


Key elements of § 3-24 {“Notices to new appointees”} are similarly clarified. In addition, a new subsection (d) is added to expressly require formal notice to newly nominated board and commission members of pre-appointment disclosure options available to them under § 6-14 {“Prohibited employment, interests: Exceptions – New board members”}.

Perhaps the most critical of the bill’s modifications are those in § 7-1.1 {“Financial Disclosure: Required agency assistance”}. These modifications include both (i) deadline changes that more accurately reflect the phases of the filing season and (ii) new online posting requirements intended to increase transparency and accessibility for filers and the general public. Other modifications to § 7-1.1 are designed to more appropriately allocate agency responsibilities for compiling and disseminating the “doing business” and personnel information needed to ensure that the filing process is based on accurate and complete information from the very agencies best situated to provide that information. These changes, far from increasing the administrative burden on any agency – especially when compared to the more demanding requirements of the current law – will streamline the information-gathering process, reducing unnecessary duplication of effort and, in the end, making it easier for agencies not currently conforming with the Ethics Code’s assistance requirements to do so.

Finally, § 7-4 {“Financial Disclosure: Record of inspections”} is corrected to delete its mistaken reference to the “cop[ying]” of financial disclosure statements. Given the section’s unqualified requirement to keep a record of “each person who inspects” a statement, the Board is unable to permit the making of copies, lest a copy become the vehicle for unrecorded inspections by unknown persons.

The Ethics Board respectfully requests your consideration and approval of Bill 15-501.

Very truly yours,



Avery Aisenstark

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