



July 12, 2011

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

**Re: Supplemental Report on Bill 11-701 {"Public Ethics Law – Compliance with State Requirements"}**

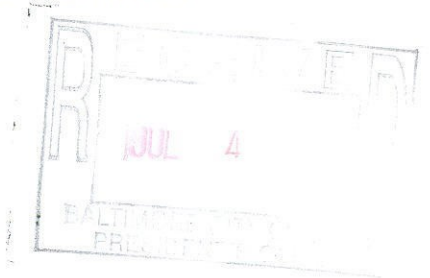
Since the Ethics Board's report of July 1, the State Ethics Commission ("SEC") has passed on some additional comments that will necessitate some amendments to this bill. A draft of these amendments is attached for your consideration.

Amendment No. 1 adjusts the Bill's Purpose Clause and first Enacting Clause to reflect the changes proposed by the next two amendments.

Amendment No. 2 conforms the City's post-employment provisions to those in State law, by removing the 2-year limit. The SEC advises that a time limit runs afoul of both Chapter 277, Acts of 2010 (which generated Council Bill 11-701 in the first place) and the general State mandate that local ethics laws be "similar to" the State law (as recently interpreted in *Seipp v. Baltimore City Board of Elections*, 377 Md. 362 (2003)). (The State's approach here actually makes good policy sense: a retiree who assists another in an ongoing "case, contract, or other specific matter" in which the retiree "significantly participated" while a public servant is and will remain in a conflict situation as long as the "case, contract or other specific matter" is ongoing. The passage of time is really irrelevant.)

Amendment No. 3 deals with the annual reporting of gifts. The City's current statute only requires the reporting of gifts valued in excess of \$50 / \$250 cumulative. The amendment reduces these thresholds to conform to those in State law, \$20 / \$100 cumulative.

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To: Baltimore City Council  
From: Avery Aisenstark

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The Ethics Board recommends the adoption of these amendments and, as amended, the passage of Council Bill 11-701.

Very truly yours,



Avery Aisenstark

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

AMENDMENTS TO COUNCIL BILL 11-701  
(First Reader Copy)

Proposed by: Baltimore City Ethics Board

{To be offered to the Judiciary and Legislative Investigations Committee}

**Amendment No. 1**

On page 1, in line 4, before “imposing”, insert “extending and”; and, on the same page, in line 5, after the first semicolon, insert “modifying certain financial disclosure requirements;”; and, at the end of the same line, after the second semicolon, insert “conforming, clarifying, and correcting related language;”; and, on the same page, in line 9, strike “and”; and, in the same line, after “7-3”, insert “, 7-23(a)”.

**Amendment No. 2**

On page 3, in line 3, strike “For 2 years after” and substitute “AFTER”.

**Amendment No. 3**

On page 4, after line 21, insert:

**“§ 7-23. Gifts.**

**(a) “Significant gift” defined.**

**(1) In this section, “significant gift” means, except as specified in paragraph (2) of this subsection:**

**(i) any gift with a value of more than [\\$50] \$20; and**

**(ii) any gift in a series of gifts with a cumulative value of [\\$150] \$100 or more given by or on behalf of the same person during the reporting period.**

**(2) “Significant gift” does not include any of the following, regardless of value:**

- (i) a gift from a spouse, parent, child, or sibling;
- (ii) a campaign contribution that is otherwise reported as required by law;  
or
- (iii) tickets or free admission given to an elected official to attend a specific charitable, cultural, sporting, or political event, if given by the person sponsoring or conducting the event as a courtesy or ceremony to the office.

**Editor's Note:** To conform to COMAR 19A.04.04(Appendix A, at § 5(e)(4)). Cf. State Government Art. §§ 15-505(c)(2)(iv) and 15-607(e)(3)(i)."