
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
JAMES L. SHEA, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

September 30, 2022

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

Re: City Council Bill 22-0275 – Ethics – Conforming Changes

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0275 (“Bill”) for form and legal sufficiency. The Bill would enact a number of amendments to the Baltimore City Public Ethics Law, contained in Article 8 of the City Code, in order to conform to the State Ethics Law, contained in Md. Code Ann., General Provisions Article (“GP”), Title 5.

GP Section 5-807 *et seq.* requires the City’s Ethics Law to contain provisions similar to the State Ethics Law pertaining to conflicts of interest and financial disclosure requirements. By October 1st of each year, the City’s Ethics Board must certify conformity to the State Ethics Commission. GP § 5-807(c). Although this Bill will not be enacted before October 1st, the State Ethics Commission will be informed that necessary legislative changes are in progress.

Below is a summary of the primary amendments proposed by the Bill and the relevant State Ethics Law provisions to which they conform.

1. Article 8, Section 6-26: Prohibits City employees and officials from *soliciting* gifts, regardless of whether the potential donor is a “controlled donor,” *e.g.*, someone who does business with the solicitor’s agency.
 - Conforms to GP § 5-505(a) (prohibiting State officials and employees from soliciting any gift, regardless of the donor’s identity).
 - Existing exemption in Art. 8, § 6-26(b) for approved charitable/governmental programs is still intact.
2. Article 8, Section 6-27: Adds associations representing counties or municipal corporations (*e.g.*, MACO and MML) to the list of donors whose gifts may not be *accepted*, absent an exemption.

- Conforms to GP § 5-505(b)(2)(v).
 - Existing exemptions in Art. 8, § 6-28 may still apply to permit acceptance of certain types of gifts from these entities, but these gifts must be disclosed (see below).
3. Article 8, Section 6-37: Adds *former* public servants to the existing prohibition on disclosing confidential information acquired during City employment.
 - Conforms to GP § 5-507.
 4. Article 8, Section 6-40: A new section prohibiting retaliation against an individual for reporting or participating in an investigation of a potential ethics violation.
 - Conforms to GP § 5-509.
 5. Article 8, Section 7-17: Adds additional business entities whose interests will be attributed to a public servant for financial disclosure purposes.
 - Conforms to GP § 5-608(a)(2)(i-iv).
 6. Article 7-19: A new section requiring financial disclosure filers who disclose interests in business entities to also disclose any other names the business entity is using to trade or conduct business.
 - Conforms to GP § 5-507(a-1).
 7. Article 8, Section 7-23: Requires financial disclosure filers to disclose any gift greater than \$20 received from an association representing counties or municipal corporations (*e.g.*, MACO and MML).
 8. Article 8, Section 7-27: Prohibits financial disclosure filers from disclosing a minor child's place of employment or affiliated business entities unless the employer/business entity is regulated by/under the authority of the filer's agency or has contracts in excess of \$10,000 with the filer's agency.
 - Conforms to GP § 5-607(i)(2).
 9. Article 8, Section 7-29: A new section requiring financial disclosure filers to disclose financial or contractual relationships with the University of Maryland Medical System (UMMS), State or local governmental entities, and State or local quasi-governmental entities.
 - Conforms to GP § 5-607(j)(1-2).

- Definition of “quasi-governmental entity” added in new Art. 8, Section 2-24 (meaning an entity that: 1) is created by State statute; 2) performs a public function; and 3) is supported in whole or in part by the State but managed privately).
 - This definition conforms to GP § 5-101(gg)(1).
- Any consideration listed in a disclosure under this new section must be kept confidential by the Ethics Board, *i.e.*, it cannot be part of the publicly viewable disclosure statement.
 - This protection is added by an amendment to Art. 8, Section 7-4(3).
 - This protection conforms to GP § 5-606(a)(3)(ii).

Because the amendments in this Bill will bring the City’s Ethics Law into required conformity with the relevant conflict of interest and financial disclosure provisions of the State Ethics Law, the Law Department can approve this bill for form and legal sufficiency.

Sincerely,



Jeffrey Hochstetler
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Chief Solicitor
D’Ereka Bolden, Assistant Solicitor
Michelle Toth, Special Solicitor