

CITY OF BALTIMORE
STEPHANIE RAWLINGS-BLAKE, Mayor

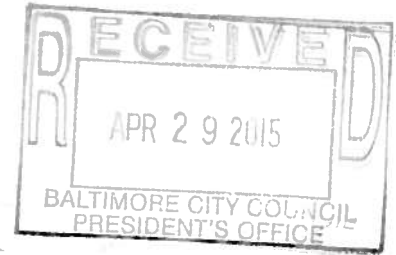


BOARD OF ETHICS
OF BALTIMORE CITY

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 15-0501 {"Public Ethics Law – Financial Disclosure – Repeal ... Exception"}

You have referred Bill 15-501 {"Public Ethics Law – Financial Disclosure – Repeal of Pointless Exception"} to the Ethics Board for comment. As indicated in the Title to Bill 15-500, the bill's purpose is to "repea[l] an inapposite and effectively meaningless exception from local disclosure requirements ...".

Ethics Code § 7-10 provides that a City official or employee who is required by State law to file a State Financial Disclosure Statement is excepted from filing a City disclosure statement and need only file with the City Ethics Board a copy of his or her State filing.

The problem is that, in some major areas, the information provided to the State has little, if any, relationship to local ethics concerns. For example, the State requires its filers to disclose certain gifts, "directly or indirectly, from or on behalf of ...: 1. [and entity that is] a ... [State] lobbyist; 2. [an entity that is] *regulated by the State*; or 3. otherwise, an entity *doing business with the State*" (Md. Gen. Prov'ns Art. § 5-607(e)(2)(ii)). No matter how detailed the responding entries might be on the State form, they would provide virtually no information relevant to the City, which (as delineated in City Ethics Code § 7-23(b)(2)) is concerned with gifts from "(i) a [City] lobbyist; (ii) a person *regulated by the City*; or (iii) a person *doing business with the City*".

Compare also, e.g., Md. Gen. Prov'ns Art. § 5-607(f)(1) ("all offices, directorships, and salaried employment ... in business entities *doing business with the State*") with City Ethics Code § 7-24(a)(2) ("each office, directorship, [and] salaried employment ... in any business entity that was ... *doing business with the City*"; and, e.g., Md. Gen. Prov'ns Art. § 5-607(g)(1) ("each debt

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To: City Council
From: Ethics Board

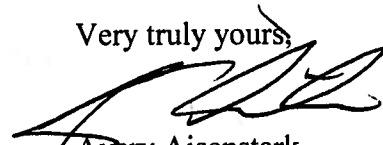
April 28, 2015
Page 2

... owed ... to entities *doing business with the State*”) with City Ethics Code § 7-25(a)(2) (“each debt ... owed ... to any business entity that was *doing business with the City*”).

For this reason, the Ethics Board recommends the outright repeal of Ethics Code § 7-10. In doing so, we note that only a small handful of City officials or employees have even invoked this exception over the years. (Indeed, in 2014 only 1 person filed a copy of his/her State form in lieu of the City form.) So we can anticipate that few, if any, will be affected by this repeal.

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