

For Internal Use Only



**BALTIMORE CITY COUNCIL
EXECUTIVE APPOINTMENTS
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Executive Appointments Committee is to review and evaluate each appointment by the Mayor, either confirm or reject without prejudice by a majority vote of its membership, provide annual performance review of appointees while in office; to ensure the integrity of the process to the citizens of Baltimore City is sustained.

**The Honorable Robert Stokes
Chairman**

EXECUTIVE NOMINATION HEARING

**WEDNESDAY, AUGUST 12, 2020
10:00 AM**

VIRTUAL WEBEX MEETING

ETHICS BOARD OF BALTIMORE CITY

- EA20-0277– Melodie Hengerer– Member – 11th District

Civilian Review Board

- EA20-0278– Levi Zaslow– Member – 5th District

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Isaac “Yitzy” Schleifer
Shannon Sneed
Danielle McCray
Staff: Marguerite Currin

CYBERSECURITY AND EMERGENCY PREPAREDNESS

Eric Costello – Co-chair
Isaac “Yitzy” Schleifer – Co-chair
Sharon Green Middleton
Staff: Samuel Johnson

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristofer Burnett
Leon Pinkett
Staff: Jennifer Coates

EQUITY AND STRUCTURE

Bill Henry – Chair
Kristofer Burnett – Vice Chair
Danielle McCray
Staff: Samuel Johnson

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristofer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac “Yitzy” Schleifer
Staff: Marguerite Currin

HEALTH

Kristofer Burnett – Chair
Bill Henry - Vice Chair
Mary Pat Clarke
Edward Reisinger
Isaac “Yitzy” Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac “Yitzy” Schleifer – Vice Chair
Kristofer Burnett
Zeke Cohen
Ryan Dorsey
Bill Henry
Shannon Sneed
Staff: Richard Krummerich

JUDICIARY

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Shannon Sneed
Robert Stokes
Staff: Matthew Peters

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Mary Pat Clarke
Bill Henry
Danielle McCray
Staff: Samuel Johnson

LEGISLATIVE INVESTIGATIONS

Kristofer Burnett – Chair
Danielle McCray – Vice Chair
Ryan Dorsey
Isaac “Yitzy” Schleifer
Shannon Sneed
Staff: Jennifer Coates

LAND USE

Edward Reisinger - Chair
Shannon Sneed – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Sharon Green Middleton
Leon Pinkett
Robert Stokes
Staff: Matthew Peters

PUBLIC SAFETY

Isaac “Yitzy” Schleifer – Chair
Kristofer Burnett – Vice Chair
Zeke Cohen
Danielle McCray
Leon Pinkett
Shannon Sneed
Staff: Richard Krummerich

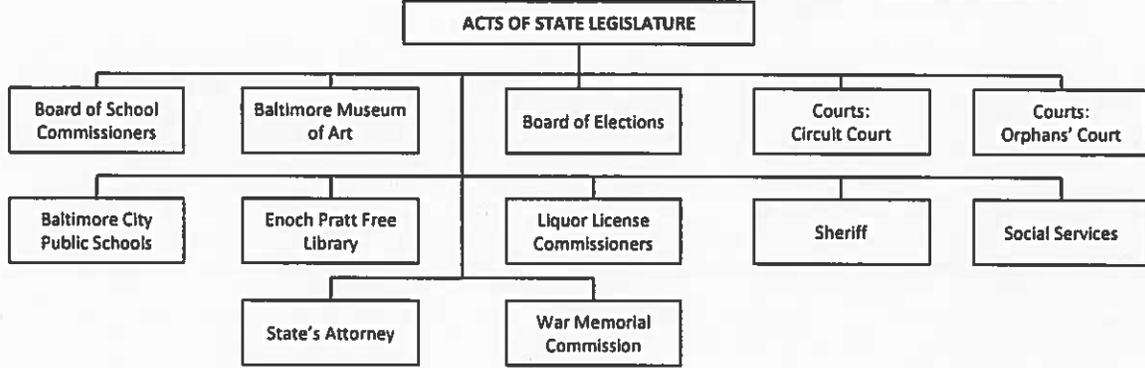
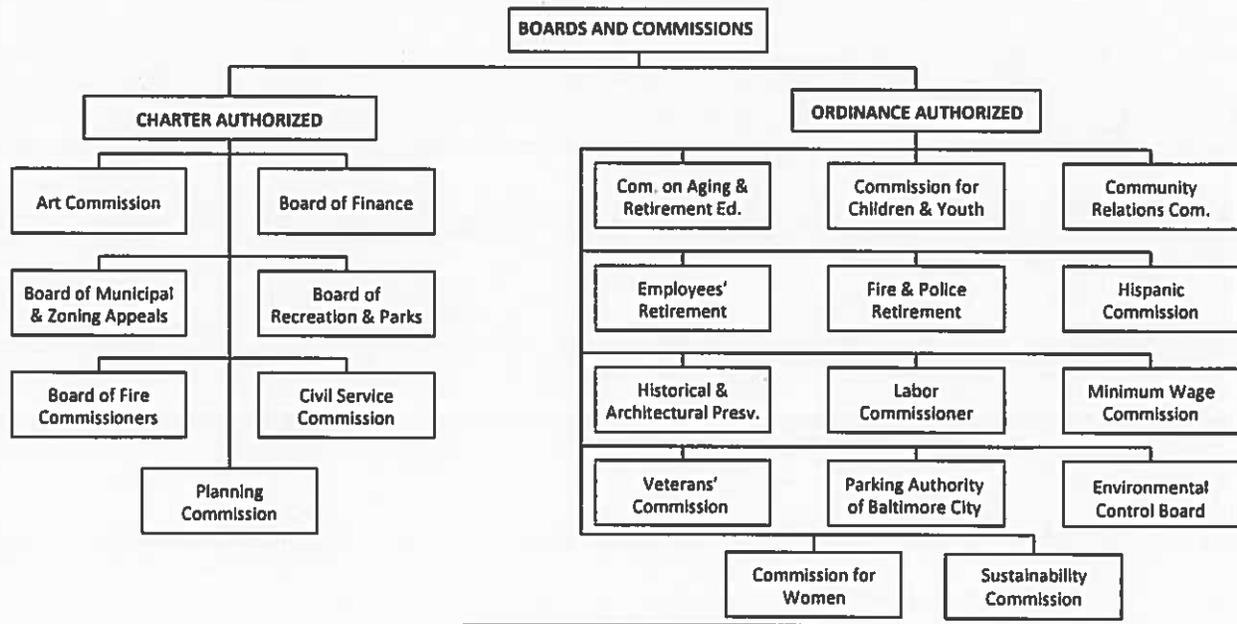
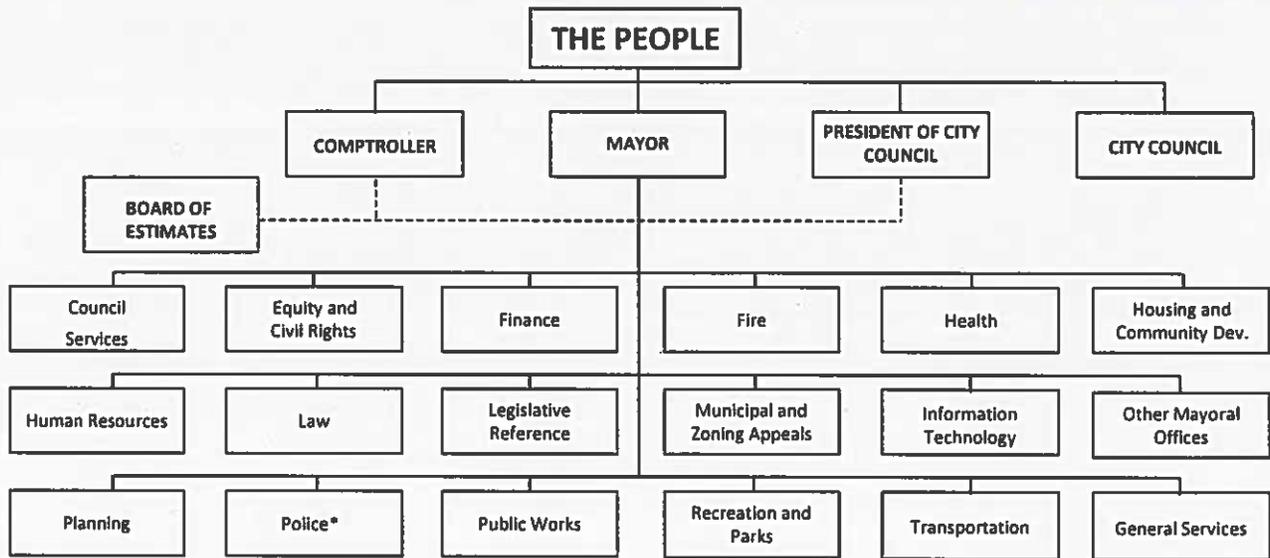
TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Danielle McCray – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- *Larry Greene (pension only)*

TRANSPORTATION

Ryan Dorsey – Chair
Leon Pinkett – Vice Chair
John Bullock
Staff: Jennifer Coates

Municipal Organization Chart



*The Baltimore Police Department was created by an act of State legislature. The Mayor has the statutory right to hire and replace the Police Commissioner.

Melodie Hengerer

Melodie Hahn Hengerer

Candidate for the Board of Ethics

Current Job: Attorney with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC





BERNARD C. "JACK" YOUNG
Mayor
100 Holliday Street, Suite 250
Baltimore, MD 21202

July 15, 2020

Melodie Hahn Hengerer
1313 Covington Street
Baltimore, MD 21230

Dear Ms. Hengerer:

Please accept this letter as formal notice that I have nominated you to serve as a member of the City Ethics Board.

You will be contacted by the Office of the City Council President with notification of the date and time at which you are to appear before the City Council for your confirmation hearing.

Your membership on the Ethics Board has my confidence and support. Thank you for your dedication to the City of Baltimore.

Sincerely,

Bernard C. "Jack" Young
Mayor
City of Baltimore

cc: Kim Morton, Chief of Staff
Avery Aisenstark, Director of Legislative Reference
Geri Byrd, Executive Director of Administration
Nina Themelis, Legislative Liaison to the City Council
Marguerite Currin, Fiscal Policy Analyst



Bernard C. "Jack" Young
Mayor
City Hall
Room 250
Baltimore, MD 21202

MAYOR'S REQUEST TO CITY COUNCIL FOR CONFIRMATION OF MUNICIPAL OFFICER

Pursuant to Article IV, §§6(a) and (b) of the Baltimore City Charter 1996 Edition, Mayor Bernard C. "Jack" Young hereby requests the City Council of Baltimore City to confirm the appointment of **Melodie Hahn Hengerer** to serve as a municipal officer on the **Board of Ethics**. In support of this request, information concerning the mayoral appointee is provided below and in the attached resume.

The information set forth in both the document and the attached resume have been distributed to authorized persons for use in the City Council confirmation process

Name: Melodie Hahn Hengerer

Appointed to: Board of Ethics

Succeeds: Linda B. "Lu" Pierson

Term Expiration Date: December 31, 2023

Previous Terms Served (if none, write N/A): N/A

Party Affiliation: Republican

Specific Board Requirements: lawyer

Council District: District 11

Current Occupation: attorney

Current Employer: Baker Donelson

Employer's Address: 100 Light Street, 19th Floor, Baltimore, MD 21202

Other Relevant Employment: _____

Undergraduate Institution: University of North Carolina at Chapel Hill

Graduate Institution: University of Baltimore School of Law

Civic and Professional Affiliations: Bar Association of Baltimore City

Date Submitted: July 14, 2020

Signature: _____

Distribution:

Honorable Robert Stokes, Chair
Dana Moore, Acting City Solicitor
Natawna Austin, Executive Secretary to the City Council
Marguerite Currin, Office of Council Services
Nancy Ray, Journal Clerk to City Council
Caylin Young, Office of the City Council President
Lester Davis, Director of the Mayor's Office of Government Relations and Communications
Nina Themelis, Legislative Liaison

Ethics

MELODIE HAHN HENGERER

1313 Covington Street, Baltimore, Maryland 21230 * 252-422-7780 * melhengerer@gmail.com

LEGAL EXPERIENCE

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC BALTIMORE, MD

Of Counsel

January 2020-Present

- Represent healthcare providers and commercial clients in all aspects of general and commercial litigation
- Serve as outside general counsel to organ procurement organizations, including providing advice and counsel on federal and state regulatory compliance

GOODELL, DEVRIES, LEECH & DANN, LLP

BALTIMORE, MD

Associate

October 2016-January 2020

- Regularly represented healthcare systems, hospitals, and healthcare providers in all aspects of complex and commercial litigation, including medical malpractice defense, privacy breach matters, professional liability matters, discrimination, and bankruptcy matters in both state and federal courts
- Advised and counseled healthcare clients with regard to contract drafting and negotiation, regulatory compliance, and privacy issues, including considerations regarding HIPAA and the Affordable Care Act
- Drafted and negotiated a wide variety of commercial contracts on behalf of healthcare clients, including vendor agreements, MOUs, NDAs, disaster preparedness, helicopter leases, insurance coverage agreements, and IT agreements
- Served as outside general counsel to two regional healthcare clients, managing special projects, including the first drone-transported kidney for transplant, skin transplant program with outside vendors, and organ allocation policies
- Represented regional healthcare system in transgender discrimination case arising under the Affordable Care Act implicating issues of first impression regarding gender and religion
- Defended regional healthcare system in lawsuit alleging violation of DC Mental Health Information Act and the Consumer Protection Procedures Act involving issue of first impression as to appropriate scope of disclosure of mental health records to third-party payor
- Defended regional healthcare system in federal lawsuit alleging discrimination against hearing-impaired families
- Represented organ procurement organization as creditor in Chapter 7 involuntary petition for bankruptcy against debtor who failed to return funds collected for charity 5k
- Represented organ procurement organization in Maryland Court of Special Appeals case involving claim that donated kidney was negligently stored and transported, rendering it unusable by intended recipient
- Represented and advised Baltimore healthcare system in lawsuit alleging intentional torts and violation of consumer protection laws arising from acts committed by third-party collections agent
- Regularly presented to clients and other healthcare providers regarding evaluation of existing claims and mitigation of risk of future litigation
- Managed all aspects of claims, mediation, and litigation, including investigation, case strategy, drafting of pleadings, motions and filings, witness preparation and depositions, settlement negotiations, and client and team management at all levels

WHITEFORD, TAYLOR & PRESTON, LLP

BALTIMORE, MD

Associate, Business Litigation

August 2015-October 2016

- Represented companies of varying sizes and individuals in state and federal courts in a wide variety of complex commercial matters involving breach of contract, fraud, SEC claims, other business torts, and general liability matters
- Successfully represented and advised corporate real estate entity and condominium association in binding arbitration regarding multi-million dollar construction dispute
- Successfully represented buyer corporation in federal litigation regarding securities fraud and indemnity claims arising from the purchase of defendant's stock and stock purchase agreement related thereto
- Regularly represented major national bank in general litigation and premises liability suits
- Regularly represented and defended Baltimore City police officers in cases alleging excessive force, unlawful arrest, and common law and constitutional torts in both state and federal courts
- Advised client regarding potential bankruptcy and foreclosure fees class action lawsuit
- Advised client regarding effect of potential mass tort class action on its lending agreements with major bank

BALTIMORE CITY LAW DEPARTMENT**Assistant Solicitor, Litigation Division****BALTIMORE, MD****August 2012-August 2015**

- Represented and advised the Mayor and City Council of Baltimore ("City") and each of its agencies in all aspects of federal and state civil and complex civil litigation
- Represented the City in arbitration against major utility corporation regarding existence and extent of electrical franchise rights
- Represented the City in affirmative federal litigation involving recoupment and enforcement of City hotel taxes against online travel companies
- Represented the City in federal litigation arising under §1983 involving alleged acts of police misconduct
- Drafted appellate briefs and successfully argued before the Maryland Court of Special Appeals
- Advised Mayor's Office of Human Services/Homeless Services regarding potential litigation related to HUD funding
- Defended the City against claims, including personal injury, property damage, contracts, and constitutional tort claims
- Investigated claims, conducted discovery, drafted and argued dispositive motions, negotiated settlements and litigated trials
- Along with five (5) other attorneys, planned and hosted the 2014 International Municipal Lawyers Association Annual Conference and related networking events for 750 attorneys in Baltimore

STEPTOE & JOHNSON, LLP**Associate, Litigation****Summer Associate****WASHINGTON, DC****August 2002-December 2003****Summer 2001**

- Advised significant insurance clients in complex insurance coverage litigation matters involving asbestos-related and environmental claims
- Advised clients regarding potential insurance issues arising from mass tort-driven bankruptcies
- Drafted and negotiated settlement agreements related to current and future insurance coverage liabilities
- Drafted insurance coverage opinions based on policies, partial policies and undiscovered policies; prepared and delivered client presentation regarding coverage opinions
- Advised partners on various products liability matters including issues regarding provisions of the Federal Hazardous Substances Act and preemption of state law claims
- Co-authored successful appellate brief regarding a contested adoption in District of Columbia Court of Appeals

EDUCATION**UNIVERSITY OF BALTIMORE SCHOOL OF LAW****AUGUST 1999-MAY 2002****Juris Doctor, *Magna Cum Laude*, Class Standing 5 of 309; GPA 3.732**

- *University of Baltimore Law Review*, Comments Editor, Volume 31; Staff Member, Volume 30
- Heusler Honor Society

UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL**AUGUST 1990-DECEMBER 1994****Bachelor of Arts, Biology****Bachelor of Arts, Communications Studies****BAR ADMISSIONS AND MEMBERSHIPS**

- United States District Court, Maryland
- United States District Court, District of Columbia
- State of Maryland
- Maryland State Bar Association
- Baltimore City Bar Association

REPORTED CASE, PUBLICATION & SPEAKING ENGAGEMENT

- *Blue v. Arrington*, 221 Md. App. 308 (2015).
- Melodie C. Hahn, Comment, *Smokers' Chances of a Fair Fight Against the Tobacco Companies Go Up in Flames: A Study of Phillip Morris v. Angeletti and Its Effect on the Viability of Class Action Lawsuits in Maryland Tobacco Litigation*, 31 U. BALT. L. REV. 103 (2001).
- "Mitigating Liability Through Defensive Documentation" – MedStar Georgetown University Hospital Annual Meeting and Professional Development Conference – March 28, 2019.

**Board of Ethics
of
Baltimore
City**

§ 104. Civil Service Commission: Penalties.

Any violation of any of the provisions of the Charter relating to the Civil Service, or any willful use of any corrupt means in connection with any examination, appointment, promotion, reduction, transfer or reinstatement shall be deemed a misdemeanor and, upon conviction in a court of competent jurisdiction, shall be punished by a fine or by imprisonment as provided by law.

BOARD OF ETHICS**§ 105. Board of Ethics: State Code requirements.**

The Mayor and City Council of Baltimore shall adopt ordinances to execute the provisions of “the Maryland Public Ethics Law” of the Annotated Code of Maryland to be administered by the Board of Ethics.

§ 106. Board of Ethics: Established; Composition.**(a) Board established.**

There is a Board of Ethics to be known as the Board of Ethics of Baltimore City.

(b) Composition.

The Board of Ethics shall consist of five members:

- (1) Three members shall be appointed by the Mayor in conformity with Section 6 of Article IV of the Charter.
- (2) (i) The Mayor and the City Solicitor are members ex officio with full voting powers.
(ii) The Mayor may designate a municipal official appointed by him under the provisions of Section 6 of Article IV of the Charter to serve in his position as a member with full voting powers.
(iii) The City Solicitor may designate a member of the Solicitor’s staff to serve in his position as a member with full voting powers.

(c) Term of ex officio members.

The City Solicitor and the Mayor or their designees on the Board shall only serve during the time that the Mayor or City Solicitor holds elected or appointed office.

§ 107. Board of Ethics: Member qualifications.

A person is eligible to serve as a member of the Board if:

- (1) the person is of known personal integrity;

- (2) the person possesses a recognized knowledge and interest in government and civics;
- (3) the person is not required to file as a lobbyist under this article;
- (4) except as provided in this subtitle of the Charter, the person is not an elected official, municipal officer, or municipal employee.

§ 108. Board of Ethics: Term, vacancies, chair, meetings, etc.

(a) *Terms.*

- (1) The term of members appointed under the provision of Section 106 of this subtitle of the Charter is five years or until their successors are appointed and qualify.
- (2) The terms of initial appointees shall be arranged so that no more than one shall expire in any year.

(b) *Vacancies.*

Any vacancy occurring on the Board shall be filled for the unexpired term in the same manner as the original appointment to the vacant office.

(c) *Removal.*

Members of the Board may be removed pursuant to the provisions of Article IV, Section 6 of the Charter.

(d) *Chair.*

The Mayor shall designate a member of the Board as chairman.

(e) *Quorum.*

- (1) A quorum consists of three members.
- (2) An affirmative vote of at least three members shall be necessary for any action of the Board.

(f) *Compensation.*

The members of the Board shall serve without compensation.

(g) *Open meetings.*

Except as provided in this article, meetings of the Board shall be conducted under the Meetings of Public Bodies provisions of the Annotated Code of Maryland.

(h) *Records.*

The records of the Board shall show the vote of each member on each question.

(i) *Disqualification on candidacy.*

A person shall not be a member of the Board if the member becomes a candidate for elected public office of the United States, the State, the City, or any county or municipality of the State.

§ 109. Board of Ethics: Powers and duties.

Powers, duties, administration, and other provisions relating to the Board of Ethics shall be set out in the ordinances constituting the Baltimore City Ethics Law.

§ 110. Board of Ethics: Modification by ordinance.

The Mayor and City Council, by ordinance, may modify, amend, alter, clarify or implement any or all of the provisions of Sections 105 through 110 of this Article VII.

DEVELOPMENT COMMISSION

§§ 111 to 113. *{Repealed by Res. 00-010, ratified November 2000.}*

*DEPARTMENT OF TRANSPORTATION***§ 114. Department established.**

There is a Department of Transportation, the head of which is the Director of Transportation. *(Res. 04-056, ratified Nov. 2, 2004.)*

§ 115. Director of Transportation.(a) *Duties; Qualifications.*

- (1) The Director shall supervise and direct the Department.
- (2) The Director must have substantial administrative experience in transportation or in the delivery of related public service.

(b) *Appointment; Term.*

The Director shall be appointed, must be confirmed, and serves pursuant to Article IV, § 6 of this Charter.

(c) *Salary.*

The Director's salary shall be set in the Ordinance of Estimates.

(d) *Employees.*

The Director may appoint the employees provided for in the Ordinance of Estimates. *(Res. 04-056, ratified Nov. 2, 2004.)*

**Board of Ethics
of
Baltimore
City -**

CONTINUED

**SUBTITLE 3
ADMINISTRATION**

PART I. ETHICS BOARD

§ 3-1. Establishment.

There is a Baltimore City Board of Ethics, as established under Article VII, § 106 of the City Charter and this subtitle.

(Ord. 04-795.)

§ 3-2. Appointment and qualifications.

(a) Composition.

The Ethics Board comprises the following 5 members, appointed by the Mayor in accordance with City Charter Article IV, § 6:

- (1) 1 member nominated by the President of the City Council;
- (2) 1 member nominated by the City Comptroller; and
- (3) 3 members named by the Mayor, at least 2 of whom must be members of the Maryland Bar.

(b) Qualifications.

- (1) Each member of the Ethics Board must be:
 - (i) an individual of known personal integrity;
 - (ii) someone who possesses a recognized knowledge and interest in government and civics; and
 - (iii) a resident of the City of Baltimore.
- (2) No person may be appointed to the Board or, once appointed, continue to serve on the Board if the person:
 - (i) is or becomes a lobbyist under the State Public Ethics Law, Subtitle 8 of this article, or the ethics code of any political subdivision of this State;
 - (ii) is or becomes an officer or employee of the State, the City, or any other political subdivision of the State, or of any of their respective agencies, instrumentalities, or other units (other than a State college, university, or other institution of higher education); or

(iii) is or becomes a candidate for elected public office of the State, the City, or any other political subdivision of the State.
 (Ord. 04-795; Ord. 10-272.)

Defined terms:

<i>Employee</i>	§2-9	<i>No ... may</i>	<i>cf</i> §2-36
<i>Ethics Board</i>	§2-10	<i>Official</i>	§2-21
<i>Lobbyist</i>	§2-20	<i>Person</i>	§2-22
<i>Must</i>	<i>cf.</i> §2-36		

§ 3-3. Tenure; removal.

(a) *Tenure.*

- (1) In accordance with City Charter Article VII, § 108(a), the term of a member is 5 years.
- (2) The terms of the members are staggered as required by the terms for the members first appointed under the 2010 amendments to this subtitle.
- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

EDITOR'S NOTE

Section 2 of Ordinance 10-272, which changed the composition and terms of the Board, provides for the following initial terms:

- (1) the member nominated by the Council President shall be appointed for a term ending December 31, 2015;
- (2) the member nominated by the Comptroller shall be appointed for a term ending December 31, 2014; and
- (3) of the remaining 3 members:
 - (i) 1 shall be appointed for a term ending December 31, 2013;
 - (ii) 1 shall be appointed for a term ending December 31, 2012; and
 - (iii) 1 shall be appointed for a term ending December 31, 2011.

(b) *Removal.*

- (1) The Mayor may remove an appointed member as provided in City Charter Article IV, § 6, but only for the following causes:
 - (i) neglect of duty;
 - (ii) misconduct in office;
 - (iii) a disability that makes the member unable to discharge the powers and duties of the office; or
 - (iv) a violation of this article.

(2) Before seeking City Council approval for a removal, the Mayor must give the member:

- (i) written notice of the charges; and
- (ii) an opportunity to reply to the charges.

(Ord. 04-795; Ord. 10-272.)

Defined terms:

May *cf. §2-36*

§ 3-4. Officers.

(a) *Chair.*

- (1) The Ethics Board must elect a Chair from among its members.
- (2) The term of the Chair is 1 year.
- (3) The Chair may be reelected.

(b) *Others.*

The Ethics Board may elect a Vice-Chair and other officers from among its members.
(Ord. 04-795; Ord. 10-272; Ord. 11-520.)

Defined terms:

Ethics Board §2-10 *May* *cf. §2-36*

§ 3-5. Meetings; compensation.

(a) *Quorum.*

3 Members of the Ethics Board are a quorum.

(b) *Voting.*

- (1) An affirmative vote of at least 3 members is needed for any action by the Ethics Board.
- (2) The Board's records must show how each member voted on each question.

(c) *Open meetings.*

All meetings of the Ethics Board must be conducted in accordance with the State Open Meetings Act, Title 3 of the State General Provisions Article.

(d) *Compensation; expenses.*

The members of the Ethics Board:

(1) serve without compensation; but

(2) are entitled to reimbursement for reasonable expenses incurred in the performance of their duties, as provided in the Ordinance of Estimates.

(Ord. 04-795; Ord. 16-503.)

Defined terms:

<i>Compensation</i>	§2-7	<i>Must</i>	<i>cf. §2-36</i>
<i>Ethics Board</i>	§2-10		

§ 3-6. Rules and regulations; orders.

(a) *Rules and regulations.*

(1) The Ethics Board may adopt rules and regulations to carry out the provisions of this article.

(2) A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.

(b) *Orders.*

The Ethics Board may issue orders necessary or appropriate to carry out the provisions of this article.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Must</i>	<i>cf. §2-36</i>
<i>May</i>	<i>cf. §2-36</i>		

§§ 3-7 to 3-10. {Reserved}

PART II. STAFF AND OTHER ASSISTANCE**§ 3-11. Executive Director and staff.****(a) Director.**

The Director of Legislative Reference serves as the Executive Director of the Ethics Board and is responsible for assisting the Board in performing its responsibilities.

(b) Staff.

In consultation with the Board, the Executive Director may assign staff from the Department of Legislative Reference to assist the Board and Executive Director.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf. §2-36</i>
<i>Executive Director</i>	§2-11		

§ 3-12. Other assistance.

At the request of the Ethics Board, the Baltimore Police Department, City Solicitor, City Comptroller, and all other City officials and agencies must provide reasonable investigative or other professional assistance to the Board.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Must</i>	<i>cf. §2-36</i>
<i>Ethics Board</i>	§2-10	<i>Official</i>	§2-21

§§ 3-13 to 3-15. {Reserved}

PART III. GENERAL ADMINISTRATION

§ 3-16. Forms.

The Ethics Board must prepare and distribute all forms required by this article.
(Ord. 04-795.)

Defined terms:

Ethics Board §2-10 *Must* cf. §2-36

§ 3-17. Review of statements and reports.

As required by the Ethics Board from time to time, the Executive Director must:

- (1) review statements and reports filed in accordance with Subtitle 7 {"Financial Disclosure"} and Subtitle 8 {"Lobbying"} of this article; and
- (2) notify individuals who submit documents under those subtitles of any omissions or deficiencies.

(Ord. 04-795.)

Defined terms:

Ethics Board §2-10 *Must* cf. §2-36
Executive Director §2-11

§ 3-18. Records.

(a) *Board to maintain.*

The Ethics Board must retain all documents filed with it and all other records of the Board for at least:

- (1) 4 years; or
- (2) if longer, the period set by the Archives and Records Management Committee in consultation with the Ethics Board.

(b) *Public access.*

The Ethics Board must make these documents and other records available for public inspection and copying during regular office hours.

(c) *Fees and procedures.*

The Ethics Board may charge a reasonable fee for the examination and copying of documents or other records.

(Ord. 04-795.)

Defined terms:

Ethics Board §2-10 *Must* *cf* §2-36
May *cf* §2-36

§ 3-19. Public awareness.

The Ethics Board must publish and make publicly available information that explains the provisions of this article, the duties imposed by it, and the means for enforcing it.
 (Ord. 04-795.)

Defined terms:

Ethics Board §2-10 *Must* *cf* §2-36

§ 3-20. Training courses.**(a) Board to offer.**

The Ethics Board must develop and offer a training course of not less than 2 hours on the requirements of this article.

(b) Officials required to take.

(1) Except as provided in paragraph (2) of this subsection, every official must complete the training course within 6 months of his or her appointment or reappointment to office.

(2) The training requirements of this subsection do not apply to:

- (i) an official who, within the 3 years preceding his or her appointment or reappointment, completed a training course provided under this section; or
- (ii) an individual who is an official only by virtue of being a board member, unless the board:

(A) is one of the entities listed in § 7-8 {"[Disclosures statements] – Agency officials and staff"} of this article; or

(B) performs one of the functions described in § 7-9 {"[Disclosure statements] – Procurement, legislative liaison, and enforcement personnel"} of this article.

(c) Availability to others.

(1) After consultation with the Board, an agency head may authorize or require one or more classes of agency employees to attend the training course.

(2) On request of the agency head, the Board must offer the training course to those employees as soon as practicable.

(3) The Board must annually notify agency heads of the availability of the training course under this subsection.

(d) *Assistance.*

The Department of Human Resources must provide the Ethics Board with:

- (1) appropriate facilities for conducting the training course;
- (2) timely notice of the appointment of all officials subject to the training requirements;
and
- (3) administrative and other assistance.

(Ord. 04-795; Ord. 04-822; Ord. 10-272; Ord. 16-585.)

Defined terms:

<i>Agency</i>	§2-2	<i>May</i>	<i>cf.</i> §2-36
<i>Board</i>	§2-3	<i>Must</i>	<i>cf.</i> §2-36
<i>Employee</i>	§2-9	<i>Official</i>	§2-21
<i>Ethics Board</i>	§2-10		

§ 3-21. Conflicts affidavit.

(a) *Officials to file.*

Each official must, within 6 months of his or her initial appointment to office, complete and file with the Ethics Board and with that official's appointing authority, an affidavit that certifies, under penalties of perjury, that the official:

- (1) has read and understands the provisions of this article governing conflicts of interest;
- (2) is not then in violation of those provisions; and
- (3) obligates himself or herself to comply with those provisions in all future activities.

(b) *Form.*

The affidavit must be in the form that the Ethics Board requires.

(Ord. 04-795; Ord. 17-068.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>Official</i>	§2-21
<i>Must</i>	<i>cf.</i> §2-36		

§ 3-22. Oaths and subpoenas.

(a) *In general.*

The Ethics Board and Executive Director each may:

- (1) administer oaths; and
- (2) issue subpoenas for the attendance of witnesses to testify or to produce other evidence.

(b) *Judicial enforcement.*

A subpoena issued under this section may be judicially enforced.
(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf</i> §2-36
<i>Executive Director</i>	§2-11		

§ 3-23. Filing fees.(a) *In general.*

Except as otherwise specified in this article, the Ethics Board may charge reasonable filing fees for statements, reports, and other documents filed under this article.

(b) *No fee for timely disclosure statement.*

The Board may not charge a fee for a disclosure statement timely filed under Subtitle 7 {"Financial Disclosure"} of this article.

(c) *Late fees.*

The fees charged may include late fees for any document that is filed after the applicable deadline.

(Ord. 04-795; Ord. 13-180.)

Defined terms:

<i>Ethics Board</i>	§2-10	<i>May</i>	<i>cf</i> §2-36
<i>Includes...</i>	§2-18	<i>May not</i>	<i>cf</i> §2-36

§ 3-24. Notices to new appointees.(a) *General – Notice required.*

An individual who is appointed to fill a vacancy in a position must be given written notice, in a form approved by the Ethics Board, of the requirements of:

- (1) § 3-20 {"Training courses"};
- (2) § 3-21 {"Conflicts affidavit"}; and
- (3) § 7-12 {"Financial Disclosure: Appointee to vacancy"}.

(b) *General – By whom given.*

- (1) For Board members and uncompensated appointees of the Mayor, the notice required by subsection (a) of this section must be given by the Mayor or the Mayor's designee.

(2) For all other appointees, the notice must be given by the appointee's agency head or the agency head's designee.

(c) *General – When to be given.*

The notice required by subsection (a) of this section must be given within 5 days after the appointment.

(d) *General – Notice to be signed.*

(1) To evidence receipt by the appointee and understanding of the appointee's responsibilities, the notice required by subsection (a) must be signed by both the appointee and the official providing the appointee the notice.

(2) Within 5 days of signing, a copy of the signed notice required under this subsection must be:

(i) placed in the appointee's agency personnel file; and

(ii) provided to the Ethics Board.

EDITOR'S NOTE: This subsection (d) was added by Ordinance 19-287, effective February 25, 2020.

(e) *Board members – Special pre-appointment notice.*

(1) An individual who is nominated to fill a vacancy on a City board must also be given written notice, in a form approved by the Ethics Board, of the provisions of § 6-14 {"Exceptions – New board members"} of this article.

(2) The notice required by paragraph (1) of this subsection must be given by the Mayor or the Mayor's designee at least 14 days before the appointment is to be confirmed.

(Ord. 04-795; Ord. 04-822; Ord. 16-585; Ord. 19-287.)

Defined terms:

Ethics Board

§2-10 *Must*

cf. §2-36

§ 3-25. Exemptions for boards.

(a) *In general.*

The Ethics Board may exempt from this article, or modify the applicability of this article to, a board or 1 or more members of a board if the Ethics Board determines that, because of the nature of the board, the application of this article to the board or member:

(1) would significantly reduce the availability of qualified individuals for public service; and

(2) is not needed to preserve the purposes of this article.

(b) *Written request required.*

An exemption under this section may be granted only on the written request of the board involved.

(Ord. 04-795.)

Defined terms:

*Board
Ethics Board*

§2-3
§2-10

May

cf. §2-36

§ 3-26. Reports.

The Ethics Board must submit to the Mayor and the City Council:

(1) an annual report on its activities; and

(2) as appropriate from time to time, based on its investigations and studies, special reports with recommendations for legislation.

(Ord. 10-272.)

{PAGE LEFT INTENTIONALLY BLANK}

Levi Zaslou

Levi Zaslow

Candidate for the Civilian Review Board – Northwestern District

Current Job: Senior Counsel with Joseph, Greenwald & Laake, P.A.





BERNARD C. "JACK" YOUNG
Mayor
100 Holliday Street, Suite 250
Baltimore, MD 21202

July 13, 2020

Levi S. Zaslow
3026 Fallstaff Road, B
Baltimore, MD 21209

Dear Mr. Zaslow:

Please accept this letter as formal notice that I have nominated you to serve as a member of the Civilian Review Board representing the Northwest Police District.

You will be contacted by the Office of City Council President Brandon Scott with notification of the date and time at which you are to appear before the City Council for your confirmation hearing.

Please direct all inquiries concerning this process to Nina Themelis, my Legislative Liaison for Boards and Commissions. She can be reached via telephone at 443-401-7044, or email nina.themelis@baltimorecity.gov.

Your membership on the Civilian Review has my confidence and support. Thank you for your dedication to the City of Baltimore.

Sincerely,

Bernard C. "Jack" Young
Mayor

cc: Kim Morton, Chief of Staff
Avery Aisenstark, Director of Legislative Reference
Nina Themelis, Legislative Liaison to the City Council



Bernard C. "Jack" Young
Mayor
City Hall
Room 250
Baltimore, MD 21202

MAYOR'S REQUEST TO CITY COUNCIL FOR CONFIRMATION OF MUNICIPAL OFFICER

Pursuant to Article IV, §§6(a) and (b) of the Baltimore City Charter 1996 Edition, Mayor Bernard C. "Jack" Young hereby requests the City Council of Baltimore City to confirm the appointment of Levi S. Zaslow to serve as a municipal officer on the Civilian Review Board. In support of this request, information concerning the mayoral appointee is provided below and in the attached resume.

The information set forth in both the document and the attached resume have been distributed to authorized persons for use in the City Council confirmation process

Name: Levi S. Zaslow

Appointed to: Civilian Review Board

Succeeds: Frederick Jackson

Term Expiration Date: October 1, 2022

Previous Terms Served (if none, write N/A): N/A

Party Affiliation: Democrat

Specific Board Requirements: Resident of Northwest Police District

Council District: 5th

Current Occupation: Attorney

Current Employer: Joseph, Greenwald & Laake, P.A.

Employer's Address: 6404 Ivy Lane, Suite 400, Greenbelt, MD 20770

Other Relevant Employment: Judicial Law Clerk, Circuit Court for Baltimore City

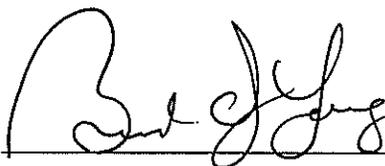
Undergraduate Institution: Excelsior College

Graduate Institution: University of Baltimore School of Law

Civic and Professional Affiliations: Bar Association of Baltimore City, Prince George's County Bar Association,

Maryland State Bar Association

Date Submitted: July 14, 2020

Signature: 

Distribution:

Honorable Robert Stokes, Chair
Dana P. Moore, Acting City Solicitor
Natawna Austin, Executive Secretary to the City Council
Marguerite Currin, Office of Council Services
Nancy Ray, Journal Clerk to City Council
Caylin Young, Office of the City Council President
Lester Davis, Director of the Mayor's Office of Government Relations and Communications
Nina Themelis, Legislative Liaison

LEVI S. ZASLOW

3026 Fallstaff Road, B • Baltimore, MD 21209 • Lzaslow@jgllaw.com • (443) 695-5080

BAR ADMISSIONS

Maryland
District of Columbia
United States District Court for the District of Maryland
United States District Court for the District of Columbia
United States Court of Appeals for the Fourth Circuit
United States Court of Appeals for the District of Columbia Circuit

BAR MEMBERSHIPS

Bar Association of Baltimore City – Communication and News Journal Committee
Maryland State Bar Association
Prince George’s County Bar Association
The District of Columbia Bar

EDUCATION

University of Baltimore School of Law, Baltimore, Maryland
Juris Doctor, *cum laude*, May 2008

Journal: *University of Baltimore Law Forum*, Managing Editor: 2007-2008

University of Baltimore Law Forum, Staff Editor: 2006-2007

Moot Court: National Trial Competition, Trial Team Member: 2006-2008

• Regional Champion and National Finalist: 2008

Moot Court Board, Treasurer: 2007-2008

Honors: Teaching Assistant, Legal Analysis, Research and Writing: 2006-2008

Highest Grade in Class, Electronic Evidence and Discovery Workshop

Publications: Levi S. Zaslow, Recent Development, *Myers v. State: The Discovery of an Outstanding Arrest Warrant During an Illegal Traffic Stop May Be Sufficient to Remove the Taint from Evidence That Is Subsequently Seized*, 37 U. BALT. L.F. 162 (2007) (cited in 6 WAYNE R. LAFAYE, SEARCH AND SEIZURE: A TREATISE ON THE FOURTH AMENDMENT § 11.4 n. 245 (Supp. 2008) and ENCYCLOPEDIA OF THE FOURTH AMENDMENT 97 (2013)).

Excelsior College, Albany, New York
Bachelor of Science, Liberal Arts, November 2005

LEGAL EXPERIENCE

Joseph, Greenwald & Laake, P.A., Greenbelt, Maryland

Senior Counsel, January 2014 - Present

Litigation Associate, August 2009 - January 2014

Dynamic first chair litigator in trial and appellate courts. Litigate cases from intake through trial and appeal, including taking and defending fact and expert depositions, drafting motions and memoranda, conducting trial, and handling all aspects of client and case management in state and federal courts. Practice areas for plaintiff and defense cases include: civil rights litigation, commercial litigation, significant personal injury matters, employment law, real property

LEVI S. ZASLOW

3026 Fallstaff Road, B • Baltimore, MD 21209 • Lzaslow@jgllaw.com • (443) 695-5080

litigation, appellate advocacy, and administrative law. Provide advice and counsel to clients on business, employment, and government relations outside of litigation.

Honorable Althea M. Handy, Circuit Court for Baltimore City, Baltimore, Maryland
Judicial Law Clerk, August 2008 - August 2009

Supervised and maintained full civil, criminal and juvenile dockets. Drafted court orders and judicial opinions, and provided analysis, research, and recommendations on matters pending before the Court.

Schlachman, Belsky & Weiner, P.A., Baltimore, Maryland
Law Clerk, November 2007 - April 2008

Drafted pleadings, motions and memoranda on a range of matters including complex legal malpractice, medical malpractice, wrongful death, products liability, ultra-hazardous activities, administrative law, and criminal defense cases.

Office of the Attorney General, Baltimore, Maryland

Law Clerk, Department of Health & Mental Hygiene, January 2007 - November 2007

Collaborated with Assistant Attorneys General, and drafted memoranda on constitutional and statutory implications of health law in the criminal and civil context. Assisted in hearings before the Maryland Office of Administrative Hearings and drafted motions and memoranda of law upon judicial review.

Honorable David B. Mitchell, Circuit Court for Baltimore City, Baltimore, Maryland
Judicial Intern, Summer 2006

Provided research, memoranda and support to the court, including in triple homicide case, *State of Maryland v. Policarpio Espinoza & Adan Canela*.

PUBLICATIONS

- ZASLOW, ET AL., PENNSYLVANIA MUNICIPAL LAWSOURCE (15th ed. 2018).
- ZASLOW, ET AL., PENNSYLVANIA REAL ESTATE TAX SALES & MUNICIPAL CLAIMS (3d ed. 2018).
- ZASLOW, ET AL., PENNSYLVANIA REAL ESTATE LAWSOURCE (7th ed. 2018).
- Levi S. Zaslow, Commentary, *The Legal Appeal of the Ray Rice Appeal*, THE DAILY RECORD, Oct. 8, 2014, at 11A.
- Co-author of *Appellate Review* in Baltimore Barrister (various).

Other: *Super Lawyers*, Rising Stars – 2018
Best Lawyers – 2019

**CIVILIAN
REVIEW
BOARD**

The Office of Equity and Civil Rights

The Office of Equity and Civil Rights is a city agency devoted to advancing equity and upholding the federal and local civil rights laws, the local living and prevailing wage laws, and providing oversight of local law enforcement. The mission of the Office of Equity and Civil Rights is to carry out activities to eliminate inequity, inequality, and discrimination.

There are two divisions in the Office: the Equity Division which works to advance equity in the City of Baltimore, and the Civil Rights Division, which consists of the Civilian Review Board, the Community Relations Commission, the Mayor's Commission on Disabilities and the Wage Commission.

Civilian Review Board

The Civilian Review Board of Baltimore City is an independent agency in the city through which members of the public can issue a complaint against officers of various law enforcement units. The Civilian Review Board takes complaints that allege the use of excessive force, abusive language, harassment, false arrest, and false imprisonment. The law enforcement units that the Civilian Review Board handles complaints for are: The Baltimore City Police Department, the Baltimore City School Police, the Baltimore City Sheriff's Office, the Baltimore Environmental Police, the Police Force of the Baltimore City Community College, and the Police Force of Morgan State. The Civilian Review Board also reviews Police Department Procedures and makes recommendations to the Commissioner.

Board members are composed of a member of the public from each of the nine police districts in Baltimore City. Members of the Board are selected by the Mayor and subject to the advice and consent of the City Council. Also on the Commission as nonvoting members, are one representative of the Fraternal Order of Police, one representative of the Vanguard Justice Society, the Baltimore City Police Commissioner or the Commissioner's designee, one representative of the American Civil Liberties Union of Maryland (ACLU), and one representative of the Baltimore City Branch of the National Association for the Advancement of Colored People (NAACP).

Board Members

George Buntin, Western District

Mel Currie, Chair, Southwestern District

Fred Jackson, Northwestern District

Tiera Hawkes, Secretary, Northeastern District

Tiffany Wingate, Central District

Natalie Novak, Northern District

Vacant, Southern District

Vacant, Eastern District

Vacant, Southeastern District

PARK POLICE**§ 16-40. Status in Police Department.**

Any person who became a member of the Baltimore City Police Department as a result of the merger of the Park Police, a Division of the Department of Recreation and Parks, of the City of Baltimore, with the Police Department shall be deemed to have been a member of the Baltimore City Police Department for the period such person was employed as a member of the said Park Police Division; and the period of each person's employment time spent with the Park Police Division prior to the effective date of the merger on January 1, 1961, shall be held to have been spent in the service of the Baltimore City Police Department for purposes of probationary period, seniority rating, length of service for compensation, or additional compensation, eligibility for promotion and all other purposes except eligibility for membership in the Special Fund for Widows; and each person shall continue in the rank attained in the Park Police Division during his tenure in the Baltimore City Police Department, until promoted, reduced, retired, dropped, dismissed, or otherwise altered, according to law, and in the same manner as other members of the Baltimore City Police Department. Any person who is a member of the Baltimore City Police Department shall be given credit for all the purposes aforesaid for all time spent as a member of the said Park Police Division. (P.L.L., 1969, §16-40.) (1961, ch. 290.)

CIVILIAN REVIEW BOARD**§ 16-41. Definitions.****(a) *In general.***

In this subheading the following words have the meanings indicated.

(b) *Abusive language.*

"Abusive language" means the use of remarks intended to be demeaning, humiliating, mocking, insulting, or belittling that may or may not be based on the actual or perceived race, color, religion, sex, national origin, sexual orientation, or gender identity of an individual.

(c) *Excessive force.*

(1) "Excessive force" means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance.

(2) "Excessive force" does not include force that is reasonably necessary to effect a lawful purpose.

(d) *False arrest.*

"False arrest" means an arrest made without legal justification.

(e) *False imprisonment.*

“False imprisonment” means the intentional restriction without legal justification of the freedom of movement of a person who is aware of the restriction and who does not consent.

(f) *Harassment.*

(1) “Harassment” means:

(i) repeated or unwarranted conduct that is intended to be overtly demeaning, humiliating, mocking, insulting, or belittling; or

(ii) any conduct that is intended to cause unnecessary physical discomfort or injury.

(2) “Harassment” does not include conduct that is reasonably necessary to effect a lawful purpose.

(g) *Law enforcement unit.*

“Law enforcement unit” means:

(1) the Police Department of Baltimore City;

(2) the Baltimore City School Police;

(3) the Housing Authority of Baltimore City Police;

(4) the Baltimore City Sheriff’s Department;

(5) the Baltimore City Watershed Police Force;

(6) the police force of the Baltimore City Community College;

(7) the police force of Morgan State University; or

(8) the police department of Johns Hopkins University.

(h) *Police officer.*

“Police officer” means a member of a law enforcement unit authorized to make arrests. (1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499; 2015, ch. 130; 2019, ch. 25.)

§ 16-42. Board established; jurisdiction; notice of procedures; training.

(a) *Board established.*

The Civilian Review Board of Baltimore City is established to provide a permanent, statutory agency in Baltimore City through which:

- (1) complaints lodged by members of the public regarding abusive language, false arrest, false imprisonment, harassment, or excessive force by police officers of a law enforcement unit shall be processed, investigated under § 16-46 of this subheading, and evaluated; and
- (2) policies of a law enforcement unit may be reviewed.

(b) *Board jurisdiction.*

Jurisdiction of the Board shall extend only to complaints against police officers with respect to abusive language, false arrest, false imprisonment, harassment, and use of excessive force as defined in § 16-41 of this subheading and by the law enforcement unit's rules and regulations.

(c) *Public notice.*

A law enforcement unit shall place posters in all law enforcement unit stations and elsewhere throughout the City to explain the procedure for filing a complaint.

(d) *Notice to officers.*

An explanation of the Board's complaint procedures shall be made to all police officers in a general order to be included in the manual of rules and procedures of a law enforcement unit, and shall be included in the training program for new police officers.

(e) *Training Board members.*

Each member of the Board shall receive training on the issues of abusive language, false arrest, false imprisonment, harassment, and excessive force.

(1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499.)

§ 16-43. Composition; officers; meetings; staff.

(a) *Composition of Board.*

(1) The Board is composed of:

- (i) one member of the public from each of the nine police districts in Baltimore City selected by the Mayor, subject to the advice and consent of the City Council;
- (ii) one representative of the Fraternal Order of Police;
- (iii) one representative of the Vanguard Justice Society;
- (iv) the Commissioner or the Commissioner's designee;
- (v) one representative of the American Civil Liberties Union of Maryland; and
- (vi) one representative of the Baltimore City Branch of the National Association for the Advancement of Colored People.

(2) Each public member of the Board:

- (i) shall be a voting member of the Board; but
- (ii) may not be a current employee of a municipal, county, state, or federal law enforcement agency.

(3) Each voting member of the Board shall be a resident of Baltimore City.

(b) *Officers.*

At its first meeting each year, the Board shall elect a Chair and Secretary.

(c) *Meetings — frequency.*

- (1) The Board shall meet as often as necessary to perform its functions and duties, but it shall meet at least once a month.
- (2) Each year at least four meetings of the Board shall be held in locations rotated throughout different police districts in the City.

(d) *Meetings — quorum; voting.*

- (1) The Board shall determine what constitutes a quorum.
- (2) In all matters where a quorum is present, a majority of the voting members of the Board shall prevail.

(e) *Terms; voting status.*

- (1) The term of a public member of the Board appointed under subsection (a)(1)(i) of this section is 3 years.
- (2) (i) The terms of the public members are staggered as required by the terms provided for the public members of the Board on October 1, 1999.
 (ii) A public member of the Board is not eligible to serve for more than two full successive terms.
- (3) At the end of a term, a public member appointed under subsection (a)(1)(i) of this section continues to serve until a successor is appointed and qualifies.
- (4) A public member who is appointed under subsection (a)(1)(i) of this section after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (5) A member who is appointed under subsection (a)(1)(ii), (iii), (iv), (v), or (vi) of this section shall serve in a nonvoting advisory capacity.

(f) *Staff.*

(1) The Mayor of Baltimore City shall assign staff to the Board for the periodic meetings of the Board from the Office of the City Solicitor and the Community Relations Commission.

(2) Baltimore City may hire an independent administrator to serve the Board.
(1999, chs. 196, 197; 2015, ch. 130; 2017, ch. 598.)

§ 16-44. Filing complaints.

(a) *Where filed.*

An individual who claims to have been subjected to or witnessed an act of abusive language, false arrest, false imprisonment, harassment, or excessive force, or injury allegedly resulting from excessive force caused by a police officer, may file a complaint at

the Office of the Internal Investigative Division,

the Legal Aid Bureau,

the Maryland Human Relations Commission,

the Baltimore Community Relations Commission, or

at any of the police district stations.

(b) *When filed.*

A complaint shall be made within 1 year of the action giving rise to the complaint.

(c) *Form.*

(1) The complaint shall be reduced to writing on a form authorized by the Board and signed and sworn to by the complainant.

(2) The complaint shall include:

(i) the name of the complainant;

(ii) if known, the name of the police officer allegedly involved;

(iii) the date, time, and place of the alleged misconduct;

(iv) the circumstances of the alleged misconduct; and

(v) an explanation of the alleged misconduct that is deemed to be wrongful.

(d) *Referral to IID and Board Secretary.*

One copy of the completed form shall be retained by the recipient of the complaint and a copy given to the complainant. A copy shall be sent within 48 hours to the Internal Investigative Division and the Secretary of the Board.

(e) *Docketing; referral to Board members.*

The Secretary of the Board shall assign a consecutive number to each complaint, and within 48 hours, shall send a copy to each member of the Board. The Secretary shall also maintain on file a record of each complaint.

(1999, chs. 196, 197; 2006, ch. 499; 2017, ch. 598.)

§ 16-45. Investigations.

(a) *IID to investigate within 90 days.*

The Internal Investigative Division shall make a comprehensive investigation of each complaint and submit its Internal Investigative Division Report relating to the incident alleged to the Board within 90 days from the date of the complaint.

(b) *Extension.*

For good cause shown, the Board may extend the time allowed to complete the report required under subsection (a) of this section.

(1999, chs. 196, 197.)

§ 16-46. Board proceedings.

(a) *Board review of complaint.*

(1) The Board shall review all complaints alleging police misconduct described in § 16-42(a)(1) of this subheading.

(2) The Board may investigate, simultaneously with the Internal Investigative Division, each complaint it deems appropriate and report its findings to the Internal Investigative Division.

(b) *Witnesses and records.*

(1) The Board may issue a subpoena, signed by the Chairman of the Board, to compel:

(i) the attendance and testimony of a witness other than the accused officer; and

(ii) the production of any book, record, or other document.

(2) If a person fails to comply with a subpoena issued under this subsection, on petition of the Board, a court of competent jurisdiction may compel compliance with the subpoena.

- (3) A police officer may submit a witness list to the Board 10 days or more before the Board takes testimony.
- (4) The Chairman or the Secretary of the Board may administer oaths in connection with any proceeding of the Board.
- (5) The police officer or the police officer's representative shall have the right to question witnesses who testify about the complaint.
- (6) All witness testimony shall be recorded.

(c) *Board review of report; recommendations.*

- (1) The Board shall review the Internal Investigative Division's Report.
- (2) On review of the Internal Investigative Division Report and the Board's investigative report, if any, of each case, the Board shall recommend to the head of the appropriate law enforcement unit one of the following actions:
 - (i) sustain the complaint and may recommend the appropriate disciplinary action against the police officer;
 - (ii) not sustain the complaint;
 - (iii) exonerate the police officer;
 - (iv) find that the complaint is unfounded; or
 - (v) require further investigation by the Internal Investigative Division.

(d) *Submission to unit head.*

The Board shall submit a statement of its findings and recommendations to the head of the appropriate law enforcement unit within 30 days of receipt of the Internal Investigative Division Report.

(1999, chs. 196, 197; 2000, ch. 290; 2006, ch. 499.)

§ 16-47. Penalty for false statements, etc.

Any person who knowingly makes a false statement, report, or complaint in the course of an investigation by the Internal Investigative Division or the Board conducted under the provisions of this subheading is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 6 months or both.

(1999, chs. 196, 197.)

§ 16-48. Final decision by unit head.

(a) *Consideration of Board recommendation.*

The head of the appropriate law enforcement unit has final decision-making responsibility for the appropriate disciplinary action in each case, but the head of the appropriate law enforcement unit may not take final action until after reviewing the recommendation of the Board under § 16-46(c)(2) of this subheading.

(b) *Expungement or records.*

If a complaint is not sustained or the police officer is exonerated, on written request by the police officer sent to the Board, the Board shall expunge all records of the complaint.
(1999, chs. 196, 197; 2000, ch. 290.)

§ 16-49. Rights preserved.

The procedures established under this subheading may not be construed to abrogate any constitutional, statutory, or common law right of:

(1) a police officer against whom a complaint is filed; or

(2) the complainants, investigators, or witnesses who participate in the complaint procedure under this subheading.

(1999, chs. 196, 197.)

§ 16-50. Disciplinary proceeding unaffected.

The procedures established under this subheading may not be construed to affect or change the methods and procedures for suspension or dismissal of police officers.
(1999, chs. 196, 197.)

§ 16-51. Officer's right to notice and hearing.

A police officer may not be penalized or affected adversely in any way as a result of the procedures established under this subheading without having been first afforded proper written notice of the charges lodged against the officer and the right to a hearing before the Police Trial Board in accordance with due process of law.
(1999, chs. 196, 197.)

§ 16-52. Records.

(a) *Names to be kept confidential.*

Records containing the names or identification of complainants, investigators, and witnesses may not be disclosed or released to the public.

(b) *Records maintenance.*

- (1) The Internal Investigative Division shall retain sole custody of an Internal Investigative Division Report.
- (2) Except for an Internal Investigative Division Report, the Board shall be the custodian of all records of a proceeding for a complaint under this subheading, including personal notes, audio recordings, memoranda, letters, and forms resulting from a complaint and proceedings before the Board involving the complaint.

(1999, chs. 196, 197.)

§ 16-53. Rules and regulations.

Subject to the provisions of this subheading, the Board may adopt reasonable and proper regulations to govern its procedures.

(1999, chs. 196, 197.)

§ 16-54. Semiannual statistical report.(a) *Board to publish.*

The Board shall prepare and publish a semiannual statistical report regarding the complaints processed under this subheading.

(b) *Submission.*

The Board shall submit the report semiannually to the Mayor and City Council of Baltimore City and the Commissioner.

(1999, chs. 196, 197.)

{REDISTRICTING}**§ 16-55. Redistricting.**(a) *Definitions.*(1) *In general.*

In this section the following words have the meanings indicated.

(2) *District.*

“District” means a police district of the Department.

(3) *Plan.*

“Plan” means the plan prepared by the Commissioner under subsection (b)(1) of this section.