

Baltimore City Ethics Board
626 City Hall
Baltimore MD 21202
Tuesday, February 14, 2012

Minutes of the Public Session

The Ethics Board met on February 14, 2012 in the Conference Room of the Office of Department of Legislative Reference, 626 City Hall, Baltimore, Maryland.

- A. Call to Order: Chairwoman Linda Pierson call to order the meeting of the Baltimore City Ethics Board at 9:40 a.m. on February 14, 2012 with a quorum present. Present were Board members Linda Pierson, Jennifer Burdick, Guy Flynn and Dawna Cobb. Also present was Director Avery Aisenstark and Deputy Director Thaddeus Watulak.
- B. Approval of the minutes: The January minutes were amended to reflect that Opinion Number 11-003 was issued on November 14, 2011. The Board voted 4-0 to approve the minutes as amended.
- C. Chair's report: No report.
- D. Director's Report:
 1. Board of Estimates role in solicitation applications- Mr. Aisenstark has contacted but has not heard back from City Solicitor, George Nilson, regarding the order of approval of solicitation applications. Mr. Aisenstark recommended changing the Board's practice to the effect of absent extenuating circumstances the Board will not approve a solicitation application without first receiving Board of Estimates approval.
 2. Lobbyist Gift Issue-- Following an inquiry from a councilman's staff member regarding the application of Art. 8 § § 6-26 and 6-27, which regulates solicitations and acceptances of gifts by a public servant, Mr. Aisenstark reviewed these sections and in light of the inquiry, has proposed amendments that further define from whom a public member may solicit a gift. The Board agreed that both sections of the law should be amended to include language that prohibits a public servant from soliciting or facilitating the soliciting of a gift from any person that is or "has been within the preceding 12 months a lobbyist with respect to matters within the jurisdiction of the public servant." The Ethics Board and the Mayor will jointly seek to sponsor the bill.

3. Confirmation of New Ethics Board Member-Ms. Alicia Wilson has been confirmed but not sworn in.

E. Solicitation Requests

1. Baltimore Greek Week-Board of Estimates approval is pending. The Board voted 4-0 to conditionally approve the request. No letter will issue until Board of Estimates approval is received.
- F. Discussion of Officials' Service as 'Honorary Chairs' - The National Association of Securities Professionals is having a conference in Baltimore. Conference organizers asked State Treasurer, Nancy Kopp, Comptroller, Peter Franchot, and the City's Comptroller, Joan Pratt, to serve as Honorary Co-Chairs. The State Ethics Commission opined that State ethics law governing the "prestige of office" prohibited Ms. Kopp and Mr. Franchot from participating in this fashion. Because the City's ethics law mirrors the State's law, the Board voted to 4-0 to direct Mr. Aisentark to advise Ms. Pratt that she should withdraw as a co-chair of this event.
- G. Discussion of possible regulation to allow agencies to accept medical samples routinely distributed by sales personnel-deferred to next meeting.
- H. Discussed IG's response to bill to broaden definition of conflicted parties with a relationship with an official's agency. Alternative wording for the regulation was proposed and the matter was deferred until the next meeting.
- I. The *Baltimore Sun* article from 2.12.12 regarding financial disclosure by public servants and the ethics law governing acceptable gifts. The Board voted 4-0 to direct Board staff to review the disclosure forms filed by elected city council officials' beginning with forthcoming forms. The Board then voted 4-0 to direct Board staff to e-mail City employees that Ethics Board will conduct random audits to determine compliance with the financial disclosure law. This notice will be sent in April before next forms are due. The Board then voted 4-0 to draft language amending the applicable Ethics law to state that members of the City Council are subject to the same laws as members of the Board of Estimates.
- J. Draft report of Board's activities- Ms. Burdick shared the draft report that she has been preparing. The Board agreed that the report should carry through

calendar year 2011. Board members were asked to comment on the format and which Board activities it should include.

K. The Board's next meeting will be March 13, 2012 at 9:30 a.m.

The meeting was adjourned at 11:35 a.m.