

Baltimore City Ethics Board
626 City Hall
Baltimore, Maryland 21202
Wednesday, April 21, 2011

Minutes of the Public Session

The Ethics Board met on March 10, 2011 in the Conference Room of the Office of Department of Legislative Reference, 626 City Hall, Baltimore, Maryland.

- A. Call to Order: Chairwoman Linda Pierson called to order the meeting of the Baltimore City Ethics Board at 10:20 a.m. on April 21, 2011 with a quorum present. Present were Board members Linda Pierson, Dawna Cobb, Peggy Walls and Guy Flynn. Also present was Deputy Director Thaddeus Watulak.
- B. Approval of the minutes: March minutes were amended to add that Dr. Walls was present at the March meeting. The amended minutes were approved by unanimous consent.
- C. Chair's report: There was none.
- D. Director's Report:
 - The finance department provided the Board with a "certified list of persons doing business with the City" as required by Section 7-1(d) of the City Ethics Code. The list dated April 1, 2011, was prepared by the Mayor's Office and lists for electronic data bases from which it can be determined who in 2010 was doing business with the City. These include an electronic agency list of contracts and other transactions exceeding \$5,000, lists of all vendor disbursements by the City and credit card data for 2010. The Comptroller's Office will supply an electronically searchable database of the Board of Estimate's (BOE) minutes for 2010, which should include information about most of the leases or other contracts entered into between the City and private parties during 2010. Those vendors with City contracts in excess of \$5,000 are considered to be "doing business with the City." Certain small contracts may not appear on the BOE database but will appear in the list provided by City agencies.
 - The Board noted that a search of four databases would be required to identify whether an entity or individual is doing business with the City and that the search would not be current. Mr. Watulak noted that the Ethics Code does not require a current list.
- E. Meeting with City Solicitor George Nilson . We met with the solicitor to discuss legal advice that he gave to the Mayor regarding her husband's employment.
- F. Status report from Inspector General. A motion to go into closed session was approved by unanimous consent was made at 10:15 to discuss a pending investigation. The Board voted unanimously to return to open session at 11:25.
- G. Opinion request from the Department of Parks and Recreation for Sponsorship Opportunities. The Board discussed whether the solicitations would be gifts or consideration for a contract and who would gauge the adequacy of consideration

received by the City. The Board concluded that it would not gauge adequacy of consideration as long as the sponsorship is reviewed by the Board of Estimates and it has determined that the City is receiving a fair price in exchange for the sponsorships. Should the Board of Estimates not find adequate consideration, the matter must come before the Ethics Board. Mr. Watulak was directed to prepare a draft opinion that captured this approach.

- H. Pending Applications for Solicitations: Baltimore Builds Expo-The City is providing Exhibitors with the opportunity to display the products of various vendors. The vendors are paying for the display space and are not receiving any advertising by the City. The Board concluded that this arrangement reflected a contractual arrangement and not a gift. Mr. Watulak was directed to draft a formal advisory opinion.

The Fire Department's solicitation for donors to its annual Golf Tournament was approved contingent on the arrangement concluding on a particular date.

- I. Request for Waiver and Opinion re: Family employment received from MC dated March 29, 2011. The Board voted unanimously to direct Mr. Watulak to advise MC that the Board has taken these requests (the inquiry involves two family members working for different organizations) under consideration and will issue a comprehensive formal opinion. In the interim, the request is approved provided MC abstain from voting on the matters listed in the March 29 correspondence.
- J. New Business: The Board discussed the importance of having its opinions and other public records easily available to the public. It voted unanimously to direct staff to work to post on the website redacted advisory opinions, current agendas and minutes redacted as appropriate.
- K. The Board's next meeting will be May 10, 2011 at 10 am.

The meeting was adjourned 12:54 pm.