

Baltimore City Ethics Board
635 City Hall
Baltimore, MD 21202
September 14, 2022

Minutes of the Meeting

The Ethics Board met on September 14, 2022 at 2:30 pm by conference call.

Call to Order: Chairman Stephan Fogleman called the Ethics Board meeting to order at 2:31 pm with three board members, a quorum, present. Board Member Hengerer joined the meeting at 2:34 pm.

Statement Concerning August's Administrative Session and Potential Administrative Session: Chair Fogleman read the following statement:

Per the Open Meetings Act, the Board discloses that it adjourned its virtual open meeting on August 10, 2022 to enter into an administrative session at approximately 3:00 pm. Three Board members were present. Members discussed administrative matters including complaints.

The Board may need to close some or all of this meeting to preserve the confidentiality mandated by the Ethics Code or as otherwise authorized by the State Open Meetings Act. Likewise, upon adjournment of the Open Session, the Board may reconvene for an Administrative Session to discuss non-public, administrative functions of the Board.

Approval of Written Minutes for August 10, 2022 Public Meeting: The Board approved the minutes with a vote of 3-0.

Civil Rights Week Gift Solicitation Waiver Application – Office of Equity and Civil Rights (OECR): Director Dana Moore, Deputy Director Caylin Young, and Chief of Staff Khadeja Farahmand of the Office of Equity and Civil Rights (OECR) attended the meeting. Director Moore stated that City will celebrate Civil Rights Week for the thirtieth year and that OECR requests a gift solicitation waiver from the Ethics Board to solicit and accept donations for Civil Rights Week. Additionally, Director Moore stated that OECR intends to host the twenty-ninth Civil Rights Breakfast, for which the Office also intends to fundraise. Director Moore explained that many donors have shown interest in the Civil Rights Week and Civil Rights Breakfast, although the Office has not accepted any donations while awaiting a waiver from the Ethics Board.

Member Hengerer joined the Ethics Board meeting. With a vote of 4-0, the Ethics Board approved the gift solicitation waiver.

B-360 Dirt Bike Track Gift Solicitation Waiver Application – Mayor's Office of Neighborhood Safety & Engagement (MONSE): Director of the Mayor's Office of Neighborhood Safety and Engagement (MONSE), Shantay Jackson, was present at the meeting. Director Jackson provided an overview of B-360, a non-profit organization with the purpose of teaching youth about riding dirt bikes safely, about building and repairing bikes, and about STEM (Science, Technology, Engineering, and Mathematics). Director Jackson stated that MONSE's request is to solicit funds for the Job Opportunities

Task Force, the fiscal sponsor of B-360, to construct a dirt bike facility, the first in the country.

Member Sampson asked Director Jackson if this initiative will encourage dirt bike riders to ride on the dirt bike track and not in the street. Director Jackson confirmed so, stating that a B-360 summer camp required dirt bikes to remain at the dirt bike facility and prohibited attendees from riding their bikes in the street.

The Board approved the waiver with a vote of 4-0.

2023 Healing City Baltimore Summit and 2022 Neighborhood Events and Peer Recovery Specialists in City Agencies Gift Solicitation Waiver Applications – Office of Councilmember Cohen: Ethics Officer Ford stated that the 2023 Healing City Baltimore Summit and 2022 Neighborhood Events waiver application and the Peer Recovery Specialists in City Agencies application, which were submitted to the Ethics Board and contingently approved at the June Ethics Board meeting, had been endorsed by the Board of Estimates on September 7, 2022.

Office of the Aging Gift Solicitation Waiver Application – Office of Councilmember Cohen: Franie Parker-Hale with Councilmember Cohen's Office was present at the meeting and provided a brief overview of the new gift solicitation waiver application for the Office of the Aging.

2023 Healing City Baltimore Summit and 2022 Neighborhood Events and Peer Recovery Specialists in City Agencies Gift Solicitation Waiver Applications – Office of Councilmember Cohen: The Ethics Board revisited the two applications, which Ethics Officer Ford had previously explained were endorsed by the Board of Estimates. The Board reapproved both applications with a vote of 4-0.

Office of the Aging Gift Solicitation Waiver Application – Office of Councilmember Cohen: Chief of Staff in Councilmember Cohen's Office, Maggie Master, joined the meeting. Master provided an overview of the request to solicit and accept funds for the Office of the Aging. Master provided examples of senior residents in need of additional support from a City office and explained that such need led to new City legislation for the purpose of establishing the Office of the Aging. Master explained that the Office of the Aging was previously a Mayoral office, but it had moved to the Health Department due to financial limitations. Master further explained that reestablishing the office within the Mayor's Cabinet may require more funds than what will be provided by the City and that Councilmember Cohen's Office hopes to fundraise for the Office of the Aging.

In response to Member Sampson's question about a senior housing facility, Master responded, stating that the City has multiple senior centers. The Board approved the waiver with a vote of 4-0.

Ethics Officer Ford stated that City Council Bill 22-0254, which proposes the establishment of an Office of Aging as an independent agency, is still in committee and its hearing has not yet been scheduled. Ford asked Master if donations received prior to the creation of the Office will be held in a separate account with the Baltimore Civic Fund. Master responded explaining that donors will make pledges to the Office of the Aging, but Councilmember Cohen's Office will refrain from accepting donations until the Office of the Aging has been established.

Experience Corps Gift Solicitation Waiver Application – Office of Councilmember Cohen: Master provided an overview of the Experience Corps Program, which partners older adults with teachers and students in elementary schools. Master explained that AARP decided to no longer fund Experience Corps, thus disbanding the program. Councilmember Cohen’s Office agreed to find a new fiscal sponsor for Experience Corps with the intention of reestablishing the program in January 2023.

Master stated that Councilmember Cohen’s Office hopes to solicit donations for Experience Corps staff and, in the long term, for volunteer stipends. Master stated that Councilmember Cohen’s Office will first find a fiscal sponsor for Experience Corps and then provide funding directly to that entity. In response to Ethics Officer Ford’s inquiry, Master stated that donations will be held in an account with the Baltimore Civic Fund while searching for a fiscal sponsor.

Member Hengerer inquired about the process for changing the campaign’s fiscal sponsor from the Baltimore Civic Fund to another. Chair Fogleman requested that Councilmember Cohen’s Office return to the Ethics Board for additional approval prior to changing the campaign’s fiscal sponsor. Ethics Officer Ford instructed Master to provide responses about the new fiscal sponsor on the waiver application and to submit the new application to the Ethics Board. With a vote of 4-0, the Board moved to approve the waiver subject to the condition that Councilmember Cohen’s Office return for additional approval of a new fiscal sponsor when appropriate.

Ethics Officer Update – Maryland Philanthropy Network: Ethics Officer Ford reminded the Board members that they had requested additional information about the Maryland Philanthropy Network (MPN), the fiscal sponsor of the Healing City Baltimore gift solicitation waivers. Ford stated that Councilmember Cohen’s Office had not received the requested information from MPN and Ford agreed to forward MPN’s response to the Board once she receives it from Councilmember Cohen’s Office.

Ethics Board Discussion – City Council Bill 22-0255 (“Arson Offender Registraion”): Director Amberger reminded the Board members that they had opposed City Council Bill 22-0255 because the matter raised in the Bill did not fall within the Ethics Board’s legal jurisdiction. Amberger stated that Chief Solicitor and former Ethics Director, Jeff Hochstetler, explained to Amberger that the Board’s opposition may be misunderstood by the Legislative Oversight Committee. In response to Hochstetler’s concern, Amberger proposed that the Board file an amended report, retracting the opposition and taking no position on the Bill for the same reasons as previously provided by the Board.

In response to Member Hengerer’s request for clarification, Amberger stated that the amendment would clarify that the Board does not oppose the substantive matter of the Bill, and that the Board does not take a position on the Bill because the matter does not fall within the Board’s jurisdiction.

With a vote of 4-0, the Board moved to file an amendment to the Board’s report on City Council Bill 22-0255 pursuant to the terms discussed at the meeting.

Ethics Officer’s Update: Ethics Officer Ford updated the Board on the Board staff’s recent work:

- Ethics Training
 - Ethics Board staff enrolled 41 people in the Ethics Training provided on Workday, the City’s Human Resources application.

- 15 people completed the training so far; deadline – September 29, 2022
- 68 people self-enrolled in the Ethics Training on their Workday accounts.
 - 38 people completed the training so far; 30-day deadline
- Soon, all employees with Workday access will self-enroll in the training and will no longer register with the Ethics Board.
- **FY23 attendees: 68**

Board Discussion – Ethics Training: Vice Chair Davis asked Ethics Officer Ford if those enrolled in the Ethics Training are from various agencies or are predominantly from a specific agency. Ford agreed to provide details about enrollment by agency when available. Ford stated that many employees from Baltimore City Information & Technology (BCIT) had registered for the Ethics Training.

Ethics Officer Ford explained that Ethics Board staff met with the Department of Human Resources (DHR) to discuss the Ethics Training’s deployment on Workday. Using Workday’s capabilities, DHR will compile a list of City employees who qualify as “officials” under the Ethics Law and are required to take the Ethics Training. Ford explained that, with this list, Ethics Board staff will enroll City officials in the training and require their completion of the course.

- Help Desk
 - 82 help desk requests were received and resolved by the Ethics Board Staff in August.
 - 13 help desk requests were from lobbyists.
 - 8 help desk requests were concerning gift solicitations.
 - 20 help desk requests were concerning financial disclosure statements.
 - 30 help desk requests were ethics inquiries.
 - 4 help desk requests were concerning the Ethics Training.
 - 1 help desk requests were administrative (question about deadlines, forms, etc).
 - 6 help desk requests were not within the Board’s jurisdiction and were referred elsewhere.
 - **FY23 requests: 143**
- Complaints
 - Since last Ethics Board meeting:
 - New Complaints: 1 (dismissed for lack of jurisdiction)
 - Open Complaints: 2
 - **FY23 Complaints: 1 (2 pending from FY22)**
- Advisory Opinions
 - Requests: 0
 - **FY23 Issued Opinions: 0**
- Secondary Employment Waivers
 - Requests: 0
 - **FY23 Granted Waivers: 0**

- Financial Disclosure Statements
 - 13 outstanding filers
 - 8 employees have not filed annual statements.
 - 5 board members/commissioners have not filed annual statements.
 - 10 required filers on leave have not filed.

- Gift Solicitation Reports (since last Ethics Board meeting)
 - 4 gift solicitation applications were submitted to the Ethics Board.
 - 2 applications contingently approved by the Ethics Board were endorsed by the Board of Estimates.
 - 4 gift solicitation campaigns expired.
 - 1 gift solicitation campaign filed a supplemental final report.
 - Pending additional information for 1 final report filed previously.
 - 2 gift solicitation campaigns filed interim reports.
 - 1 campaign provided additional information for interim report filed previously.
 - **FY23 Active Waivers: 14**
 - **FY23 Expired Waivers: 4**

Board Discussion – Ethics Training: Director Amberger stated that he identified some technical errors on the Ethics Training course provided on Workday, which Ethics Board staff will address.

City Council Bill 22-0260 (“Ethics Board Financial Disclosures – Public Inspection – Identifying Information”): Director Amberger provided an overview of City Council Bill 22-0260, which will eliminate access to a portion of the financial disclosure statement that identifies the address of the filer’s family member. Amberger explained that the Ethics Law does not permit the Ethics Board to collect the address of a family member. Amberger stated that Board staff corrected the financial disclosure form and its instructions by including language that notifies filers that they should not disclose their family members’ home addresses. Additionally, Amberger confirmed that BCIT removed address fields in which filers frequently disclose family members’ home addresses. Amberger concluded that the matter was moot, and Amberger proposed that the Board take no position on the matter.

Director Amberger further explained that the Bill also proposes no longer collecting identifying information from viewers who inspect financial disclosure statements. Amberger confirmed that the State Ethics Commission still requires viewers to identify themselves prior to viewing a financial disclosure statement. Amberger provided an analysis of the matter, reminding the Board that the State Ethics Law permits the City’s Ethics Law to be more stringent.

Member Hengerer stated that there are State statutes that protect personal information and prevent such information from being disclosed. Hengerer requested that Director Amberger or the Board research those statutes. Hengerer recommended that the Law Department provide a legal review of the matter for the Ethics Board.

Ethics Officer Ford confirmed for Member Hengerer that the deadline for the Ethics Board’s response to the Bill is September 19, 2022.

Director Amberger analyzed the advantages and disadvantages of identifying those who view financial disclosure statements and agreed with Hengerer's recommendation for a review by the Law Department. The Board moved with a vote of 4-0 to have the Legal Department provide an opinion on City Council Bill 22-0260.

City Council Bill 22-0275 (“Ethics – Conforming Changes”): Director Amberger and Ethics Officer Ford provided an overview of the Bill, which brings the City's Ethics Law into conformance with the State Ethics Law. The Board agreed to have Board staff draft a bill report in favor of City Council Bill 22-0275.

2022 Annual Report: Ethics Office Ford reminded the Board that the 2021 Annual Report was distributed on September 27, 2021. The Board agreed to publish the 2022 Annual Report. Ethics Officer Ford stated that Board staff will likely publish the report next week and may distribute it with a press release and in a City-wide email blast.

Vice Chair Davis proposed that Ethics Officer Ford proactively identify metrics in the report that the press will highlight, to which Ford agreed.

The public meeting adjourned at 3:42 pm.