

Baltimore City Ethics Board  
635 City Hall  
Baltimore, MD 21202  
January 11, 2023

### **Minutes of the Meeting**

The Ethics Board (“Board”) met on January 11, 2023 at 2:30 pm by conference call.

**Call to Order:** Chairman Stephan Fogleman called the meeting to order at 2:44 pm with all Board members, a quorum, present.

**Statement Concerning December’s Administrative Session:** Chair Fogleman read the following statement:

Per the Open Meetings Act, the Board discloses that it adjourned its open meeting on December 14, 2022 to enter into an administrative session at approximately 2:24 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.

**Review of Schedules and Agenda:** Chair Fogleman inquired about the other Board members’ schedules and all members confirmed that they did not have any commitments that would conflict with the meeting.

**Approval of Written Minutes for December 14, 2022 Public Meeting:** Officer Romo corrected the minutes, stating that the help desk requests presented during the meeting were from “November.” The Board approved the minutes with a vote of 4-0.

**Director’s Update:** Director Amberger agreed to provide his update during the Administrative Session.

**Officer’s Update:** Officer Romo updated the Board on the Board staff’s recent work:

- Ethics Training (since last Board meeting)
  - 23 people completed the Ethics Training.
  - **FY23 attendees: 197**
- Help Desk
  - 48 help desk requests were received and resolved by Board staff in December.
    - 5 help desk requests were from lobbyists.
    - 5 help desk requests were concerning gift solicitations.
    - 8 help desk requests were concerning financial disclosure statements.
    - 20 help desk requests were ethics inquiries.

- 1 help desk requests were concerning the Ethics Training.
  - 5 help desk requests were administrative (question about deadlines, forms, etc).
  - 4 help desk requests were not within the Board's jurisdiction and were referred elsewhere.
- **FY23 requests: 339**
- Complaints (since last Board meeting)
  - New Complaints: 1
  - **FY23 Total Complaints: 9**
- Advisory Opinions
  - Pending Requests: 2
  - **FY23 Issued Opinions: 1**
- Gift Solicitation Reports (since last Board meeting)
  - 2 gift solicitation applications were submitted to the Board.
    - 1 agency requested an additional fiscal sponsor for a gift solicitation waiver.
  - 5 gift solicitation waivers expired.
  - 0 gift solicitation waivers filed a final report.
  - 3 gift solicitation campaigns filed an interim report.
  - **FY23 Active Waivers: 15**
  - **FY23 Expired Waivers: 12**
- Financial Disclosures
  - Board staff received lists of 2023 required financial disclosure filers from all filing entities, excluding two commissions. The Ethics Law's deadline to provide the list to the Board was Tuesday, January 3, 2023.
  - By February 1, 2023, the Ethics Law requires the following:
    - The Department of Human Resources must provide a supplemental list of procurement employees, legislative liaisons, and enforcement personnel who were not identified on agencies' lists of required financial disclosure filers.
    - The Department of Finance must post a list of all entities that did business with the City in 2022.
- Lobbying
  - Annual lobbying activity reports due January 31, 2023

**Board Discussion – Outstanding Lists of Required Financial Disclosure Filers:** Vice Chair Davis inquired about the two commissions that have not filed a list of required financial disclosure filers with the Board. Officer Romo responded, stating that one commission had not responded to the Board's request for a list of its required financial disclosure filers. Romo explained that she was unable to email the other commission due to an issue with the commission's staff's email server.

Vice Chair Davis requested that Officer Romo include Director Amberger on follow up correspondence with the commission that had not responded to the request.

**Board Discussion – Matters Outside of the Board’s Jurisdiction:** Vice Chair Davis inquired about the process for responding to complaints and inquiries that are outside of the Board’s jurisdiction. Officer Romo explained that Board staff respond to such complaints and inquiries, explaining that the matter does not fall within the Board’s legal jurisdiction and referring the complainant/inquirer to the appropriate entity. Romo stated that complaints dismissed for lack of jurisdiction are provided to the Board in the subsequent Board meeting’s agenda.

Vice Chair Davis inquired about the process for investigating complaints that are within the Board’s jurisdiction. Davis asked if the Board is notified prior to the complaint’s preliminary investigation. Director Amberger then explained the Ethics Law’s complaint process, which requires Board staff to conduct a preliminary investigation of complaints within the Board’s jurisdiction.

### **Charitable/Governmental Gift Solicitation Waivers**

**Annual Civil Rights Breakfast and Civil Rights Week Waiver Application, Office of Equity and Civil Rights (OECR):** Officer Romo explained that the Office of Equity and Civil Rights had previously received a waiver for the 2022 Civil Rights Week and Civil Rights Breakfast and that the Office would like to receive another waiver in order to broadly solicit donations for a longer period of time.

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

**KABOOM! 25 IN 5 Initiative to End Playspace Inequity Waiver Application, Department of Recreation and Parks (BCRP):** Officer Romo explained that it is her understanding that the Department of Recreation and Parks (BCRP) has a formal partnership with KABOOM! and would like to solicit donations during the period of their partnership.

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

**LEE Public Policy Fellow Waiver Fiscal Sponsor Request, Councilmember Cohen’s Office:** Officer Romo reminded the Board members that they had previously approved the LEE Public Policy Fellow gift solicitation waiver. Romo explained that Councilmember Cohen’s Office filed an interim report for the waiver and that the Maryland Philanthropy Network (MPN) signed the report as the fiscal sponsor, although the waiver’s application indicated that the Baltimore Civic Fund would serve as the waiver’s fiscal sponsor.

Romo clarified that the MPN serves as the fiscal sponsor for a number of Councilmember Cohen’s Office’s gift solicitation waivers, excluding the LEE Public Policy Fellow waiver. Romo stated that Councilmember Cohen’s Office requested that MPN serve as the fiscal sponsor for the LEE Public Policy Fellow waiver. Romo stated that it is her understanding that Councilmember Cohen’s Office does not intend to use the Baltimore Civic Fund as the LEE Public Policy Fellow waiver’s fiscal sponsor.

Vice Chair Davis requested additional clarification about how Councilmember Cohen's Office separates donations made to its distinct programs. Member Hengerer inquired about a timeline for approving MPN as the waiver's fiscal sponsor. Officer Romo stated that Councilmember Cohen's Office already accepted the donation for the LEE Public Policy Fellow through MPN. Romo explained that process for designating a new fiscal sponsor to a gift solicitation waiver through amending the waiver's application information.

The Board requested that a representative of Councilmember Cohen's Office attend the subsequent Board meeting to provide additional information for this request.

**Board Discussion – Complaint Process:** The Board and Director resumed its discussion on the Ethics Law's complaint process. Director Amberger stated that the Ethics Law does not predicate the beginning of a complaint's investigation, unless the complaint is initiated by the Board, itself.

The public meeting adjourned at 3:08 pm.