

Baltimore City Ethics Board
100 N. Holliday Street, Suite 635
Baltimore, MD 21202
November 8, 2023

Minutes of the Meeting

The Ethics Board (“Board”) met on November 8, 2023 at 2:30 pm by conference call.

Call to Order & Statement Concerning the Recording of the Public Session: Chairman Stephan Fogleman called the Board meeting to order at 2:36 pm with four Board members, a quorum, present. Member Newman was absent.

Chair Fogleman read the following statement:

All participants in the Public Session of the Board meeting acknowledge and consent to the video and audio recording of the Public Session and the publication of the recording on the Board’s website and social media accounts.

Statement Concerning October’s Administrative Session and a 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 October 11, 2023 to enter the Administrative Session at approximately 3:23 pm. All Board members, a quorum, 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.

Charitable/Governmental Gift Solicitation Waiver Application – Tree Lighting Application-Mayor’s Office: Maya Gilmore, Executive Director of the Mayor’s Office of Cable and Communications, Noelle Lugay, Chief of Policy & Partnerships in the Mayor’s Office of Children & Family Success, and Faith Leach, the Chief Administrative Officer, were present at the Public Session.

Chief Lugay stated that on December 6, 2023, the City will host the Mayor’s Tree Lighting event and will conclude its Toys for Tots program; the Mayor’s Office had submitted charitable/governmental gift solicitation waiver applications for the Mayor’s Tree Lighting event and the Toys for Tots program to the Ethics Board.

Member McCauley asked why the City intends to solicit a tree donation and requested clarification about measures noted on the Mayor’s Tree Lighting event’s waiver application to avoid targeting controlled donors. Director Gilmore responded, stating that the tree is usually donated to the Mayor’s Office and that last year the Mayor’s Office purchased the tree due to unforeseen weather circumstances. In response to inquiries about the solicitation of monetary donations, as proposed on the waiver application, Gilmore stated that Mayor’s Office does not intend to solicit monetary donations for the event but would like to

solicit and accept a tree donation from Pinehurst Landscaping Company. Gilmore stated that she does not believe that Pinehurst Landscaping Company does business with the City.

Members McCauley and Hengerer proposed that the changes to the information provided on the application be provided as amendments for the Board's consideration.

In response to Member Hengerer's inquiries, Chief Leach stated that the Mayor's Office requested permission from the Board to solicit monetary donations in case such are needed, or such are provided to the Mayor's Office. Leach also clarified that the Baltimore Civic Fund has an account designated for the Mayor's Tree Lighting event and that funds not used for the upcoming event would be used for the subsequent year's event.

Member Sampson requested that the Mayor's Office vet those from whom the Office solicits donations. Chief Leach agreed to amend the waiver application, noting the potential tree donation from Pinehurst Landscaping Company, affirming that Pinehurst Landscaping Company does not do business with the City, and agreeing to refrain from soliciting controlled donors.

Officer Romo explained that the Board of Estimates had not yet endorsed the waiver application. Romo clarified that the Mayor's Office does not require a charitable/governmental gift solicitation waiver to accept the tree donation from Pinehurst Landscaping Company, since the waiver application requires the solicitation of donations from a broad group of potential donors. Romo further explained that the Ethics Law prohibits the Mayor's Office from accepting the tree donation from Pinehurst Landscaping Company if the company qualifies as a "controlled donor."

Charitable/Governmental Gift Solicitation Waiver Application – Toys for Tots- Mayor's Office:

Earlier in the Public Session, Chief Lugay of the Mayor's Office of Children & Family Success and Director Gilmore of the Mayor's Office of Cable and Communications both stated that, to their belief, the Baltimore Civic Fund would not serve as the fiscal sponsor for the waiver benefiting the Toys for Tots program¹. Gilmore also stated that Marva Williams, Special Assistant in the Mayor's Office, manages the Toy for Tots program, for which the Mayor's Office intends to solicit in-kind donations. Gilmore stated that on December 6, 2023, the Marines will pick up the toy donations solicited by the Mayor's Office.

Member McCauley asked if the Mayor's Office intends to solicit monetary donations, in addition to in-kind donations, as provided on the waiver's application. Chief Lugay of the Mayor's Office of Children & Family Success responded, stating that she is unaware of any solicitations of monetary donations for the Toys for Tots program.

Chair Fogleman stated that the Board would require an amendment to the application that clarifies that monetary donations will not be solicited for the program.

The Board moved with a vote of 4-0 to approve waivers benefiting the Mayor's Tree Lighting event and the Toys for Tots program contingent on amendments to the applications that sufficiently explain the

¹ The charitable/governmental gift solicitation waiver application for the Toys for Tots program designates the Baltimore Civic Fund as the fiscal sponsor, contrary to information presented during the Public Session of the November 8, 2023 Board meeting.

Mayor's Office's intended solicitation efforts and contingent on the applications' endorsement by the Board of Estimates.

Charitable/Governmental Gift Solicitation Waiver Application – National Forum for Black Public Administrators – Mayor's Officer: Chief Administrative Officer Faith Leach explained her request to fundraise donations as the fundraising co-chair for the National Forum for Black Public Administrators Conference, which will be held in April 2024.

Chief Leach provided information about the conference and stated that donations she intends to solicit will be made to the National Forum for Black Public Administrators ("Forum"), which will then designate the donations for events such as the conference. Leach confirmed that she is not currently fundraising on behalf of the Forum for the conference. In response to Chair Fogleman's inquiry, Leach stated that she does not intend to solicit donations for the Forum's golf tournament; however, in the case that a health organization would like to donate to the conference but is unable to donate, due to restrictions imposed by the Forum's signature sponsor for the conference, Cigna, then Leach may direct the organization to donate to the golf tournament. Leach explained that the golf tournament may generate income for the Forum, while donations to the conference will only cover the costs of the conference.

Member McCauley informed Chief Leach that the application was not signed by the sponsoring agency. Officer Romo then requested a signed copy of the application once it is endorsed by the Board of Estimates.

The Board moved with a vote of 4-0 to approve the waiver contingent on the application's approval by the Board of Estimates and signing by the sponsoring agency.

Board Discussion: Director Amberger asked the Board members if a City agency can apply for and receive a charitable/governmental gift solicitation waiver for solicitation efforts that the agency already conducted. Member McCauley proposed that the Board's approval of such waiver applications be *nunc pro tunc*.

Review of Schedules & Agenda: Chair Fogleman inquired about any commitments that would conflict with the Board meeting. Member Hengerer and Member McCauley stated that they were available until 4 pm.

Written Minutes for October 11, 2023 Public Meeting: The Board approved the public minutes from the October 11, 2023 Board meeting with a vote 4-0.

Ethics Officer's Update: Officer Romo provided the following metrics for October on the Board staff's recent work:

- Help Desk
 - 63 help desk requests were received and resolved by Board staff in October.
 - 5 help desk requests were from lobbyists.
 - 5 help desk requests were concerning gift solicitation waivers.
 - 20 help desk requests were concerning financial disclosure statements.

- 27 help desk requests were ethics inquiries.
 - 1 help desk requests were concerning the Ethics Training.
 - 3 help desk requests were administrative (question about deadlines, forms, etc).
 - 2 help desk requests were not within the Board's jurisdiction and were referred elsewhere.
- FY24 requests: 281
- Ethics Training
 - 32 people completed the Ethics Training in October.
 - FY24 attendees: 128
- Complaints
 - FY24 Complaints: 10
 - Open: 4
 - Dismissed: 6
- Secondary Employment Waivers
 - Waiver Requests: 1
 - FY24 Granted Waivers: 0
- Gift Solicitation Waivers
 - 3 gift solicitation waiver applications were submitted to the Board for the November 8, 2023 Board meeting.
 - 0 gift solicitation waivers expired since the last Board meeting.
 - FY24 Active Waivers: 20
 - FY24 Expired/Rescinded Waivers: 7

The Public Session adjourned at approximately 3:08 pm.