



2022 ANNUAL REPORT

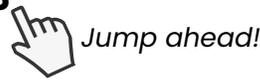
FULL STEAM AHEAD

BALTIMORE CITY BOARD OF ETHICS



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HIGHLIGHTS



1,536

HELP DESK REQUESTS



14

ETHICS COMPLAINTS



872

ETHICS TRAINING
ATTENDEES



INTRODUCTION

The Baltimore City Board of Ethics (“Board”) is proud to present its Annual Report for Fiscal Year 2022 (“FY22”) to the Mayor and City Council, the citizens of Baltimore, and other interested stakeholders.

Staffed by the Inspector General’s designated Director and Ethics Officer, the Board continued its dual mission of preventing ethics problems before they arise and ensuring appropriate enforcement when they do arise.

On the prevention front, the Board continued to provide City employees and officials with tools to identify and avoid conflicts through an expanded online presence. This includes easy-to-access information on the Ethics Law, convenient options to electronically file mandatory ethics forms and disclosures, and a new online ethics training course, which greatly increased participation rates. Board staff also continued fulfilling hundreds of requests for ethics guidance.

On the enforcement front, the Board received and addressed 14 ethics complaints in FY22, five of which were outside the Board’s jurisdiction. The remaining nine complaints are summarized on [pages 15-19](#). Ethics complaints may be filed confidentially on the [Board’s website](#).

With the cooperation of City officials, employees, and citizens, the Board reached new horizons in FY22 and will continue its important mission of increasing governmental transparency and accountability.

Baltimore City Board of Ethics

Stephan W. Fogleman, Chair

Donna M. Davis

Melodie Hengerer

Arnold Sampson





ABOUT THE ETHICS LAW

The Baltimore City Public Ethics Law ("Ethics Law") is found in [Article 8 of the Baltimore City Code](#).

The Ethics Law must be modeled on the Maryland Public Ethics Law, which is found in [Title 5 of the General Provisions Article of the Maryland Code](#); however, the City's Ethics Law may be stricter to account for local concerns.

The Ethics Law refers to City employees and officials as "public servants," and ensures that they serve the public with fairness and impartiality by guarding against improper influence or even the appearance of improper influence.

To accomplish this purpose, the Ethics Law sets the minimum ethical standards of conduct, requires certain public servants' disclosure of their financial interests, and requires the public registration and reporting of lobbyists. The Ethics Law's provisions are categorized to the right.

[Click the topic or here to learn more!](#)



CONFLICTS OF INTEREST



FINANCIAL DISCLOSURES & LOBBYING



PRESTIGE OF OFFICE & CONFIDENTIAL INFORMATION





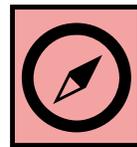
ABOUT THE BOARD

The Board is an independent body that oversees and enforces the Ethics Law. The Board was originally created by a 1963 Charter Amendment to enforce new prohibitions on conflicts of interest and was later established in its current composition by [Article VII of the City Charter](#) and [Article 8 of the City Code](#).

With the assistance of staff, the Board performs various duties, including:



Investigating ethics complaints and imposing remedies and sanctions;



Providing City officials and employees with formal and informal guidance;



Educating City officials, employees, and citizens through trainings and materials;



Overseeing the financial disclosure and lobbying systems and processes.

Recordings of the Ethics Board's meetings are available on YouTube and can be found on the [Ethics Board's website here](#).

"Each member of the Ethics Board must be an individual of known personal integrity...who possesses a recognized knowledge and interest in government and civics."

Ethics Law, § 3-2(b)

MEET THE BOARD

Subtitle 3 of the Ethics Law governs the Ethics Board's administration. The Ethics Board consists of five members. All are appointed by the Mayor and confirmed by the City Council.



Of the five members, one is nominated by the City Council President, one by the Comptroller, and the remaining three by the Mayor. At least two of the Mayor's nominees must be licensed attorneys. No member may be a lobbyist, a government official or employee (other than of a college or university), or a candidate for elected public office. The members serve staggered, five-year terms. The Board's Chair is elected annually by the Board from among its members.

The Board typically meets monthly to discuss matters including complaints, guidance, and gift solicitation waiver requests. In FY22, the Board was comprised of the following four members; one position was vacant. [Read members' bios on the Board's website here.](#)

- Stephan W. Fogleman, Esq., Chair (holding over; term ended Dec. 31, 2020)
- Donna M. Davis, Vice-Chair (term ending Dec. 31, 2022)
- Melodie Hengerer, Esq. (term ending Dec. 31, 2023)
- Arnold Sampson (term ending Dec. 31, 2024)

BOARD STAFF

The Inspector General serves as the Board's *ex officio* Executive Director. In FY22, the Inspector General designated a full-time Director, Jeffrey Hochstetler, Esq., and Ethics Officer, Maura Ford, to manage the Board's day-to-day work. Special agents in the Office of the Inspector General are available if needed to assist with ethics investigations.

In July 2022, former Assistant State's Attorney J. Christoph Amberger took over the role of designated Director. [Read Ethics Board staffs' bios on the Board's website here.](#)



REQUESTS & GUIDANCE

Every day, Board staff respond to a variety of questions involving the Ethics Law and its application.

Requests are logged and tracked as "help desk" matters. Many questions can be answered quickly, based on the Ethics Law and the growing body of Board precedent. Board staff provide written and/or oral guidance without the Board's direct involvement. Some requests, however, require the directive of the Board, which is usually provided as a formal advisory opinion.

The Board also considers and, where appropriate, grants exemptions as prescribed in the Ethics Law. Exemptions may include waivers for certain secondary employment and waivers for charitable/governmental gift solicitation campaigns.



1,536
HELP DESK REQUESTS



16
ADVISORY OPINIONS &
FORMAL GUIDANCE LETTERS



15
APPROVED GIFT
SOLICITATION WAIVERS



2
SECONDARY
EMPLOYMENT WAIVERS

HELP DESK REQUESTS

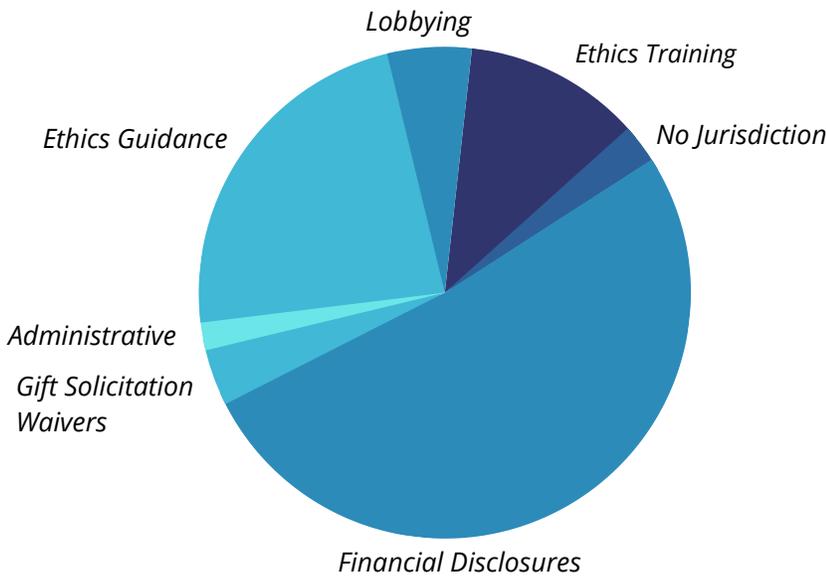
In FY22, Ethics Board staff received 1,536 requests for ethics advice and guidance, all of which were resolved in a timely manner, tracked in a database, and categorized by subject matter.

Generally, requests in most categories increased in FY22. There were 125 more requests for substantive ethics guidance than in the previous fiscal year, and more than four times the number of inquiries about the Ethics Training. The Board is pleased with this increase, as it indicates growing awareness of the Board's improved programs and responsiveness.

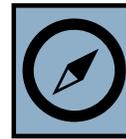
Questions about the financial disclosure process dropped by more than 300, likely due to filers' growing familiarity with the online filing system, which had been deployed in FY21.

1,536 HELP DESK REQUESTS

REQUESTS BY CATEGORY



793
FINANCIAL
DISCLOSURES



356
ETHICS
GUIDANCE



178
ETHICS
TRAINING



85
LOBBYING



57
GIFT SOLICITATION
WAIVERS

Board staff also received 28 administrative questions (e.g. forms, deadlines, etc.) and 39 requests that were outside the Board's jurisdiction.

ADVISORY OPINIONS

Subtitle 4 of the Ethics Law requires the Board to provide an advisory opinion upon written request. A redacted version is made available to the public on the [Board's website](#).

Any person subject to the Ethics Law is entitled to rely on an issued advisory opinion, so long as the opinion is reasonably applicable to that person's circumstances and has not been overruled by a later opinion or amendment to the Ethics Law or regulations.

In FY22, the Board issued nine opinions, four more than the previous year. Additionally, the Board provided seven formal letters of guidance on the application of the Ethics Law's conflict of interest provisions.

OPINION SUMMARIES

9 ADVISORY OPINIONS

OPINION 1 – SERVICE ON THE CITY'S BEHALF

The Board clarified the Ethics Law's exception that permits a public servant to hold an otherwise conflicting membership on an entity's governing board if the public servant serves as part of their City duties and meets certain criteria. [Read Ethics Opinion 21-005 here](#).

OPINION 2 – LOBBYIST REGISTRATION

The Board highlighted aspects of the Ethics Law's lobbying provisions and clarified specific activities that constitute "legislative lobbying." [Read Ethics Opinion 21-006 here](#).

OPINION 3 – POST-EMPLOYMENT RESTRICTIONS

The Ethics Law's post-employment restriction did not prohibit an employee from leaving City service and accepting a new position with an entity that has a contract with her City agency because the employee had not significantly participated in the same City matters that she would work on in the new position. [Read Ethics Opinion 22-001 here](#).

OPINION 4 – POST-EMPLOYMENT RESTRICTIONS

The Ethics Law's post-employment restriction was not violated where a former City employee's current employment does not overlap with her former duties as a City employee.



OPINION 5 – SPORTING EVENT TICKETS

An elected official may not accept a free ticket or admission to a sporting event from a "controlled donor," as defined in the Ethics Law. An elected official *may* accept a free ticket or admission to the sporting event from a non-controlled donor depending on the circumstances, including where the official's attendance is related to a usual and customary constituent service. [Read Opinion 22-002 here.](#)

OPINIONS 6 – CONFLICT OF INTEREST

The Board exercised its discretion under the Ethics Law to expressly allow a public servant to participate in certain City matters that would otherwise violate the Ethics Law's recusal provisions. [Read the complaint summary on page 18.](#)

OPINION 7 – POST-EMPLOYMENT RESTRICTIONS

The Ethics Law's post-employment restriction prohibited a former City employee from working on any City contracts—or extensions thereof—that were in existence during his time with his former City agency. The former employee could work on future City contracts, so long as he did not use inside knowledge and connections to unfairly advantage his employer.

OPINION 8 – CONFLICT OF INTEREST

The Ethics Law's recusal provisions did not require a City councilmember, who serves on an outside entity's advisory committee, to recuse himself from legislation that might advance the outside entity's goals because the entity is not a party to the matter. However, to avoid the appearance of conflict, the councilmember should disclose his affiliation with the entity to his fellow councilmembers and members of the public.

OPINION 9 – SECONDARY EMPLOYMENT

A City councilmember's secondary employment was not precluded by the Ethics Law's secondary employment restrictions because the employer does not receive line-item funding in the City's annual Ordinance of Estimates, which the City Council approves. However, the councilmember should disclose the employment to another City agency that holds a contract with the employer.

CHARITABLE/GOVERNMENTAL GIFT SOLICITATION WAIVERS

25 GIFT WAIVERS

[Subtitle 6](#) generally prohibits a public servant from soliciting or accepting gifts from any person or entity considered a “controlled donor,” meaning someone who does/wants to do business with their agency, someone who is under the authority or control of the their agency, someone who has a financial interest that could be substantially and materially affected by their duties, or someone who has lobbied within the last year on matters within their jurisdiction. See [Sections 6-26 and 6-27](#).

Among other exceptions to this general prohibition, the Ethics Law permits solicitation if it is for the benefit of an official governmental program or charitable function, so long as it has been endorsed by the Board of Estimates and approved in advance by the Ethics Board upon written application. Among other criteria, the application must certify that the the solicitation does not specifically target controlled donors and that donors will not receive preferential treatment in exchange for donations. See [Board Regulation 06.26.1](#).

In FY22, 25 governmental/charitable programs had active gift solicitation waivers, all of which filed timely reports with the Ethics Board. Of these waivers, 15 were newly approved and ten expired during the fiscal year. [Review the list of active gift solicitation waivers here](#).

2 EMPLOYMENT WAIVERS

SECONDARY EMPLOYMENT WAIVERS

City public servants may request a waiver from the Board to hold secondary employment that would otherwise violate the Ethics Law's conflict of interest provisions. See [Board Regulation 06.12.2](#). The Board may grant a waiver if the public servant meets specific criteria demonstrating they are sufficiently removed from City matters involving the employer.

In FY22, the Board granted two secondary employment waivers.



ACCOUNTABILITY & COMPLIANCE

The Ethics Law requires City public servants and registered lobbyists to comply with relevant provisions. Many public servants are required to annually file financial disclosure statements with the Board, and all lobbyists are required to publicly register with and report their lobbying activity to the Board. These requirements promote transparency and trust in the government.

The Ethics Law also requires the Board to investigate complaints about violations of the Ethics Law and authorizes the Board to take appropriate enforcement actions.



14

ETHICS COMPLAINTS



181

REGISTERED LOBBYISTS
IN 2021



2,861

FINANCIAL DISCLOSURE
STATEMENTS FILED IN 2022



99%

FINANCIAL DISCLOSURE
FILING COMPLIANCE IN 2022

"To guard against improper influence or even the appearance of improper influence, and to ensure public trust in the government..."

Ethics Law, §1-2

LOBBYING

[Subtitle 8](#) requires any individual who communicates with a City employee or official for the purpose of influencing any legislative, executive, or procurement action—or who solicits others to do so—to [publicly register with the Board as a lobbyist](#) if they meet certain compensation or expense thresholds. Registered lobbyists are required to periodically report details about their lobbying activity, including related compensation and expenses.

The purpose of registration and reporting is to ensure that the public is adequately informed about the individuals and entities seeking to influence City policy, procurement, and legislation.

In calendar year 2021, there were 181 registered lobbyists, compared to 150 in 2020. The Board collected \$18,100 in registration fees in 2021. Additionally, the Board imposed \$3,375 in late fees for untimely registrations or reports.

181 REGISTERED LOBBYISTS



\$3,375
LATE FEES

FINANCIAL DISCLOSURES

2,861 FINANCIAL DISCLOSURES

[Subtitle 7 of the Ethics Law](#) requires many City employees and officials to [file a financial disclosure statement](#) upon starting/ending employment, as well as annually while they are employed. The financial disclosure process helps public servants identify potential conflicts of interest by disclosing their and their relative's interests, and promotes transparency and trust by making this information available to the public.

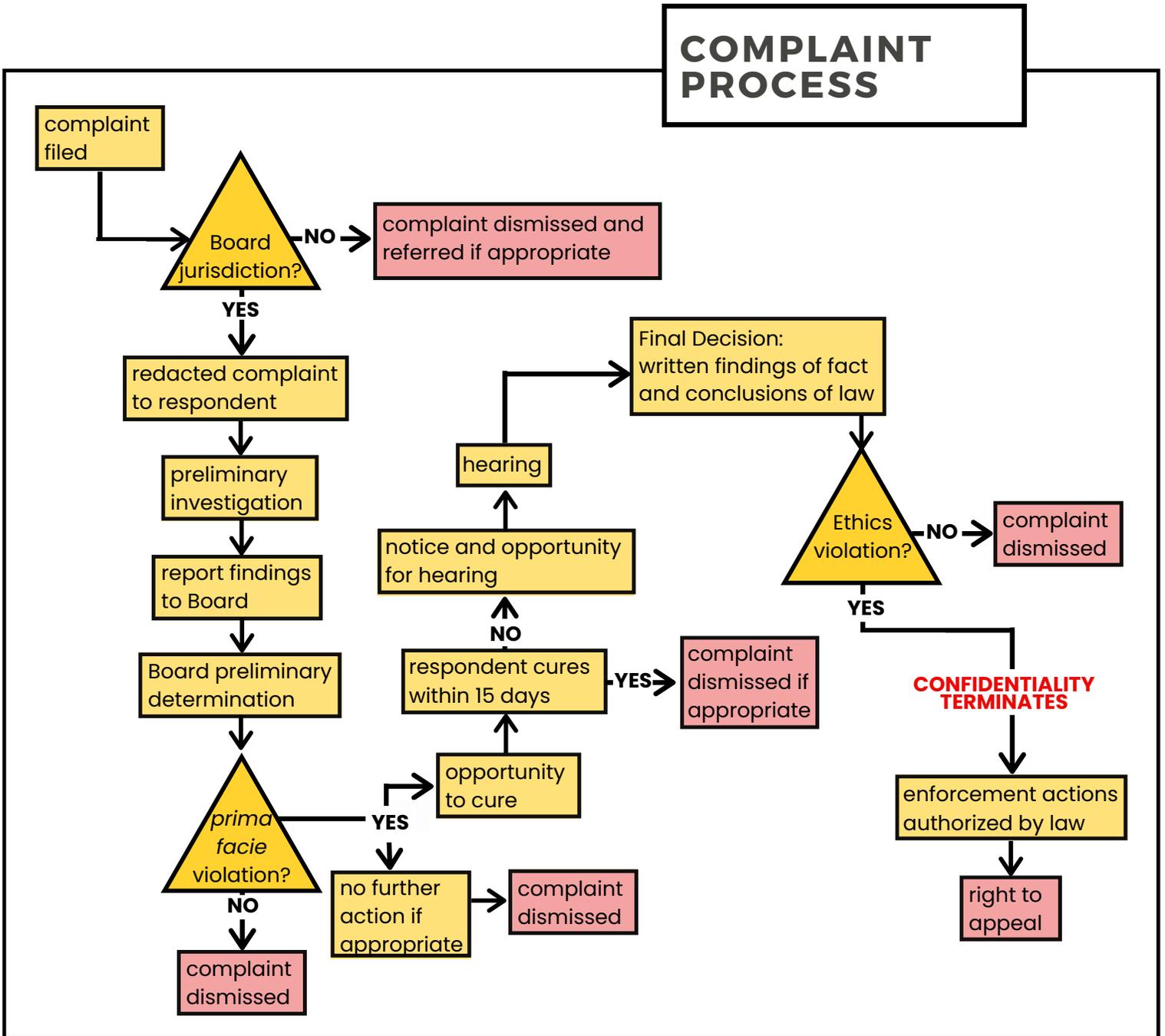
In 2022, Board staff, with the assistance of City agencies, boards, and the Department of Human Resources ("DHR"), identified nearly 2,800 positions with an annual financial disclosure filing requirement. 99% of required filers filed their annual financial disclosure statements in 2022.

As of this report's publication, 2,861 financial disclosure statements—including entry, annual, and departure statements and amendments—have been filed in 2022.

COMPLAINTS & INVESTIGATIONS

Subtitle 5 of the Ethics Law governs ethics complaints. Anyone may file a complaint with the Board alleging a violation of the Ethics Law.

By law, the identity of a complainant is confidential. Complaint proceedings are also confidential unless and until the Board makes a final finding of violation after notice and opportunity for a hearing.



In FY22, the Board received 14 signed complaints, of which five were outside the Board's jurisdiction. The remaining nine are summarized below, with identifying information removed.

COMPLAINTS 1 & 2- PRESTIGE OF OFFICE & GIFTS

Two complaints alleged that the respondent improperly used his City title to benefit a private entity. The investigation revealed that the respondent had participated in an event sponsored by the outside entity while using his official title, that the event included a broad fundraising element, and that the entity used the respondent's official photo and title in its online informational materials.

The Board found that this scenario constituted a *prima facie* violation of the Ethics Law's "prestige of office" restriction, contained in [Section 6-36](#), which prohibits a public servant from using the "prestige" of their position for their own private gain or that of another. The Board also found a *prima facie* violation of [Section 6-26's](#) prohibition against indirectly soliciting donations from controlled donors.

The Board offered the respondent the opportunity to cure these violations by removing his City photo and title from any content associated with the private entity and by returning any relevant donations to the entity from controlled donors. The public servant complied with these terms and the Ethics Board subsequently dismissed the complaint.





COMPLAINT 3 – PRESTIGE OF OFFICE

The complaint alleged that the respondent violated the Ethics Law’s “prestige of office” restriction by providing a link to a campaign webpage in his City email address signature. The Board found this scenario constituted a *prima facie* violation of [Section 6-36](#), which prohibits a public servant from using the “prestige” of their position for their own private gain or that of another. The respondent complied with the Board’s opportunity to cure the violation by removing the link from his City email signature line and the Board dismissed the complaint.

COMPLAINT 4 – POST-EMPLOYMENT RESTRICTIONS

The complaint alleged that the respondent violated the Ethics Law’s post-employment restrictions after leaving City service. [Section 6-22](#) prohibits a former public servant from assisting or representing a party, other than the City, in a City matter in which the public servant significantly participated as a public servant.

The investigation revealed that although the respondent’s former City agency partners with the private entity that currently employs her, the respondent’s duties for the private entity do not overlap with her former City duties. Accordingly, the Board dismissed the complaint.



COMPLAINT 5 – POST-EMPLOYMENT RESTRICTIONS

A complaint alleged that the respondent violated [Section 6-22](#), which prohibits a former public servant from assisting or representing a party, other than the City, in a City matter in which the public servant significantly participated as a public servant.

The investigation revealed that although the respondent's former City agency had awarded a contract to the individual's current private employer while the respondent was employed by the City, the respondent played no role in awarding the contract. Moreover, her current duties for the private employer do not involve the City contract. Accordingly, the Board dismissed the complaint.

COMPLAINT 6 – CONFLICT OF INTEREST

The complaint alleged that the respondent had a conflict of interest related to her involvement in a City matter that would ultimately benefit a private entity affiliated with an individual close to her.

In pertinent part, [Section 6-6](#) requires public servants to disqualify/recuse themselves from any City matter if a disqualifying relative—i.e., a spouse, parent, child, or sibling—has either an interest in the matter or a financial interest in a business entity that is a party to the matter. The investigation revealed that the individual in question was not the respondent's "disqualifying relative," so the Board determined the respondent was not required to recuse herself from the matter and dismissed the complaint.



However, because of the strong appearance of conflict, the Board advised the respondent to recuse herself from any City matter that could impact the individual and the private entity. Furthermore, the Board also advised that the matter should be reassigned to a different City agency and that internal policies should be established to ensure effective recusals in similar situations.

COMPLAINT 7 – CONFLICT OF INTEREST

The complaint alleged that the respondent had conflicts of interest between her City position and a private entity with which she was personally affiliated. The investigation revealed that the respondent held an uncompensated position with the private entity, that the private entity had contracts with the public servant's agency, and that the private entity employed the public servant's immediate relative.

In relevant part, [Section 6-11](#) prohibits public servants from being employed by an entity that has a contract with their agency, unless permitted by a relevant exemption. And [Section 6-6](#) requires public servants to disqualify/recuse themselves from any matter if their disqualifying relative—i.e., a spouse, parent, child, or sibling—is a party to the matter.

The Board determined that the respondent's uncompensated, non-leadership position with the outside entity likely did not constitute employment, so she was not in violation of [Sections 6-11](#) or [6-6](#) on that basis alone. The Board also established that the office within the outside entity that employed the respondent's disqualifying relative was so distinct from the office that held contracts with the respondent's agency that it likely could be considered a separate entity for purposes of the [Section 6-6](#) analysis.

However, because the circumstances might nonetheless constitute a *prima facie* violation of [Section 6-6's](#) recusal provisions, the Board exercised its discretion under [Section 6-7](#) to issue an advisory opinion expressly permitting the respondent's participation based on the inherent mitigating factors and the totality of the circumstances. The Board also advised the respondent's agency to remove her to the extent possible from decision-making authority on matters that may impact the private entity. The Board then dismissed the complaint.



CASES 22-0002-E AND 22-0003-E

The Board received two complaints against the respondent pertaining to an alleged fundraising campaign for the purpose of defraying his and his spouse's private legal expenses. The investigation revealed that a special purpose trust was formed to benefit the respondent and his spouse, that a representative for the trust established a website that requested viewers to donate to the trust and linked to a fundraising webpage, and that there were no mechanisms in place to verify the identity of the donors or restrict contributions from controlled donors.

[Sections 6-26 and 6-27](#) generally prohibit a public servant from soliciting or accepting, directly or indirectly, gifts from controlled donors, as defined in the law. Whenever there is an indiscriminate public solicitation effort, such as a fundraising webpage, controlled donors are a foreseeable class of solicited individuals.

The Board determined that the respondent committed *prima facie* violations of the Ethics Law's gift restrictions and, pursuant to [Section 5-4](#), provided him with an opportunity to cure the violations, which the respondent rejected. The Board then provided the respondent with a hearing as required by [Section 5-6](#). Following the administrative hearing, the Board unanimously found the following:

- The respondent violated [Section 6-26](#) by facilitating the trust's solicitation of controlled donors through its website and fundraising webpage;
- The respondent violated [Section 6-27](#) by indirectly accepting donations from multiple controlled donors; and
- The respondent violated [Section 7-22](#) by failing to disclose his beneficiary interest in the trust on his annual financial disclosure statement.



The Board issued an Administrative Order to address these violations. At the request of the respondent and as authorized by [Section 5-8](#), the Board's Final Decision is currently under judicial review. [Read the Final Decision and Administrative Order here.](#)



OUTREACH & AWARENESS



872

ETHICS TRAINING
ATTENDEES

The Ethics Law requires the Board to publicize information about the Ethics Law, its application, and its enforcement. See [Section 3-19](#).

To that end, the Board must provide an ethics training course and Notice of Ethics Requirements to City employees/officials and must make ethics forms and reports accessible to the public, including financial disclosure statements, lobbying activity reports, and deidentified versions of advisory opinions, among others.

To accomplish these requirements, Board staff maintain the [Ethics Board's website](#) and collaborate with BCIT and DHR to utilize the [Financial Disclosure Site](#), the [Lobbying Activity Site](#), and the City's virtual learning application.

SOCIAL MEDIA

Board staff maintain the Ethics Board's social media accounts, including a [Twitter account](#) and a [YouTube channel](#), to share information about the Board and the Ethics Law. On the Board's YouTube channel, you can watch recordings of public meetings, financial disclosure tutorial videos, Ethics Law educational videos, and the Ethics Training (new in FY22).

ETHICS TRAINING

872 TRAINING ATTENDEES



[Section 3-20](#) requires the Ethics Board to provide a two-hour training course on the Ethics Law and its requirements. In FY22, Ethics Board staff deployed an automated, self-paced training course on the City's virtual learning application and on the Board's website. The training includes videos on the Ethics Law and interactive quizzes. In addition to the automated course, Board staff provided two live trainings upon request.

In FY22, 872 public servants completed the Ethics Training, compared to 356 in FY21. In the next fiscal year, the Board will provide the training on Workday, the City's Human Resources and Finance application.

NOTICE OF ETHICS REQUIREMENTS

In FY21, pursuant to [Section 3-24](#), Board staff created an electronic pamphlet, the [Notice Ethics Requirements](#), which contains basic information about the requirements of the Ethics Law. Board staff distributed the notice to Baltimore City boards, commissions, and agencies to be incorporated into the onboarding process. The Ethics Notice is also provided in the City's New Employee Orientation.

In FY22, to further expand distribution and compliance requirements, Board staff created a fillable webform allowing public servants to complete and submit the Ethics Notice via the Board's website. This resulted in the Board receiving more than double the number of Ethics Notice receipts than in FY21.



2022 ANNUAL REPORT BALTIMORE CITY BOARD OF ETHICS



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