

Baltimore City Ethics Board
635 City Hall
Baltimore, MD 21202
August 9, 2023

Minutes of the Meeting

The Ethics Board (“Board”) met on August 9, 2023 at 2:30 pm by conference call.

Call to Order: Chairman Stephan Fogleman called the Board meeting to order at 2:38 pm with all board members, a quorum, present.

Statement Concerning a Potential Administrative Session: Chair Fogleman read the following statement:

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.

Statement Concerning June’s Administrative Session:¹

Per the Open Meetings Act, the Board discloses that it adjourned its virtual open meeting on June 14, 2023 to enter into the Administrative Session at approximately 3 pm. All Board members were present. Members discussed administrative matters including complaints.

Review of Schedules and Agenda: Chair Fogleman stated that a Board member had another commitment at 4 pm. Fogleman then inquired about any other commitments that would conflict with the Board meeting. Member Sampson stated that he had another commitment at 3:30 pm.

Approval of Written Minutes for April 12, 2023 Public Meeting: The Board moved with a vote of 3-0 to approve the written minutes from the April 12, 2023 public Board meeting. Member McCauley and Member Newman recused themselves from the matter since they did not attend the April 12, 2023 Board meeting.

Approval of Written Minutes for June 14, 2023 Public Meeting: The Board moved with a vote of 5-0 to approve the written minutes from the June 14, 2023 public Board meeting.²

Ethics Officer’s Update: Chair Fogleman requested an update from Board staff about the staff’s recent work. Director Amberger and Officer Romo agreed to provide an update later in the meeting in light of the time restrictions on the Board meeting.

¹ Chairman Fogleman did not provide a statement on the June 14, 2023 Board meeting’s Administrative Session during the August 9, 2023 Board meeting, although a statement on the Administrative Session is provided in the written minutes.

² Member Newman did not attend the June 14, 2023 Board meeting.

Charm City Live Charitable/Governmental Gift Solicitation Waiver Application, Department of Recreation and Parks (BCRP): Deputy Director of Administration of the Department of Recreation and Parks (BCRP), Nicole Green, was present at the Public Session. Green provided information about the Charm City Live festival, which the City will host for the second year, but in a different location. Green stated that the BCRP would like to request permission from the Board to solicit funds for the event, now that the event will be held annually.

In response to Member Hengerer's inquiry about the total amounts of donations BCRP seeks for the event, Green explained that BCRP would like to solicit up to \$500,000 in contributions. Green agreed to amend the waiver application to clarify the total amount of donations sought.

Hengerer then inquired about the use of contributions that exceed the amount BCRP needs for the event. Green stated that leftover funds will be used for the following year's event. Hengerer requested that Green note on the amended application that unused funds will be held in trust for the following year's event.

Member McCauley stated that the application provides that BCRP will solicit donations from those that had expressed an interest in the event. McCauley asked Green how BCRP will identify those who had expressed interest. Green explained that when information about the event was provided to the public, such as the announcement that HER will perform at the event, many people expressed to BCRP interest in the event. Green stated that, upon receiving a waiver from the Board, BCRP will solicit donations from those people. Green also stated that, alternatively, BCRP will solicit donations from businesses, such as those that contributed to AFRAM. Green confirmed that BCRP will not directly target those who do business with the City in their solicitation efforts.

Member Newman asked Green if donors will receive something in return for their contributions and if BCRP has a process to disclose sponsors. Green stated that BCRP will provide commercials for sponsors on the jumbotron at the event and that BCRP will provide the sponsors' logos on BCRP's website and social media and will place the logos on t-shirts for the event. Green confirmed that BCRP's budget for the event is \$600,000.

The Board moved with a vote of 5-0 to approve a charitable/governmental gift solicitation waiver for the benefit of Charm City Live subject to the amendments discussed during the meeting.

Mayor's Back to School Event Charitable/Governmental Gift Solicitation Waiver Application, Mayor's Office of Children & Family Success (MOCFS) – Pending BOE Endorsement: Christopher Quintyne, Chief of Staff in the Mayor's Office of Children & Family Success (MOCFS), was present at the Public Session and provided an overview of the event scheduled for August 19, 2023, at which MOCFS will provide approximately 4,000 bookbags and school supplies to students. Quintyne confirmed that MOCFS will solicit the funding via the Baltimore Civic Fund, which acts as the fiscal sponsor for the event.

Member Hengerer asked the other Board members if approval of the waiver is contingent on the waiver application's endorsement by the Board of Estimates (BOE). Officer Romo confirmed that approval is contingent on BOE-endorsement.

The Board moved with a vote of 5-0 to approve the waiver for the Mayor's Back to School event contingent on BOE-endorsement.

Patterson Park Splash Pad Charitable/Governmental Gift Solicitation Waiver Application, Councilmember Cohen's Office – Pending BOE Endorsement: Maggie Master, Chief of Staff in Councilmember Cohen's Office, was present at the Public Session. Master explained that Councilmember Cohen's Office, in collaboration with other elected officials and community members, intends to raise approximately \$15,000 to create a pop-up splash pad in Patterson Park in light of the closure of the Patterson Park pool. Master stated that funds will be used for water features, water usage, and possible refreshments. Master confirmed that Friends of Patterson Park will serve as the waiver's fiscal sponsor and, upon approval of the waiver, will launch a fundraiser on their website, which Councilmember Cohen's Office will share. Master explained that Friends of Patterson Park will provide the splash pads to BCRP for future needs.

In response to Chair Fogleman's inquiry about unused funds, Master stated that the online donation platform will be deactivated upon reaching the funding goal and that Councilmember Cohen's Office may pursue investing additional funds in more splash pad equipment for future needs.

The Board moved with a vote of 5-0 to approve a waiver for the Patterson Park Splash Pad.³

Enoch Pratt Free Library Charitable/Governmental Gift Solicitation Waiver Application, Councilmember Cohen's Office: Chief Master of Councilmember Cohen's Office explained that the Peer Navigators Program started several years ago in various branches of the Enoch Pratt Free Library (EPFL) and that, under the program, those who overcame addiction or family members of those with addiction serve as mentors for others in similar situations. Master stated that the program helps those with addiction find treatment, jobs, and housing, and the program provides Narcan trainings.

Master explained that EPFL intends to expand the program to all of its systems and that the solicited contributions would fund one Peer Recovery Specialist in every branch of EPFL. Master stated that contributions would go directly to EPFL and would not pass through the Baltimore Civic Fund.

Member McCauley inquired about Councilmember Cohen's involvement in fundraising for EPFL considering EPFL's Board of Directors and their fundraising expertise. Master explained that in 2019, Councilmember Cohen helped pass the Elijah Cummings Healing City Act, making Baltimore the first City in the country to legislate around trauma. Master stated that Councilmember Cohen previously served as the Chair of the Trauma Taskforce and that the Peer Navigators Program comes from the work from the taskforce. Master clarified that Councilmember Cohen's Office intends to fundraise for the program and not for EPFL, which has many competing priorities.

Member Newman inquired about a process for distinguishing Councilmember Cohen's fundraising efforts from those of EPFL. Master confirmed that the program is similar to Lawyers in the Library, among other programs, hosted by EPFL. Master stated that, in the future, it may be clearer to have a third-party fiscal sponsor manage the donations, rather than having the donations go directly to EPFL.

³ Pursuant to Board Regulation 06.26(B)(2), approval is contingent on BOE-endorsement.

The Board moved with a vote of 5-0 to approve the waiver for the Peer Navigators Program and Enoch Pratt Free Library.

LEE Public Policy Fellow Charitable/Governmental Gift Solicitation Waiver Application, Councilmember Cohen's Office: Chief Master of Councilmember Cohen's Office explained that Councilmember Cohen's Office has partnered with the Leadership for Education Equity (LEE) organization for several years and that the Office again seeks a public policy fellow from LEE. Master stated that LEE provides a large portion of the fellow's salary, but requests a contribution of \$25,000 from Councilmember Cohen's Office. Master further explained that, in the past, Councilmember Cohen fundraised the \$25,000 contribution, using the Maryland Philanthropy Network as the fiscal sponsor, and that that the LEE fellow worked for the Healing City Baltimore program, which is now a separate entity.

Master stated that this year's LEE fellow will focus on district work and will assist constituents and the legislative director on public policy issues. Master noted that Councilmember Cohen's Office allocated \$15,000 from its general funds for the fellow and that the Office intends to fundraise the remaining \$10,000, using the Baltimore Civic Fund as the fiscal sponsor.

The Board approved the waiver for the LEE Public Policy Fellow with a vote of 5-0.

KABOOM! 25 in 5 Initiative to End Playspace Inequity Charitable/Governmental Gift Solicitation Waiver Fiscal Sponsor Amendment, Department of Recreation and Parks (BCRP): Chief of Staff Jacia Smith of BCRP was present at the Public Session. Smith explained that BCRP already received a charitable/governmental gift solicitation waiver from the Board for the KABOOM! 25 in 5 Initiative to End Playspace Inequity and that the Baltimore Civic Fund was provided as the waiver's fiscal sponsor on the waiver application form. Smith stated that BCRP never established an account with the Baltimore Civic Fund because BCRP had not yet collected funds for the program. Smith further clarified that, once BCRP collects funds for the program, Parks and People will serve as the fiscal sponsor since Parks and People will administer the funds and assist with program. Smith stated that BCRP will primarily use ARPA grant funding for the program and that, once the program's work is well-known, BCRP hopes to receive donations. Smith stated that BCRP will complete three of the program's projects this year and 23 projects in 2024.

Chair Fogleman confirmed that the program extends until 2027. The Board moved with a vote of 5-0 to approve the amending of the waiver's application to designate Parks and People as the program's fiscal sponsor.

Ethics Officer's Update: Office Romo agreed to provide the metrics at the following Board meeting due to the time constraints on the Board meeting.

The Public Session adjourned at approximately 3:16 pm.