
CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
JAMES L. SHEA, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

December 9, 2022

Via Electronic Mail

Baltimore City Board of Ethics
c/o Chris Amberger, Director
100 N. Holliday St., Suite 635
Baltimore, MD 21202
ethics@baltimorecity.gov
chris.amberger@baltimorecity.gov

Dear Mr. Amberger,

The Baltimore City Law Department desires to engage the law Firm Ropes & Gray, LLP (“R&P”), on a pro bono basis to determine whether and how the City could best use blockchain technology to streamline property recordation. R&P has unique experience working with municipalities that are interested in exploring the use of blockchain for this purpose. However, R&P is currently representing a private asset management client in negotiations with the Baltimore City Police and Fire Employees’ Retirement System (“BCPFERS”). BCPFERS has its own in-house counsel involved in that negotiation and neither I nor other attorneys within the Law Department anticipate being involved. Nonetheless, because the Solicitor is technically tasked with representing BCPFERS under City Code—*see* Article 22, Section 33(k)—it is arguable the R&G might count as a “controlled donor” relative to the Law Department. *See* City Code, Art. 8, Section 6-26 (prohibiting a public servant from soliciting a gift from an entity whose financial interests could be substantially and materially affected by the public servant’s duties). Although I believe there is a sufficient degree of separation between the BCPFERS negotiation and my duties, out of an abundance of caution and for the sake of transparency, I, on behalf of the Law Department, am requesting a gift solicitation waiver from the Baltimore City Board of Ethics (“Board”) pursuant to City Code, Art. 8, Section 6-26(b)(2).

That section, in pertinent part, permits the Board to approve the solicitation of a “controlled donor” if the solicitation is “for the benefit of an official governmental program or activity or a City-endorsed charitable function or activity” and it either: “(i) is expressly allowed by a rule or regulation of the Ethics Board; or (ii) otherwise has been approved in advance by the Ethics Board, on the written request of the public servant and his or her agency.” Because the requested solicitation involves one specific donor, R&G, it does not fall under subsection 6-26(b)(2)(i), as laid out in Ethics Board Regulation R.06.26.1; solicitations under that regulation must be “directed at a broad range of potential donors” and must “not specially target controlled donors.” R 06.26.1(B)(3). Instead, my request is under Section 6-26(b)(2)(ii), which permits the Board, apart from a rule or regulation, to “otherwise” provide advance approval for a gift solicitation upon written request of a public servant and their agency, so long as it is “for the benefit of an official governmental program.” § 6-26(b)(1).

The pro bono services R&G would provide are clearly for the benefit of an official governmental program, *i.e.*, evaluating the desirability of adopting blockchain technology—a potentially more

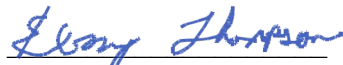
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efficient and secure property transfer and recordation mechanism. The R&G staff who would provide these services are not involved in any way with the BCPFERS negotiation. Likewise, I will be the primary liaison with R&G staff related to the pro bono engagement and, as explained above, I have not played and do not anticipate playing any role in the BCPFERS negotiation. Moreover, I will take steps to ensure that I am appropriately firewalled from any future participation.

Please do not hesitate to contact me if you need any additional information. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Ebony Thompson". The signature is written in a cursive style and is positioned above a horizontal line.

Ebony M. Thompson
Deputy City Solicitor