

**ETHICS BOARD MEETING
MINUTES OF THE PUBLIC SESSION**

The Ethics Board (“Board”) met on Wednesday, June 12, 2024 at 2:33 pm by conference call via Microsoft Teams.

Call to Order & Statement Concerning the Recording of the Public Session: Chair Stephan Fogleman called the Board meeting to order. All four Board members were present, forming a quorum.

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 the Administrative Session of the May 8, 2024 Board Meeting: Chair Fogleman read the following statement:

Per the Open Meetings Act, the Board discloses that it adjourned its virtual open meeting on May 8, 2024 to enter the Administrative Session at approximately 3:40 pm. Four 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 any prior time commitments of the individual Board members that would require the meeting to be adjourned at a specific time. None of the attendees had a conflicting commitment.

Approval of Written Minutes for the Public Session of the May 8, 2024 Board Meeting: With a vote of 4-0, the Board approved the written minutes.

Ethics Officer’s Update: Chair Fogleman requested an update from Board staff. Dir. Amberger suggested to provide an update later in the meeting in light of the schedule and the number of Gift Solicitation Waiver petitioners waiting to be heard. The meeting thus moved into New Business:

- (1.) AFRAM Festival 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. This an annual event that has been brought before the Board previously. Chair Fogleman requested Director Green to share why and how BCRP planned to solicit donations. Green represented that public interest and attendance have increased and that donations from businesses and corporations are needed to support the event. (AFRAM will celebrate its 50th anniversary in 2026.) BCRP’s team is seeking to solicit up to \$500,000 in contributions. Board member Sampson inquired about who would be approached for donations. Green stated that local and national corporations and

businesses would be solicited, including but not limited to Coca-Cola, PNC, and Bank of America, who all have sponsored AFRAM in the past. Sampson inquired how a donor is recognized for a donation. Green explained that, depending on the level of sponsorship, the sponsor will receive a variety of things that are tailored to each organization. Green shared that all donors will have their logo on stage on all banners on BCRP's social media pages, T-shirts, receive VIP tickets to the event and are allowed to have a space for a tent to give out information.

The Board voted unanimously to approve the charitable/governmental gift solicitation waiver for the benefit of the AFRAM Festival, pointing out that sponsorship programs are outside of the Board's jurisdiction but that the waiver applied to gifts proper.

- (2.) **City Council President's Charitable/Governmental Gift Solicitation Waiver Application raising funds for a transition team (Office of Councilman Zeke Cohen) and post-election inauguration:** Chief of Staff Maggie Master represented Councilman Cohen's office, which seeks to create a fund to pay for a transition committee and expenses associated with the hand-over of the Council President position after the November election. Councilman Cohen also plans to visit other jurisdictions sites to observe best practices.

Chief Master stated that the Councilman Cohen would prefer that there be no taxpayer funds expended on the inauguration and that additional fundraising is likely required. Chair Fogleman inquired if there was an inaugural fund and/or money in the budget for transition. Chief Master explained that currently no government funding is available at the Council President level. Board member Sampson inquired if the sitting Council President had a similar transition solicitation. Master had no information if funds were being solicited. Sampson explained his concerns about the influence of donors and ensuring that donations are appropriately used. Board member Newman asked for clarification on the waiver's intended donors and how Councilman Cohen's Office would ensure that controlled donors would not specifically targeted. Master intends to review the list of controlled donors and entities doing business with the city (on the Ethics Board's website) and hopes to connect with local philanthropies.

Board member McCauley expressed concern with the appearance of corporate money going into a tax-deductible fund and then dispersed for an inauguration. McCauley inquired if there would be a contractor aiding in acquiring transition staff. Master explained that currently, there is no contractor, and it is uncertain if one will be used; anybody on the transition committee would be in a volunteer capacity and would not be paid. McCauley inquired if donors would have potential involvement in decision making. Master responded in the negative.

Chair Fogleman asked for further clarification on laws for the mayor's inaugural committee and if there is any precedent for the request. The Board continued to discuss the matter. Director Amberger would research any case law on the matter.

The matter was revisited at the end of the Public Session: Board member Sampson further expressed his point on transparency with the progress and suggested publicizing the list of donors. Chair Fogleman reaffirmed that Amberger would do further research on the matter, but also observed that other candidates are running for the position of Council President in November, and that a waiver specifically tailored to a transition from the sitting Council President to now-candidate Cohen may appear presumptive and premature.

- (3.) **H.P. Rawlings Conservatory Charitable/Governmental Gift Solicitation Waiver Application, Department of Recreation and Parks (BCRP):** Park Administrator/Conservatory Director Ann Green of the Department of Recreation and Parks (BCRP), was present at the Public Session. Director Green shared that most of the fundraising will be conducted “passively” via a “Donate!” button on the H.P. Rawling Conservatory’s website. In the past, this option rarely resulted in large donations, mostly from individuals, not companies or businesses. Donations are used for shortfalls in the conservatory budget. The Board moved with a vote of 4-0 to approve the charitable/governmental gift solicitation waiver for the benefit of the H.P. Rawlings Conservatory.

Staff Update: Given the time pressure, Director Amberger provided the metrics for May at the next board meeting. The Board agreed.

- Financial Disclosure Statements
 - Director Amberger shared he had been invited to the OIG’s Advisory Board and answered pertinent questions about the focus of the new Financial Disclosure system. BCIT would be absorbing the cost. The previous vendor working on the program dropped out halfway through the process. New potential vendors have been advised that the site would need to be in place before the new round of Financial Disclosures.
 - As of June 12, 3,030 disclosures have been filed, up from 2,878 from last fiscal year.
 - Ethics staff sent a 30-day delinquency email for about 300 city employees and to about 300 city employees and commissioners.

OTHER MATTERS:

- Director Amberger shared that Ethics was conducting interviews for the vacant Ethics Officer’s position.

The Public Session adjourned at 3:40 pm.

At approximately 4:23 pm, after concluding the Administrative session, the Ethics Board reopened the Public Session to place a vote on the Lafayette and Aiken Park Basketball Court Gift Acceptance Request on the public record.

Gift Acceptance Request – Lafayette and Aiken Park - Basketball Court – Department of Baltimore Recreation and Parks (BCRP): The Board had previously deliberated on the waiver during the Public

session of its May 8 meeting. Chair Fogleman opened the floor for members to discuss concerns. Member McCauley summarized that, even when made in good faith, a large gift by a controlled donor to a specific agency that directly or indirectly (here, as a subcontractor) does business with that agency, raises at least the appearance of a conflict of interest that must be guarded against. Board member Sampson agreed with McCauley's statement. **The Board unanimously voted to decline the gift acceptance waiver petition.**