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Director: J. Christoph Amberger

BALTIMORE CITY BOARD OF ETHICS

August 28, 2023

Via Electronic Mail

Maya Gilmore, Executive Director
Mayor's Office of Cable & Communications
100 N. Holliday Street, Suite 250
Baltimore, MD 21202
maya.gilmore@baltimorecity.gov

Re: Rescission of waiver / Prestige-of-office violation pursuant to Art. 8, Section 6-36

Dear Director Gilmore,

This letter serves as notice that the Baltimore City Ethics Board has voted unanimously to rescind its conditional waiver for the Mayor's fundraising activity in the context of the "Mayor's Masked Ball."

In your letter of June 6, 2023 and during your presentation before the Ethics Board (herein, "Board") regarding your waiver petition for the Mayor's Office to solicit funds for the United Negro College Fund, Inc., (herein, "UNCF"), you represented that Mayor Scott will "ONLY publish social media assets acknowledging the event" and that his communications will include a statement "that donors will not receive any special treatment or favors from the City in exchange for their donations." The social "assets" would "likely be shared by other members of the administration."

In its letter of July 20, 2023 (*see* attachment), the Board stated that the Mayor's involvement in the promotion of the campaign, and especially in the UNCF Mayor's Masked Ball, raises concerns under Baltimore City Code, Art. 8, § 6-36 {Prestige of office}:

(a) *In general.*

A public servant may not intentionally use the prestige of his or her office or position for his or her own private gain or that of another.

(b) *Constituent services.* The performance of usual and customary constituent services, without additional compensation, is not prohibited by this section.

The Board cited to a Memorandum issued by the State Ethics Commission relating to the gift law provisions of the State Public Ethics Law, contained in Title 5 of the General Provisions Article in the Maryland Code, where the Commission, in pertinent part, issued the following guidance:

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State employees and officials should not use their positions, to include the authority associated with those positions, to benefit a particular charitable cause, however worthy. This restriction would be violated if reference to one's official title, position or agency affiliation could lead a person to reasonably assume that the agency or the State endorsed the fundraising effort.

The Board informed you that:

for the Mayor to promote or, as you put it, “acknowledge” the Mayor’s Masked Ball via his social media channels would run afoul of the City’s § 6- 36 (a) Prestige of Office prohibition, which is similar to the State Public Ethics Law prohibition contained in § 5–506, Title 5, General Provisions Article, Maryland Code. The reference to Mayor’s official title could lead a person to reasonably assume that the Mayor himself and, by extension the City, endorses the fundraising gala for the benefit of the charity, which under the Ethics Law would be considered “that of another” under § 6-36 (a). This would be a *prima facie* violation of the § 6-36 (a) Prestige of Office prohibition.

(Emphasis supplied.)

The Board instructed you to:

take appropriate measures to address the public perception and “optics” of its usage under the lens of Art. 8’s § 6-36 (a) Prestige of Office prohibition. Such measures may include provisos in your promotional literature clarifying that “Mayor’s” Ball does not specifically reference the “Mayor of Baltimore City,” or following the example of other jurisdictions by repositioning the gala as the UNCF’s 2023 Masked Ball.

(Emphasis in original.)

On August 16 and again on August 22, 2023, Ethics staff (and circa 13,000 City employees, officers, and officials) received email “Blasts” prominently headed “Mayor’s Masked Ball Coming to Charm City This September” and stating:

You're Invited to Join Mayor Brandon M. Scott at The Mayor’s Masked Ball This September.

On September 9, we invite you to join Mayor Brandon M. Scott, Sashi Brown (President of the Baltimore Ravens), and Dr. Freeman Hrabowski (President Emeritus of the University of Maryland Baltimore County) for a special event focused on investing in and supporting our students.

The UNCF Mayor's Masked Ball will take place in Charm City on Saturday, September 9th, and we are excited to have you be a part of it.

Secure your tickets today by visiting giveuncfbaltimore.com

For further details, please reach out to Ciara Wake at ciara.wake@baltimorecity.gov

We look forward to your presence and contribution at the UNCF Mayor's Masked Ball.

Together, let's support and empower our students!

A central graphic advertises the “UNCF Mayor’s Masked Ball” (albeit putting the words “Mayor’s Masked” in smaller font size), alongside an official photograph of the Mayor with the caption “The Honorable Brandon Scott, Mayor, Baltimore City”.

A link in the email(s), *see supra*, leads to an external (i.e., non-City, UNCF) donation page, stating, *inter alia*, “Welcome to the Inaugural Baltimore Mayor's Masked Ball!” and providing other links to

(a) purchase tickets (<https://www.giveuncfbaltimore.com/lite-ui/?controller=tickets>)
and

(b) to make a donation (<https://www.giveuncfbaltimore.com/lite-ui/?controller=pledges&category=All%20Pledges>).

None of these links/web pages, nor any of subsequent linked pages (e.g., those providing options for “suggested” fixed-amount donations) include provisos to clarify, as instructed by the Board, that “Mayor’s” Ball does not specifically reference the “Mayor of Baltimore City”. Nor do they advise that donors will not receive any special treatment or favors from the City and/or Mayor in exchange for their donations.

Contrary to your assertion that you would “ONLY publish social media assets acknowledging the event,” the event was promoted twice to the City’s “e-Blast” email list, which is not a social media asset but an official channel used by the City to communicate with all employees and officials.

The Board considers both advertisements *prima facie* violations of Art. 8’s Prestige of Office prohibition.

The Board hereby rescinds its conditional solicitation waiver and instructs you to cease and desist from promoting the event.

Sincerely,



J. Christoph Amberger
Director, Ethics Board

Cc: Members of the Ethics Board

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