

Frequently Asked Questions

What is a controlled donor?

A controlled donor is any person or entity that:

- Does/seeks to do business (regardless of amount) with the employee's/official's agency or with another person who has a contract with/is negotiating a contract with the employee's/official's agency;
- Engages/seeks to engage in an activity regulated/controlled by the employee's/official's agency;
- Is or was, within the preceding 12 months, a lobbyist on matters within the employee's/official's jurisdiction;
- Has a financial interest that might be materially affected by the employee's/official's official duties (different from the effect on the public at large);
- Is officially affiliated with any person described above (i.e. owner, partner, officer, director, trustee, employee, or agent of such a person).

What are the standards for approval?

The standards for Ethics Board approval are the following:

- the solicitation is for the exclusive benefit of a governmental or charitable function, program, or activity;
- the program, function, or activity to be benefitted and the proposed solicitation campaign has been endorsed by the Board of Estimates or its designee(s);
- the solicitation is directed at a broad range of potential donors and does not specially target-controlled donors;
- the campaign is designed and conducted so as to avoid any suggestion that contributors might receive special access or favored treatment from any City agency or official;
- the proposed solicitation has been approved in advance by the Ethics Board, on the written request of the sponsoring agency; and
- the solicitation is conducted in accordance with the terms and conditions of the Ethics Board's approval.

How does my agency apply for a waiver?

About the Application

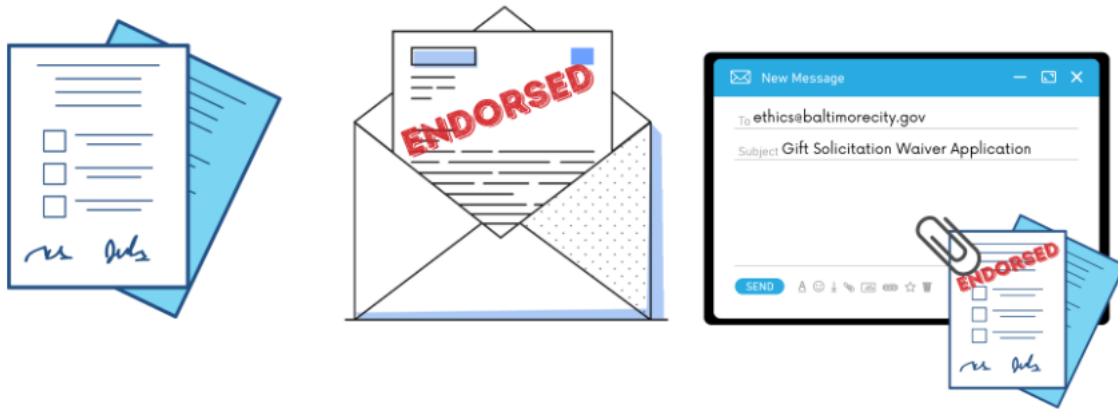
To request a waiver, the sponsoring agency should complete the Charitable/Governmental Gift Solicitation Waiver Application. The application should include the following information:

- the specific governmental or charitable function, program, or activity for which the solicitation will be made;
- the specific purposes to which all receipts will be applied;

- when the Board of Estimate’s or another designee’s endorsement was obtained, and a description of any conditions or limitations imposed on that endorsement;
- when, how, and by whom the solicitation will be conducted;
- the categories of persons to be solicited;
- measures to ensure that:
 - the solicitation will be directed at a broad range of potential donors and does not specially target-controlled donors; and
 - the campaign will avoid any suggestion that contributors might receive special access or favored treatment from any City agency or official;
- the identity of the individual who will be responsible for the custody, accounting, and final distribution of donations;
- the aggregate value of the donations sought; and
- any other information that the Ethics Board requests.

Endorsement and Approval

Once complete, the application must be endorsed by the [Board of Estimates \(BOE\)](#) before it is submitted to the Ethics Board. Upon BOE endorsement, the sponsoring agency should forward the endorsed application to the Ethics Board for approval **at least 45 days before any controlled donor is solicited**.



Complete the Waiver Application Form.



Submit the application to the Board of Estimates for endorsement.



Submit the endorsed application to the Ethics Board for approval.

Image transcript: The image contains three pictures. Below each picture, there is a block of text, for a total of three blocks of text. One arrow leads from the first block of text to the second block of text. The other arrow leads from the second block of text to the third block of text.

The first picture, to the top-left of the image, is of a form. The block of text below the picture says, "Complete the Waiver Application Form."

To the right of the picture of the form, there is a picture of a paper letter that is leaving an envelope. The word, "ENDORSED," is written across the letter. Below the picture of the letter leaving the envelope, and to the right of an arrow extending from the first block of text, there is second block of text that says, "Submit the application to the Board of Estimates for Endorsement."

To the right of the picture of the letter leaving the envelope, there is another picture of an email message, addressed to "ethics@baltimorecity.gov" with the subject, "Gift Solicitation Waiver Application." To the bottom right of the email message, there is a form with the word "ENDORSED" on it and, in the form's top-left corner, there is a paper clip. The picture demonstrates a form being "attached" to an email message. Below the picture of the email message with the attached form, there is a third block of text. An arrow extends to the text from the second block of text to the left. The third block of text says, "Submit the endorsed application to the Ethics Board for approval."

How often is my agency required to file reports after receiving a waiver?

The sponsoring agency must periodically file the Charitable/Governmental Gift Solicitation Waiver Activity Report with the Ethics Board, as follows:

- A Final, Cumulative Report must be filed within 30 days after all solicitations have been made and anticipated donations received.
- Interim Reports must be filed on the following schedule, depending on the aggregate value of donations sought by the campaign:
 - for campaigns seeking \$50,000 or more in donations, once every 3 months;
 - for campaigns seeking between \$5,000 and \$50,000, once every 6 months; and
 - for campaigns seeking less than \$5,000, only the Final, Cumulative Report is required.

What information is my agency required to disclose after receiving a waiver?

The sponsoring agency is required to disclose the following information on the Waiver Activity Report:

- all changes in any of the information contained in the request to the Ethics Board or in the Board's approval;
- the aggregate amount or value of donations received from all persons;
- a list of all donors and the amount or value of their respective donations;
- the identity of each controlled donor that was solicited, whether that person donated or not;
- an accounting of how all donations and other income have been expended; and
- any other information that the Ethics Board requires.

Does my agency need a waiver for a workplace charitable-giving campaign?

[Board Regulation 06.26.2](#) permits a City agency to conduct a workplace charitable-giving campaign that is primarily concerned with soliciting charitable donations from City employees and that offers a broad choice of charities to which donations can be made. The campaign must be approved by the Board of Estimates and the Ethics Board.

If your agency is interested in conducting a workplace charitable-giving campaign, please contact Ethics Board staff for additional guidance.