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Vacant



**BALTIMORE CITY BOARD OF ETHICS**

December 20, 2022

**Via Electronic Mail**

Deputy City Solicitor Ebony Thompson  
Law Department  
100 N. Holliday Street, Suite 101  
Baltimore, MD 21202  
[Ebony.Thompson@baltimorecity.gov](mailto:Ebony.Thompson@baltimorecity.gov)

Re: Gift Solicitation Waiver Approval

Dear Deputy Solicitor Thompson,

During its December 14, 2022 public meeting, the Ethics Board considered your request on behalf of the Baltimore City Law Department for advance approval to engage the firm Ropes & Gray, LLP (“R&G”), on a *pro bono* basis to determine whether and how the City could best use blockchain technology to streamline property recordation. As explained more fully below, the Ethics Board voted to approve your request, subject to certain requirements.

Based on the information you provided, R&G currently represents a private asset management client in negotiations with the Baltimore City Fire and Police Employees’ Retirement System (“BCFPERS”). You stated that BCFPERS’s in-house counsel is involved in that negotiation and that neither you nor other attorneys within the Law Department anticipate becoming involved, although the City Code delegates the City Solicitor as the legal advisor of the BCFPERS Board of Trustees. *See* City Code, Art. 22, § 33 (k).

The Baltimore City Public Ethics Law, contained in Article 8 of the City Code, specifies, in pertinent part:

**§ 6-26. Solicitation prohibited.**

(a) *In general.*

Except as permitted under subsection (b) of this section, a public servant may not solicit or facilitate the solicitation of a gift, whether on the public servant’s own behalf or on behalf of another person, from any person that the public servant knows or has reason to know:

- (1) does or seeks to do business of any kind, regardless of amount:
  - (i) with the public servant’s agency; or
  - (ii) with another person in connection with or in furtherance of a contract that is being negotiated or has been entered into by the other person with the public servant’s agency;
- (2) engages or seeks to engage in an activity that is regulated or controlled by the public servant’s agency;

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***Baltimore City Board of Ethics***

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- (3) is or, within the preceding 12 months, has been a lobbyist with respect to matters within the jurisdiction of the public servant;
- (4) has a financial interest that might be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the public servant's official duties; (...)

In addition, § 6-26 (b) provides:

(b) *Exception.*

The prohibition in subsection (a) of this section does not apply to a solicitation if:

- (1) it is for the benefit of an official governmental program or activity or a City-endorsed charitable function or activity; and
- (2) 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.

The Board is satisfied that, even if R&G were considered a controlled donor in their relationship to the Law Department, the exceptions provided in § 6-26 (b)(1) and (2)(ii) would apply. Wherefore, the Ethics Board members present at the December 14, 2022 Board meeting voted to approve your written Waiver Request dated December 9, 2022.

The Ethics Board's approval is contingent on the following requirements:

- 1) The solicitation and any subsequent donation of *pro bono* hours must be for the exclusive benefit of a governmental activity—here, consulting on the best use of blockchain technology to streamline property recordation;
- 2) The solicitation and any subsequent donation of *pro bono* hours must comply with all other relevant City policies and approval requirements; and
- 3) R&G must be expressly informed in writing that a donation of *pro bono* hours will not result in special access or favored treatment from any City agency or official.

If you have any questions or concerns about the Ethics Board's decision, please do not hesitate to contact me.

Sincerely,



J. Christoph Amberger, Ethics Board Director

CC: Isabel Cumming, Ethics Board Executive Director