

Baltimore City Ethics Board
100 N. Holliday Street, Suite 635
Baltimore, MD 21202
October 11, 2023

Minutes of the Meeting

The Ethics Board (“Board”) met on October 11, 2023 at 2:30 pm by conference call.

Call to Order & Statement Concerning the Recording of the Public Session: Chairman Fogleman called the Board meeting to order at 2:35 pm with four board members, a quorum, present. Member Hengerer joined the Public Session at 3:18 pm.

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 September’s Administrative Session and a Potential Administrative Session:

Chair Fogleman read the following statement:

Per the Open Meetings Act, the Board discloses that it adjourned its virtual open meeting on September 13, 2023, to enter the Administrative Session at approximately 2:59 pm. Three Board members, a quorum, were present. Members McCauley and Sampson were absent. 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 commitments that would conflict with the Board meeting.

Approval of Written Minutes for the Public Session of the September 13, 2023 Board Meeting:

Members Sampson and McCauley recused themselves from the matter since they were not present at the Public Session of the September 13, 2023 Board meeting. Since the Board did not have a quorum to make a motion on the matter, the Board agreed to revisit the matter upon obtaining a quorum.

Charitable/Governmental Gift Solicitation Waiver Application – MONSE Peace Mobile – Mayor’s Office of Neighborhood Safety and Engagement (MONSE) – Pending BOE Endorsement: Wendy Lee, Deputy Director of Intimate Partner Violence (IPV) Prevention in the Mayor’s Office of Neighborhood Safety and Engagement (MONSE), attended the Public Session.

Deputy Lee explained that MONSE hopes to host a donation drive benefiting domestic violence programs and that the drive will be held at the MONSE Peace Mobile, a bus that serves as a drop-off location for donations. Lee clarified that MONSE will solicit and accept in-kind donations and not monetary donations, and that MONSE intends to host the donation drive on the site of a Giant grocery store. Lee stated that the date of the drive must be changed to November 11, 2023.

In response to Chair Fogleman's inquiry, Deputy Lee confirmed that MONSE anticipates soliciting \$5,000 or less in in-kind donations. Deputy Lee exited the Public Session at 2:40 pm.

Officer Romo noted that the Ethics Law requires the sponsoring agency of a charitable/governmental gift solicitation waiver to have a third-party entity serve as the fiscal sponsor. Later, Romo clarified that the fiscal sponsor is responsible for reviewing the waivers' reports and signing them as accurate. Romo stated that the MONSE Peace Mobile waiver application did not designate a fiscal sponsor for the campaign.

The Board and its staff discussed the matter and considered potential fiscal sponsors for the campaign. Member McCauley proposed that the Board refrain from recommending a third-party fiscal sponsor in the waiver's approval letter, and that the Board instruct Deputy Lee to contact the Board to discuss potential options for the fiscal sponsor.

After deliberating further, the Board moved with a vote of 4-0 to approve a charitable/governmental gift solicitation waiver benefiting the MONSE Peace Mobile donation drive contingent on a third-party entity serving as the campaign's fiscal sponsor.¹

Charitable/Governmental Gift Solicitation Waiver Application – City Council President's Third Annual Holiday Toy Drive – Council President's Office: Aaron DeGraffenreidt, General Counsel for the City Council, attended the Public Session. DeGraffenreidt provided an overview of the waiver application and shared that the Board had approved a charitable/governmental gift solicitation waiver for the City Council President's Annual Holiday Toy Drive in the previous two years. DeGraffenreidt confirmed that the Associated Black Charities (ABC) will serve as the campaign's fiscal sponsor, although the Movement Team served as the past campaigns' fiscal sponsor. DeGraffenreidt clarified that the Movement Team will still partner with the Council President's Office to run the toy drive by connecting families with the toy donations. DeGraffenreidt stated that, in addition to broadly soliciting toy donations, the Council President's Office also intends to solicit in-kind donations for the event, itself.

In response to Member McCauley's inquiry, Counsel DeGraffenreidt confirmed that monetary donations will go directly to ABC and that checks should be addressed to ABC. DeGraffenreidt noted that those running the drive encourage cash donations to be made via PayPal and that ABC intends to set up a "wish list" on Amazon for people to buy donations, rather than contribute monetary donations. DeGraffenreidt also explained that ABC and the Movement Team will decide how donations are distributed. DeGraffenreidt later agreed to discuss the management of gift card donations with ABC.

Member McCauley asked Counsel DeGraffenreidt why the Council President's Office hosts the toy drive, rather than a third-party entity, to which DeGraffenreidt responded, stating that the Council President had supported toy drives and similar charitable efforts during his time as Councilmember; the Council President's Office now supports the existing toy drives. In response to Member Sampson's inquiry, DeGraffenreidt opined that the Council President's affiliation with the toy drive is an advantage to the drive. DeGraffenreidt shared the flyer from the previous year's drive with the Board.

Member Newman disclosed her personal relationship with Counsel DeGraffenreidt and Council President Mosby, which the Board did not find required Newman's recusal from the matter. In response to

¹ Pursuant to Board Regulation 06.26(B)(2), approval is contingent on endorsement by the Board of Estimates.

Newman's inquiry, Chair Fogleman confirmed that the Council President's Office organized the same drive in past years. Romo stated that the reports for the previous waiver were very detailed and Romo expressed concern about some of the past donors' names being illegible, which Romo stated that she is addressing with DeGraffenreidt.

Member McCauley expressed concern about City elected officials' involvement in donation drives. Director Amberger inquired about the perception of the Council President's identity on the solicitation materials. Member Newman recommended that gift card donations be provided directly to the fiscal sponsor. In response to an inquiry from Member Newman, Romo confirmed that the Mayor's Office had organized a school supply drive.²

The Board with a vote of 4-0 to approve a charitable/governmental gift solicitation waiver benefiting the City Council President's Annual Holiday Toy Drive.

Charitable/Governmental Gift Solicitation Waiver Application – National Forum for Black Public Administrators – Mayor's Office: Officer Romo provided an overview of the waiver application submitted by Faith Leach, the Chief Administrative Officer. Member McCauley inquired about the National Forum for Black Public Administrators and the Board discussed the organization. The Board agreed to move the matter to the subsequent Board meeting and invite Chief Leach to the meeting to answer the Board's questions.³

Member Hengerer joined the Public Session.

Special Assistant's Update: Special Assistant Bond provided the following metrics from September on the Board staff's recent work:

- Help Desk
 - 76 help desk requests were received and resolved by Board staff in September.
 - 9 help desk requests were from lobbyists.
 - 8 help desk requests were concerning gift solicitation waivers.
 - 11 help desk requests were concerning financial disclosure statements.
 - 35 help desk requests were ethics inquiries.
 - 2 help desk requests were concerning the Ethics Training.
 - 8 help desk requests were administrative (question about deadlines, forms, etc.).
 - 3 help desk requests were not within the Board's jurisdiction and were referred elsewhere.
 - FY24 requests: 218
- Ethics Training
 - 31 People completed the Ethics Training in September.
 - FY24 attendees: 145
- Complaints

² Officer Romo noted that companies donated school supply donations to a past drive organized by the Mayor's Office's. Romo was referring to Mayor's Back to School Event donation drive, for which the Mayor's Office of Children & Family Success obtained a charitable/governmental gift solicitation waiver from the Board, and which expired in September 2022.

³ During the Public Session, Officer Romo stated that an invitation to the Public Session of October 11, 2023 Board meeting was extended to Chief Leach by way of Chief Leach's staff member. An invitation had not been extended; Board staff had requested a copy of the relevant waiver application with the endorsement of the Board of Estimates, which is required for Ethics Board approval, from Chief Leach's staff.

- FY24 Complaints: 7
 - Open: 4 (+2 pending from FY23)
 - Dismissed: 3
- Secondary Employment Waivers
 - FY24 Granted Waivers: 0
- Gift Solicitation Waivers
 - 3 gift solicitation waiver applications were submitted to the Board for the October 11, 2023 Board meeting.
 - 2 gift solicitation waivers expired since the last Board meeting.
 - FY24 Active Waivers: 18
 - FY24 Expired/Rescinded Waivers: 7

Ethics Board Annual Report: Officer Romo explained that the Board is required to compose an annual report and provide it to the Mayor and City Council. Romo stated that Board staff will post the annual report on the Board's website.

Approval of Written Minutes for the Public Session of the September 13, 2023 Board Meeting: Members Sampson and McCauley recused themselves from the matter since they were not present at the Public Session of the September 13, 2023 Board meeting. With a vote of 3-0⁴, the Board moved to approve the minutes.

The Public Session adjourned at 3:23 pm.

⁴ Member Sampson voted in approval of the minutes, although he had previously recused himself from the matter.