

Baltimore City Ethics Board  
100 N. Holliday Street, Suite 635  
Baltimore, MD 21202  
September 13, 2023

### **Minutes of the Meeting**

The Ethics Board (“Board”) met on September 13, 2023 at 2:30 pm by conference call.

**Call to Order & Statement Concerning the Recording of the Public Session:** Chairman Stephan Fogleman called the Board meeting to order at 2:37 pm with three board members, a quorum, present. Members Sampson and McCauley were absent.

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 August’s Administrative Sessions 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 August 9, 2023 to enter into the Administrative Session at approximately 3:16 pm. The Board also discloses that it met on August 28, 2023 for an Administrative Session prior to entering into a Public Session at approximately 9:25 am. All Board members were present at both Administrative Sessions. Members discussed administrative matters including complaints.

Likewise, 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. 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. Member Hengerer stated that she was available for the meeting until 4:30 pm.

**Approval of Written Minutes for August 9, 2023 Public Meeting and August 28, 2023 Public Meeting:** The Board moved with a vote of 3-0 to approve the written minutes from the Public Session of the August 9, 2023 Board meeting and from the Public Session of the August 28, 2023 Board meeting.

**Ethics Officer’s Update:** Officer Romo agreed to provide Board staff’s monthly metrics with Special Assistant Bond at the end of the Public Session.

**Charitable/Governmental Gift Solicitation Waiver Application – Connect 2 Success/Squeegee Collaborative Planning – Mayor’s Office of African American Male Engagement (MOAAME):** Tracey Estep, Operations Officer in the Mayor’s Office of African American Male Engagement (MOAAME), attended the Public Session. Estep clarified that the charitable/governmental gift solicitation waiver application benefitting MOAAME programming was submitted to the Board of Estimates (BOE) for endorsement, and that the Baltimore Civic Fund did not provide the application to the Ethics Board upon the application’s endorsement by the BOE. Estep stated that she completed the application and

provided it to the Ethics Board after the City Solicitor notified Estep that MOAAME had not obtained a waiver to broadly solicit donations for a charitable or governmental program.

In response to Chair Fogleman's inquiry, Officer Estep confirmed that the Baltimore Civic Fund will serve as the fiscal sponsor for the waiver.

Officer Romo suggested that the Board require MOAAME to report any solicitations made and/or donations received for MOAAME programming prior to the waiver's approval and since January 1, 2023. Romo noted that MOAAME's previous waiver expired at the end of 2022. In response to Member Hengerer's inquiry, Romo clarified that, in the past, the Board required a sponsoring agency to provide a report on any solicitations, donations, and expenditures from a period preceding Ethics Board approval of an untimely application. Romo stated that MOAAME's waiver application discloses the reporting period as January 1, 2023 to December 31, 2023.

In response to Member Newman's inquiry, Officer Estep confirmed that a list of donors and amount of their donations would be provided to the Board. Estep stated that she can request a report covering January 1, 2023 to August 31, 2023 from the Baltimore Civic Fund for the Board. Estep requested that the Board's written notice of the waiver's approval include a deadline for that report.

The Board moved with a vote of 3-0 to approve the charitable/governmental gift solicitation waiver subject to the condition that MOAAME provide a report covering the preceding period of 2023 by the next Board meeting, scheduled for October 11, 2023.

Officer Estep left the Public Session.

**Friends of Patterson Park Splash Pad Equipment Donation – Office of Councilmember Cohen, Department of Recreation and Parks:** Maggie Master, Chief of Staff in the Office of Councilmember Cohen, attended the Public Session. Master explained that the following Sunday would be the last day for the Patterson Park Splash Pad ("Splash Pad"), for which Councilmember Cohen's Office fundraised upon receipt of a charitable/governmental gift solicitation waiver from the Board. Master stated that Councilmember Cohen's Office continues to solicit donations for the Splash Pad in anticipation of unexpected costs, and that the office will stop soliciting donations upon the closure of the Splash Pad.

Chief Master stated that Friends of Patterson Park, the fiscal sponsor of the gift solicitation waiver benefiting the Splash Pad, purchased the equipment for the Splash Pad and, in collaboration with Councilmember Cohen's Office, would like to donate the equipment to the Department of Recreation and Parks ("BCRP") for future use. Master clarified that Friends of Patterson Park has provided monetary and in-kind donations to BCRP in the past via donation agreements. Master noted that the Law Department recommended to Councilmember Cohen's Office that the office request guidance from the Board surrounding the donation of the Splash Pad equipment.

Director Amberger inquired if Councilmember Cohen's Office, which solicited the funding for the Splash Pad equipment, or Friends of Patterson Park, which purchased the equipment, is the owner of the equipment.

Member Hengerer stated that the Board would like to further discuss any concerns raised by the donation. Chair Fogleman agreed, stating that the absent Board members may wish to opine on the matter.

Chief Master clarified that the gift solicitation waiver application supplied that Councilmember Cohen's Office would solicit donations in conjunction with Friends of Patterson Park. Master then left the Public Session.

**Ethics Board Email Accounts:** Director Amberger stated that City's IT Department notified Board staff that the Board members can have City email addresses. Member Hengerer asked the other Board members to address the matter in the Administrative Session.

**Ethics Officer's Update:** Office Romo provided the following metrics for Fiscal Year ("FY") 2023 and on the Board staff's recent work:

- Help Desk
  - June Metrics: 82 help desk requests were received and resolved by Board staff in June.
    - 1 help desk request was from a lobbyist.
    - 10 help desk requests were concerning gift solicitation waivers.
    - 30 help desk requests were concerning financial disclosure statements.
    - 24 help desk requests were ethics inquiries.
    - 1 help desk request was concerning the Ethics Training.
    - 2 help desk requests were administrative (question about deadlines, forms, etc.).
    - 14 help desk requests were not within the Board's jurisdiction and were referred elsewhere.
  - July Metrics: 80 help desk requests were received and resolved by Board staff in July.
    - 28 help desk requests were from lobbyists.
    - 12 help desk requests were concerning gift solicitation waivers.
    - 2 help desk requests were concerning financial disclosure statements.
    - 27 help desk requests were ethics inquiries.
    - 2 help desk requests were concerning the Ethics Training.
    - 3 help desk requests were administrative (question about deadlines, forms, etc.).
    - 6 help desk requests were not within the Board's jurisdiction and were referred elsewhere.
  - August Metrics: 62 help desk requests were received and resolved by Board staff in August.
    - 4 help desk requests were from lobbyists.
    - 5 help desk requests were concerning gift solicitation waivers.
    - 8 help desk requests were concerning financial disclosure statements.
    - 26 help desk requests were ethics inquiries.
    - 3 help desk requests were concerning the Ethics Training.
    - 8 help desk requests were administrative (question about deadlines, forms, etc.).
    - 8 help desk requests were not within the Board's jurisdiction and were referred elsewhere.
  - FY 2023 Metrics: In FY 2023, Board staff received and resolved 1,314 help desk requests, compared to 1,536 in FY 2022 and 1,512 in FY 2021.
    - 70 help desk requests were from lobbyists in FY 2023, compared to 85 in FY 2022 and 78 in FY 2021.
    - 91 help desk requests were concerning gift solicitation waivers in FY 2023, compared to 57 in FY 2022 and 36 in FY 2021.
    - 716 help desk requests were concerning financial disclosure statements in FY 2023, compared to 793 in FY 2022 and 1,101 in FY 2021.

- 297 help desk requests were ethics inquiries in FY 2023, compared to 356 in FY 2022 and 231 in FY 2021.
    - 38 help desk requests were concerning the Ethics Training in FY 2023, compared to 178 in FY 2022 and 44 in FY 2021.
    - 36 help desk requests were administrative (question about deadlines, forms, etc.) in FY 2023, compared to 28 in FY 2022 and 14 in FY 2021.
    - 66 help desk requests were not within the Board’s jurisdiction and were referred elsewhere in FY 2023, compared to 39 in FY 2022 and 8 in FY 2021.
  - FY24 Metrics: 142 help desk requests have been received and resolved by Board staff so far in FY24.
- Ethics Training
  - June Metrics: 17 people completed the Ethics Training in June.
  - July Metrics: 44 people completed the Ethics Training in July.
  - August Metrics: 21 people completed the Ethics Training in August.
  - FY 2023 Metrics: 464 people completed the Ethics Training in FY 2023, compared to 872 in FY 2022, and 356 in FY 2021.
  - FY24 Metrics: 65 people have completed the Ethics Training so far in FY24.
- Complaints
  - FY 2023 Metrics: The Board received 13 complaints in FY 2023, of which 2 are pending, compared to 14 in FY 2022 and 17 in FY 2021.
  - FY24 Metrics: The Board has received 4 complaints so far in FY24.
- Secondary Employment Waivers
  - FY 2023 Metrics: The Board granted 1 secondary employment waiver in FY 2023, compared to 2 in FY 2022 and 1 in FY 2021.
  - FY24 Metrics: The Board has granted 0 secondary employment waivers so far in FY24.
- Gift Solicitation Waivers
  - July Metrics: 5 gift solicitation waiver applications were submitted to the Board, of which all were approved, and 1 request to change the fiscal sponsor of an active waiver, which was granted.
  - August Metrics: 1 gift solicitation waiver application was submitted to the Board for the September 13, 2023 Board meeting.
    - 4 gift solicitation waivers expired since the last Board meeting.
    - 1 agency’s gift solicitation waiver approval was rescinded in August.
  - FY 2023 Metrics: The Board approved 25<sup>1</sup> gift solicitation waivers in FY 2023, compared to 15 in FY 2022 and 11 in FY 2021.
  - FY24 Metrics: There are 20 active waivers and 5 expired waivers so far in FY24.

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<sup>1</sup> Officer Romo incorrectly stated during the Public Session that 24 charitable/governmental gift solicitation waivers were approved in FY 2023. In actuality, 25 waivers were approved in FY 2023 and, during the course of FY 2023, 38 waivers (not 37, as stated during the meeting) were active at some point.

- Financial Disclosures
  - At that time of the August 9, 2023, Board meeting, there were 18 outstanding filers in 2023 (excluding public servants on leave or who were no longer with the City).
    - Since more than 60 days had passed since the filing deadline by the August 9, 2023 Board meeting, the Ethics Law authorized the Board to refer the matter to the outstanding filers' agency heads, the Director of Human Resources, and the City Solicitor, with a recommendation that the outstanding filers be suspended without pay until they file.
  - As of September 13, 2023, there were 12 outstanding filers (excluding public servants on leave or who are no longer with the City).
- Lobbying
  - All semi-annual lobbying activity reports were timely filed by July 31, 2023.

The Public Session adjourned at approximately 2:59 pm.