

The background of the entire page is a photograph of the Baltimore City Hall. The building is a grand, multi-story structure with classical architectural features, including arched windows, columns, and a prominent central dome. The dome is illuminated with bright pink lights. In the foreground, there are ornate street lamps and a set of stone steps leading up to the building. A banner on the right side of the building reads "THE SILENCE OF OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH".

# Baltimore City Board Of Ethics

## 2024 ANNUAL REPORT



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# A Message From the Board

The Baltimore City Board of Ethics (“Board”) looks back on an eventful year as it presents this Annual Report to the Mayor and City Council, and the Citizens of Baltimore City.

The Board continues to carry out its mandate to guard against improper influence (or even the appearance of improper influence) and strives to ensure public trust in the government of Baltimore City.

In achieving its mission, the Board is proactive, preventing real or potential conflicts by providing proper training, appropriate resources, and direct guidance. But it also may act correctively, by ensuring appropriate enforcement of the Baltimore City Public Ethics Law (“Ethics Law”), as contained in Art. 8 of the Baltimore City Code, wherever concerns or conflicts may arise.

The Board ended the last calendar year (2023) with no vacancies. However, we had to say goodbye to our esteemed Board member Melodie Hengerer. Her replacement has not been nominated as of this writing. Last year’s new additions to the Board, John McCauley and Noelle Winder Newman (both attorneys with decades of experience between them), and veteran Board members Arnold Sampson and Stephan Fogleman, have carried on the business of Baltimore City Ethics and compliance with diligence and dedication.

Assisting the Board in its day-to-day business, the Ethics Director, Ethics Officer, and Special Assistant have continued to improve the tools available to the City’s employees and officials to comply with their obligations under the Law. The existing online Ethics Training is now a stand-alone unit on the Board’s web page, as well as an integral part of the City’s training platform on Workday. The Board achieved just shy of 100% compliance with the Ethics Law’s financial disclosure requirements for the fourth time in a row!

**The Baltimore City Ethics Board**

Stephan W. Fogleman (Chair)  
Arnold Sampson  
John A. McCauley  
Noelle W. Newman

# Director's Note

**Dear Citizens of Baltimore,**

We receive daily inquiries from City employees, media, and members of the public about the Ethics Law and its application. Board staff are committed to resolving all questions as quickly and thoroughly as possible, providing informal written and/or oral guidance based on the Law and the growing body of Board Opinions. Some requests, however, require more formal guidance from the Board. Requests are tracked and categorized as “Help Desk” matters.

While our focus lies in supporting the Board in all matters, the emphasis of our Ethics staff is on serving the City’s elected and non-elected public officials, employees, and members of the various boards and commissions who advise the City’s departments, agencies, and offices. Our priority is to make sure that:

- All public officials are familiar with the general provisions of the Ethics Law;
- All public officials are in full compliance with the disclosure provisions of the Ethics Law; and that
- All public officials know where to pro-actively turn for advice before a conflict arises.

Ethics staff consists of Ethics Officer Nayshonn Bond, who is supported by our new Special Assistant, Anetra Moore. Our team is looking forward to servicing our constituents competently and responsively for many more years.

A heart-felt “Thank You!” to the Citizens of Baltimore for trusting both the Ethics Board and our Ethics team to enforce the provisions of the Ethics Law to achieve transparency and accountability!



**J. Christoph Amberger, Esq.**

**Director, Ethics Board**

**[Chris.Amberger@BaltimoreCity.gov](mailto:Chris.Amberger@BaltimoreCity.gov)**



# Board & Ethics Staff

## **Current Board Members:**

- Stephan W. Fogleman, Esq., Chair (term ended December 31, 2020);
- Arnold Sampson (term ending December 31, 2024);
- John A. McCauley, Esq. (term ending December 31, 2027);
- Noelle W. Newman, Esq. (term ending December 31, 2026).

The Board typically meets on the second Wednesday of each month by conference call via Microsoft Teams to discuss public and administrative matters, including complaints, guidance, and waiver requests. Members of the public are welcome to observe the public part of the monthly Board meeting by joining remotely. (Simply contact us at [ethics@baltimorecity.gov](mailto:ethics@baltimorecity.gov), so we can provide you with a link to the call.) Written and recorded minutes of the Board's public meetings are available online at <https://ethics.baltimorecity.gov/board-meetings>.

The Inspector General, Isabel Mercedes Cumming, has served as the Board's ex officio Executive Director since October 10, 2020 pursuant to City Ordinance 20-354 and Section 3-11 of the Ethics Law.

Inspector General Cumming has designated a full-time Director, Ethics Officer, and Special Assistant to carry out the Board's day-to-day work. Special Agents in the Office of the Inspector General are available if needed to assist with ethics investigations. In 2022, Inspector General Cumming appointed former Baltimore City Assistant State's Attorney J. Christoph Amberger to the position of Director. He is supported by Ethics Officer Nayshonn Bond and Special Assistant Anetra Moore.

# Legislative Matters

In 2024, the Board did not receive any new bills for comment. However Ethics staff remained involved in the legislative process. Staff refreshed the Council's attention to a bill that had been submitted in 2022 but had stalled in committee.

Bill 22-0275 proposed amending the City Ethics Law to bring it into the required statutory conformity by:

- Prohibiting gift acceptance from associations engaged in representing counties or municipal corporations. (Md. Code Ann., Gen'l. Prov. Art. § 5-505(b)(2)(v));
- Prohibiting disclosure of confidential information by a former official or employee. (Md. Code Ann., Gen'l. Prov. Art. § 5-507);
- Prohibiting retaliation against individuals for reporting ethics violations or participating in ethics investigations. (Md. Code Ann., Gen'l. Prov. Art. § 5-509).

Most notably, Article 8, § 6-26 now prohibits City employees and officials from soliciting gifts, regardless of whether the potential donor is a “controlled donor,” e.g., someone who does business with the solicitor's agency. This conforms to GP § 5-505(a) (prohibiting State officials and employees from soliciting any gift, regardless of the donor's identity). An existing exemption in Art. 8, § 6-26(b) for approved charitable/governmental programs remains intact.

**Bill 22-0275 was adopted by the City Council, and was signed into law by Mayor Scott in October.**

# Advisory Opinions

## **Board Opinion 24-001:**

In FY24, the Board was asked to consider if Commissioners of the newly established Fair Election Fund (“FEF”) are permitted to make monetary or in-kind donations to those campaigns that receive FEF funds.

The recently established Fair Election Fund provides matching City funds to eligible candidates for City elective offices. It is governed by both State and City law and is designed to provide qualifying candidates with an option for public campaign financing. This intends to reduce the role of large contributors during the election process and encourage small private donations. The FEF is overseen by the City’s Department of Finance in consultation with the City’s Fair Election Fund Commission, and the State Board of Elections.

The Board had to carefully balance between the Commissioners’ protected political speech under the First Amendment and the Ethics Law’s prohibitions against conflicts of interest. In the context of the Ethics Law, “interest” includes, with exceptions, any interest in real property – such as home ownership or even tenancy -, partial or whole ownership in a business, debt owed to certain entities, being the third-party beneficiary of a fund or trust, even ownership of individual stocks

The Board determined that

- Commissioners can freely exercise their First Amendment rights to make monetary and in-kind donations to political campaigns qualifying for FEF funds. (Volunteering for those campaign is also permitted without raising a conflict under the Ethics Law’s “secondary employment” prohibitions.), The Board also determined that
- active, for-pay employment by a campaign receiving FEF funds creates a conflict of interest that is irreconcilable with the provisions of Art. 8 because compensated employment creates a prohibited economic/financial interest for the Commissioner.



# Advisory Opinions

## **Informal Guidance:**

The Board is frequently asked to provide informal guidance to the City's public officials, which may be communicated to the requesting party either orally, in emails, or in more formal letters. The issues at hand usually involve potential conflicts of interest inherent in secondary or post-employment situations, as well as gift acceptance and "prestige of office" matters. For example, the Board determined:

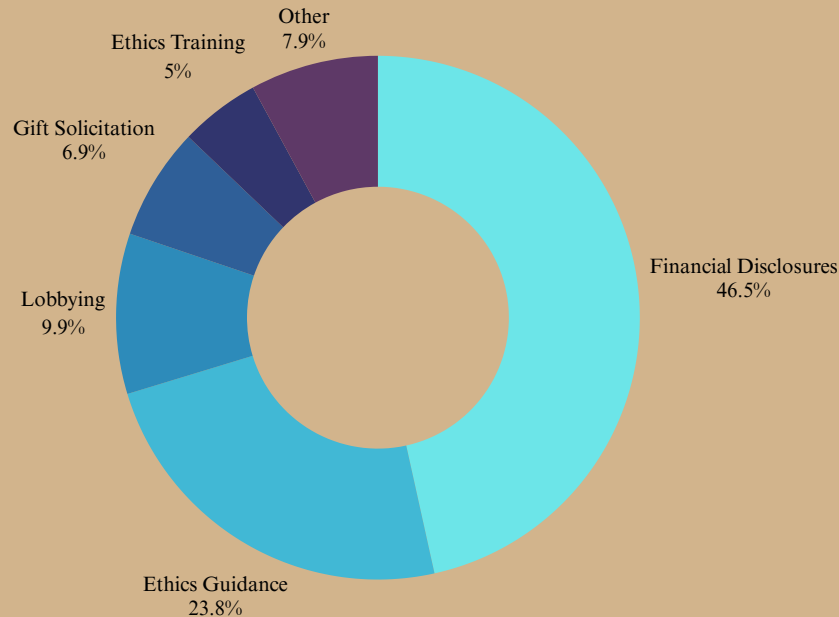
- A third-party offer to employ a former City employee would violate the Ethics Law's post-employment prohibitions, as that City employee would be assisting, for compensation, the same party (a private, non-City entity) who was involved with the same project, on the same "specific matter" that the former City official significantly participated in while employed by the City;
- An elected official's prospective membership on a board governing a cultural institution that receives City funding allocated by the committee the official served on created an impermissible conflict of interest;
- A City agency was prohibited from accepting a sizeable in-kind gift from a "controlled donor" (i.e., a business that has, is the beneficiary of, or aspires to obtain a contractual relationship with the respective agency) because the acceptance of gifts of "considerable value" from a controlled donor is prohibited unless very specific exemptions apply.

**Note: The Board's reasoning found positive reception by our colleagues at the Baltimore County Ethics Commission who cited to our Board's advisory throughout a similar opinion on the Baltimore County FEF.**

# Metrics

## **Help Desk:**

Board staff receive daily inquiries from City employees, officials, media, and members of the public about the Ethics Law and its application. In fiscal year 2024, Board staff received 935 requests for Ethics advice and guidance, all of which were resolved in a timely manner, tracked in a database, and categorized by subject matter:



## **Gift Solicitation Waiver Applications:**

In FY24, the Board approved 38 Gift Solicitation Waivers. By comparison, in FY23 the Board had approved 25 waivers, compared to 15 approvals in FY22, and 11 approvals in FY21.

## **Financial Disclosures:**

We are in receipt of 3,127 financial statements. As in previous years, this again reflects a compliance rate of close to 99%.

## **Secondary Employment Waivers:**

In FY24, the Board provided four formal letters of guidance (compared to 7 in FY23) on the application of the Ethics Law's conflict of interest provisions.

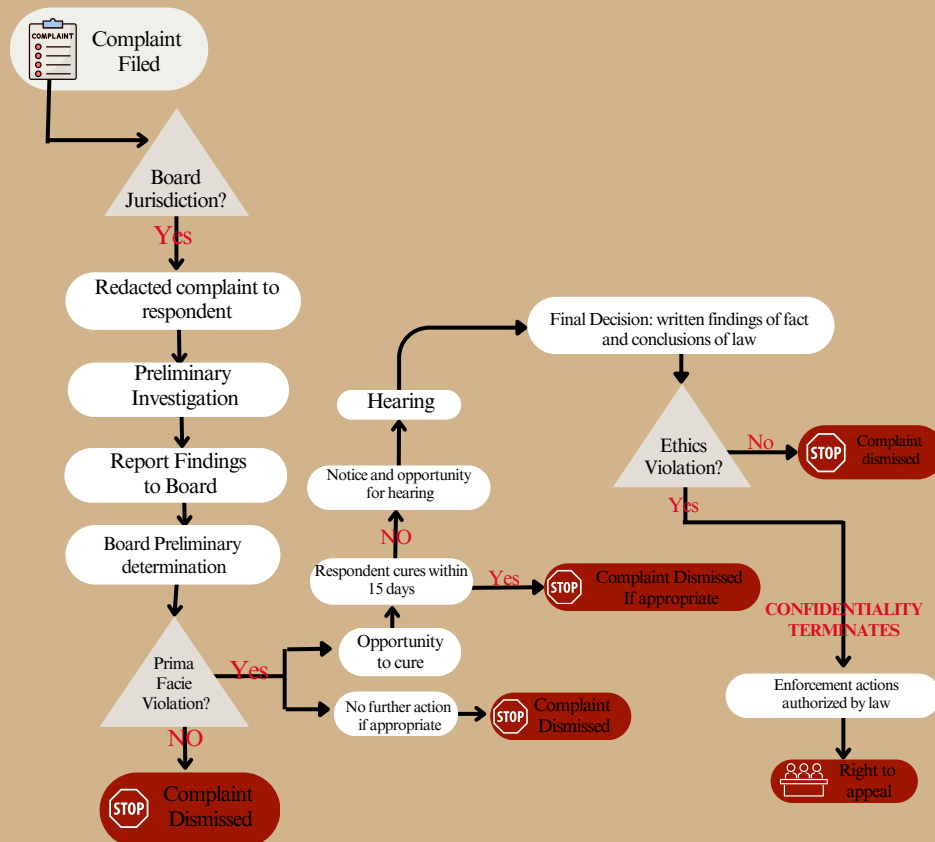
## **Lobbyists:**

For FY24, Ethics Staff registered 146 Lobbyists.

# Complaints

The Ethics staff has an active Ethics Hotline for complaints. If the complaint is within the Board's legal jurisdiction, Ethics staff promptly send a copy of the complaint to the respondent after redacting the complainant's name, contact information, and any other identifiable information. If the complaint is not within the Board's legal jurisdiction, however, it is dismissed and/or referred to another entity, if appropriate.

Any complaint that does not correspond to the express authority outlined in the Ethics Law is considered outside of the Board's jurisdiction. Ethics staff will still review it thoroughly but likely dismiss it "for lack of jurisdiction". Please note that dismissal does not reflect on the complaint's merits. It just means the Board is not authorized by law to investigate. However, we will make every effort to either forward that complaint to the proper investigative authority or transfer it there ourselves.



In FY24, the Board received 34 Complaints, 13 of which were dismissed for lack of jurisdiction



# Contact Us



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Baltimore City Board  
of Ethics



.@BaltimoreEthics



.@BaltimoreEthics



Complaint Form



Ethics@baltimorecity.gov

If you have any questions about making a complaint or about the Ethics Law generally, please contact Ethics Board staff.



