

Stephan W. Fogleman, Chair  
Melodie Hengerer  
Arnold Sampson  
John McCauley  
Noelle Newman



Director: J. Christoph Amberger

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**BALTIMORE CITY BOARD OF ETHICS**

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August 15, 2023

**Via Electronic Mail**

Nicole Green, Deputy Director of Administration  
Baltimore City Recreation & Parks  
3001 East Drive  
Baltimore, MD 21217  
[nicole.green4@baltimorecity.gov](mailto:nicole.green4@baltimorecity.gov)

Re: Charm City Live Charitable/Governmental Gift Solicitation Waiver

Dear Deputy Director Green,

At its August 9, 2023 public meeting, the Ethics Board (“Board”) approved your application to solicit donations in support of the Charm City Live festival contingent on certain amendments to the application<sup>1</sup>, which were provided on August 10, 2023. Approval is subject to the following conditions:

- 1) *In general.* The campaign must be conducted in accordance with the standards, terms, and conditions set forth in your application and in Board Regulation 06.26.1, attached for your reference.
- 2) Of specific importance, please note that all solicitations must be directed at a broad range of potential donors, must not specially target controlled donors, and must be conducted so as to avoid any suggestion that contributors might receive special access or favored treatment from any City agency or official. See R 06.26.1.
  - a. To comply with the requirements above, the Board recommends that you use uniform solicitation material that includes a written disclaimer along the following lines: “Important: Your contribution will in no way result in special access or favored treatment from any City agency or official.”
- 3) *Reports.*
  - a. A Final, Cumulative Report (due within 30 days after all solicitations and receipt of all anticipated donations) must be filed with the Ethics Board on Ethics Form 627.
  - b. An Interim Report is due every three months based on your application’s stated aggregate value of donations being sought (“between \$150,000 and \$500,000”). Interim reports are due on the

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<sup>1</sup> During the August 9, 2023 public meeting, the Board requested that the range of contributions sought in Part B-III of the application be corrected to “between \$150,000 and \$500,000” and that the application provide that unused funds will be held in trust for the following year’s Charm City Live festival. Approval is contingent on these written amendments, provided on August 10, 2023. Of particular importance, unused funds may only be held in trust, as provided in Part B-II of the amended application, and may not be used for any other purpose, contrary to the response previously provided in Part D-IV.

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***Baltimore City Board of Ethics***

100 N. Holliday St., Suite 635 / Baltimore, MD 21202

[ethics@baltimorecity.gov](mailto:ethics@baltimorecity.gov)

[www.ethics.baltimorecity.gov](http://www.ethics.baltimorecity.gov)

410-396-7986

following dates: November 9, 2023; February 9, 2024, May 9, 2024; August 9, 2024; November 11, 2024; February 9, 2025; May 9, 2025; and August 11, 2025.

- 4) *Expiration.* This approval expires on the date set forth in your original application, August 20, 2025. After that date, a new application will be required for any further solicitation efforts.

If you have any questions, please contact Ethics Board staff at [ethics@baltimorecity.gov](mailto:ethics@baltimorecity.gov) or 410-396-7986.

Sincerely,

*Maura Romo*

Maura Romo,  
Ethics Officer, Ethics Board

**PART IV. GIFTS**

*Authority:* City Code Article 8, §§ 3-6(a), 6-26(b), 6-28, and 6-29

**R 06.26.1. Official governmental or City-endorsed charitable solicitations – In general.***A. Definitions.*(1) *In general.*

In this Regulation, the following terms have the meanings indicated.

(2) *“Controlled donor”.*

“Controlled donor” means any person described in Ethics Code § 6-26(a)(1), (2), (3), or (4).

(3) *“Fiscal sponsor”.*(i) *In general.*

“Fiscal sponsor” means the person who is responsible for the custody, accounting, and distribution of donations.

(ii) *Exception.*

The fiscal sponsor may not be an individual employed by the sponsoring agency.

(4) *“Sponsoring agency”.*

“Sponsoring agency” means:

- (i) the City agency conducting a solicitation under this Regulation; or
- (ii) if more than one agency is involved, the City agency designated to coordinate the solicitation.

*B. General standards for Ethics Board approval.*

The prohibition in Ethics Code § 6-26(a) against the solicitation of gifts from controlled donors does not apply to a solicitation if:

- (1) the solicitation is for the exclusive benefit of a governmental or charitable function, program, or activity;
- (2) 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);
- (3) the solicitation is directed at a broad range of potential donors and does not specially target controlled donors;

- (4) 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;
- (5) the proposed solicitation has been approved in advance by the Ethics Board, on written request of the sponsoring agency; and
- (6) the solicitation is conducted in accordance with the terms and conditions of the Ethics Board's approval.

*C. Request for approval.*

- (1) The sponsoring agency must submit its written request for approval to the Ethics Board at least 45 days before any controlled donor is solicited. (The Ethics Board may waive the 45-day requirement in its discretion.)
- (2) The request must contain the following information:
  - (i) the specific governmental or charitable function, program, or activity for which the solicitation will be made;
  - (ii) the specific purposes to which all receipts will be applied;
  - (iii) when and from whom the endorsement required by subsection B(2) of this Regulation were obtained, and a description of any conditions or limitations imposed on that endorsement;
  - (iv) when, how, and by whom the solicitation will be conducted;
  - (v) the categories of persons to be solicited;
  - (vi) measures to ensure that:
    - (A) the solicitation will be directed at a broad range of potential donors and does not specially target controlled donors; and
    - (B) the campaign will avoid any suggestion that contributors might receive special access or favored treatment from any City agency or official;
  - (vii) the identity of the individual who will be responsible for the custody, accounting, and final distribution of donations;
  - (viii) the aggregate value of the donations sought; and
  - (ix) any other information that the Ethics Board requests.

D. *Report.*

- (1) The sponsoring agency must periodically report solicitation activities to the Ethics Board, as follows:
  - (i) A Final, Cumulative Report must be filed within 30 days after all solicitations have been made and anticipated donations received.
  - (ii) Interim Reports must be filed on the following schedule, depending on the aggregate value of donations sought by the campaign:
    - (A) for campaigns seeking \$50,000 or more in donations, once every 3 months;
    - (B) for campaigns seeking between \$5,000 and \$50,000, once every 6 months; and
    - (C) for campaigns seeking less than \$5,000, only the Final, Cumulative Report is required.
- (2) The report must be filed in the form that the Ethics Board requires.
- (3) The report must contain the following information:
  - (i) all changes in any of the information contained in the request to the Ethics Board or in the Board's approval;
  - (ii) the aggregate amount or value of donations received from all persons;
  - (iii) a list of all donors and the amount or value of their respective donations;
  - (iv) the identity of each controlled donor that was solicited, whether that person donated or not;
  - (v) an accounting of how all donations and other income have been expended; and
  - (vi) any other information that the Ethics Board requires.
- (4) The report must be signed as accurate by the fiscal sponsor, and the data provided in the report must be in a form consistent with generally accepted standards in the practice of accounting.

E. *Public record.*

All requests, approvals or denials, and reports filed under this Regulation are public records, available for public inspection and copying during regular office hours.

*(Effective 03/01/10; Amendments to Sections C(2) and D(1), effective 01/01/15; Additions of Sections A(3) and D(4), effective 02/12/20.)*