



BALTIMORE CITY ETHICS BOARD

100 N. Holliday Street, Suite 635 / Baltimore, MD

21202 ethics@baltimorecity.gov / 410-396-7986

GOVERNMENTAL/CHARITABLE GIFT SOLICITATION WAIVER - APPLICATION FOR APPROVAL DIRECTIONS AND GENERAL INFORMATION

Note: *Bold-italicized terms* are defined at the end of these directions.

I. BACKGROUND

Section 6-26 {"Gifts: Solicitation prohibited"} of the Baltimore City Public Ethics Law, contained in Article 8 of the City Code, prohibits any ***public servant*** from soliciting or facilitating the solicitation of a ***gift***, "whether on the public servant's own behalf or on behalf of another ***person***". § 6-27 {"Gifts: Acceptance prohibited"} further prohibits any ***public servant*** from accepting a ***gift***, even if unsolicited, from any ***person*** that the ***public servant*** "knows or has reason to know" is a ***controlled donor***.

Exceptions to this general prohibition are provided in § 6-26 (b), which permits solicitation if the gift is (1) 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 the respective ***City agency***.

Conditions for the approval of such solicitations are outlined in Board Regulation 06.26. I to standardize and clarify the requirements and procedures for invoking this exception. (The full text of the Regulation is available on the Ethics Board's website:

<https://ethics.baltimorecity.gov/gift-solicitation-waivers.>)

II. GENERAL STANDARDS FOR APPROVAL

Ethics Board Regulation 06.26.1(B) provides the following general standards for Ethics Board approval:

1. The solicitation must be 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 must have been endorsed by the Board of Estimates or its designee(s).

3. The solicitation must be directed at a broad range of potential donors and may not specially target **controlled donors**.
4. The campaign must be designed and conducted so as to avoid any suggestion that contributors might receive special access or favored treatment from any **City agency** or any **public servant**. [See, "NOTE", *infra*.]
5. The solicitation must be approved in advance by the Ethics Board, on written request of the **sponsoring agency**.
6. The solicitation must be conducted in accordance with the terms and conditions of the Ethics Board's approval.

NOTE: In general, every solicitation should contain language stating that (1) contributing to the campaign will not result in special benefits or advantages to the donor and that (2) not contributing to the campaign will not result in a detriment or disadvantage to the party that is being solicited.

III. WHEN AND WHERE TO APPLY

An application for Ethics Board approval must be submitted to the Ethics Board ethics@baltimorecity.gov at least 45 days before any **controlled donor** is solicited, directly or indirectly.

IV. ACTIVITY REPORTS AND RECORDS

The **sponsoring agency** must periodically report solicitation activities to the Ethics Board, in a form consistent with generally accepted standards in the practice of accounting ¹, as follows:

1. A Final, Cumulative Report must be filed within 30 days after all solicitations have been made and anticipated donations received.
2. Interim Reports must be filed on the following schedule, depending on the aggregate value of donations sought by the campaign:
 - (i) for campaigns seeking \$50,000 or more in donations, once every 3 months;
 - (ii) for campaigns seeking between \$5,000 and \$50,000, once every 6 months; and
 - (ii) for campaigns seeking less than \$5,000, only the Final, Cumulative Report is required.

The **sponsoring agency** must make and maintain detailed records to assure complete reporting of all of the information required to be disclosed in the Reports. Activity reports must be signed as accurate by the **sponsoring agency** and **fiscal sponsor**. (See Form 627.)

V. FORMS AND INFORMATION

Additional forms and instructions for the application and activity reports are available on the Board's website at <https://ethics.baltimorecity.gov/gift-solicitation-waivers>.

Any questions about the waiver application and/or reporting process should be directed to Ethics Board staff at ethics@baltimorecity.gov or 410-396-7986.

¹ You may review the Governmental Accounting Standards on the Governmental Accounting Standards Board's website, accessible [here: https://gars.gasb.org/](https://gars.gasb.org/). For free access, choose "Basic View."

DEFINITION OF TERMS

All defined terms are indicated by ***bold italics***.

“Agency”/ “City agency”

- (a) ***General.*** “Agency” or “City agency” means any department, board, commission, council, authority, committee, office, or other unit of City government.
- (b) ***Inclusions.*** “Agency” or “City agency” includes:
 - (1) Baltimore Children and Youth Fund;
 - (2) Baltimore City Parking Authority;
 - (3) Baltimore Development Corporation;
 - (4) Baltimore Police Department; Enoch Pratt Free Library of Baltimore City;
 - (5) Housing Authority of Baltimore City;
 - (6) Local Development Council, South Baltimore Video Lottery Terminal;
 - (7) Pimlico Community Development Authority;
 - (8) South Baltimore Gateway Community Impact District Management Authority; and
 - (9) any individual not embraced in a unit of City government who exercises authority comparable to that of the head of a unit of City government.

“Controlled donor”

“Controlled donor” means any ***person that:***

- (1) does or seeks to do business of any kind, regardless of amount:
 - (i) with an ***agency***;
 - (ii) or with another ***person*** in connection with or in furtherance of that other ***person’s*** contract with an ***agency***;
- (2) engages in an activity that is regulated or controlled by an ***agency***;
- (3) is a lobbyist with respect to matters within the jurisdiction of an ***agency***;
- (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 official duties of an ***agency***; or
- (5) is an owner, partner, officer, director, trustee, employee, or agent of any ***person*** described in items (1) through (4).

“Fiscal Sponsor”

“Fiscal sponsor” means the person who is responsible for the custody, accounting, and distribution of donations. The fiscal sponsor may not be an individual employed by the sponsoring agency.

“Gift”

“Gift” means the transfer of any thing or any service of economic value, regardless of the form, for less than adequate, identifiable, and lawful consideration. “Gift” does not include political contributions that are regulated under state law.

“Person”

“Person” means:

- (1) an individual;
- (2) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; and
- (3) partnership, firm, association, corporation, or other entity of any kind;
- (4) except as used in the City Code, Article 8, Subtitle 9, for the imposition of criminal penalties, a governmental entity or an instrumentality or unit of a governmental entity.

“Public Servant”

“Public servant” means any official or employee of the City of Baltimore or of any ***agency*** of the City.

“Sponsoring agency”

“Sponsoring agency” means:

- (1) the City ***agency*** that, under the City Code, Article 8, § 6-26(b) and R 06.26.1, seeks to conduct a solicitation for an official governmental program or activity or for a charitable function or activity; or
- (2) if more than one City ***agency*** is involved, the ***agency*** designated to coordinate the solicitation.



BALTIMORE CITY ETHICS BOARD
635 City Hall, Baltimore, Maryland 21202
Phone: 410-396-7986
Email: ethics@baltimorecity.gov

Date Received: May 13, 2025

GOVERNMENTAL/CHARITABLE GIFT SOLICITATION WAIVER – APPLICATION FOR APPROVAL

Name of Benefitted Program/Charity:

PART A. SPONSORING AGENCY.

Agency Name: Baltimore Police Department

Contact Person/Coordinator: Andrew Smullian, Deputy Chief of Staff/Sgt. Bradley Helm, PCO

Address: 601 E Fayette Street
Baltimore, Maryland 21202

Phone: 410-396-2020

Email: Bradley.Helm@BaltimorePolice.org

PART B. PURPOSE OF PROPOSED SOLICITATION.

I. Identify the specific governmental or charitable program, function, or activity for which solicitations will be made.

The Baltimore Police Department is interested in holding an event to honor BPD officers who are the recipients of our Meritorious Service Board awards for actions taken in the line of duty. While we are seeking a waiver for this event, we would like approval for future awards events as we plan to hold them regularly, but any other event in general where the Signal 13 Board could potentially assist.

II. Describe the specific purposes to which contributions and other receipts will be applied.

For this event and others, we would like a sponsoring entity for the venue, room set-up (including A/V) and catering. Please note that #3 would be per event.

III. Select the appropriate range for the aggregate value of the contributions sought:

- ☐ \$500,000 or more
- ☐ Between \$150,000 and \$500,000
- ☐ Between \$50,000 and \$150,000
- ☒ Between \$5,000 and \$50,000
- ☐ Less than \$5,000

Part C. WHEN AND HOW SOLICITATION TO BE CONDUCTED.

I. **Proposed starting date of solicitation:** 5/14/2025

II. **Proposed ending date of solicitation:** 5/14/2026

III. **Describe the categories of persons to be solicited and by whom and how those solicitations will be made.**

Generally speaking, the Signal 13 Foundation will be soliciting Baltimore and Baltimore-area based businesses, civic groups and individuals.

IV. **Identify all *public servants* and other individuals at the request of the *sponsoring agency* who will solicit contributions.**

At this time, we do not anticipate any BPD employee making any direct solicitation. Signal 13 will do the direct fundraising. The Police Commissioner or his staff may speak to the Signal 13 Board about any needs and they will decide as a Board if they want to fundraise on the issue.

V. **Describe measures to be taken to ensure that the solicitation (i) will be directed at a broad range of donors and (ii) will not specially target *controlled donors*.**

As an initial matter, BPD will inform Signal 13 that they must develop their fundraising list with broad range of potential donors. To ensure compliance, the Commissioner's Office will request before any fundraising drive a list of potential donors that Signal 13 expects to contact. We will review this list and cross reference it with our own internal data and knowledge of who is controlled and who is not. BPD is certainly open to any restrictions or percentages from the Ethics Board to ensure there is an appropriate balance or predominance of non-controlled donors.

VI. **Describe measures to be taken to avoid any suggestion that contributors might receive special access or favored treatment from any *agency* or *public servant* of the City.**

As per previous guidance received from the Ethics Board we will instruct Signal 13 that language (verbal or written) must accompany any solicitation that a donation will not implicate any preferential treatment as well as the lack of donation will not implicate any negative treatment by the BPD. All matters will be handled on their merits and any history regarding contributions given or not will have no bearing.

PART D. FISCAL SPONSOR (PERSON RESPONSIBLE FOR CUSTODY, ACCOUNTING, AND DISTRIBUTION OF DONATIONS)

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

Entity Name: The Signal 13 Foundation

Contact Person: Nancy Hinds (CEO)

Address: 732 Deepdene Road, P.O. Box 5661
Baltimore, MD 21210-9997

Phone: 443-610-8450

Email: nancy.hinds@signal13foundation.org

I. Disclose the person or persons within the distributing entity who will be responsible for fund distribution and accounting.

Nancy Hinds (CEO) of the Signal 13 Foundation would be the sole person responsible for fund distribution and accounting.

II. Describe how the funds will be held pending distributions, e.g., held in a trust or other dedicated account, in a general account, co-mingled with other funds, etc.

Donated funds will be held in a dedicated account.

III. What measures will be taken by the distributing entity to ensure that the donations will actually be used for the intended purpose?

The Signal 13 Foundation would be able to provide a report of the funds if requested to show all donations and distributions specific to the awards banquet.

IV. What measures are in place to account for the donations? In the event that donations exceed the charitable need, please state how the additional funds will be allocated or dispersed.

Any additional funds not used for the event would remain in the dedicated account until the next awards ceremony where they would be applied.

V. Please provide details about the measures that will be taken by the distributing entity to ensure that *controlled donors* will not receive preferential treatment.

As per previous guidance received from the Ethics Board we will instruct Signal 13 that language (verbal or written) must accompany any solicitation that a donation will not implicate any preferential treatment as well as the lack of donation will not implicate any negative treatment by the BPD. All matters will be handled on their merits and any history regarding contributions given or not will have no bearing.

PART E. FISCAL SPONSOR SIGNATURE AND AFFIRMATION.

Part E should be completed by the *Fiscal Sponsor* upon completion of the application.

I, Nancy Hinds [Name], on behalf of The Signal 13 Foundation

[*Sponsoring Agency*], affirm under the penalties of perjury that the contents of this application and all accompanying attachments are accurate to the best of my knowledge, information, and belief.

Signature

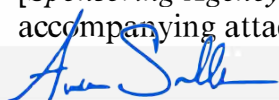
Date

PART F. SIGNATURE AND AFFIRMATION.

Part F should be completed by the *sponsoring agency* upon completion of the application.

I, Andrew Smullian [Name], on behalf of the Baltimore Police Department

[*Sponsoring Agency*], affirm under the penalties of perjury that the contents of this application and all accompanying attachments are accurate to the best of my knowledge, information, and belief.



5/13/25

Signature

Date

PART G. CITY ENDORSEMENT [ONLY TO BE COMPLETED BY BOE OR DESIGNEE].

Part G should only be completed by the Board of Estimates or its designee(s).

☐

Endorsed by the Board of Estimates

☐

Endorsed by the Designee of the Board of Estimates:

Clerk Signature

Date