

FROM	NAME & TITLE	Maggie Master, Chief of Staff
	AGENCY NAME & ADDRESS	Office of Councilman Zeke Cohen's RM 522, City Hall
	SUBJECT	Government/Charitable Solicitation Application

CITY OF  
BALTIMORE

**MEMO**



DATE 05/03/2023

**TO** To Honorable Clerk of the Board  
of Board of Estimates  
Room 204, City Hall

**Re: Governmental/Charitable**

**Solicitation Application**

**Re: Governmental/Charitable Solicitation Application Summer Fridays Programming 2023**

**ACTION REQUESTED OF THE BOARD OF ESTIMATES:**

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to allow Councilmember Zeke Cohen and staff to solicit donations to support the planning and execution of summer programming at Baltimore City Public Schools. The period of the campaign, pending Board approval, will be effective upon Board approval to August 30, 2023.

**AMOUNT AND SOURCE OF MONEY:**

No general funds are involved in this transaction.

**BACKGROUND AND EXPLANATION:**

Donations will be solicited from Baltimore businesses, civic leaders, the foundation community, and the general population. A potential donor list will be composed of individuals, organizations, businesses, and foundations that contribute to the economic, social, and cultural vitality of Baltimore City. Most of the individual and corporate entities fitting that description are not controlled donors. However, those potential donors who are controlled donors with respect to the City Council or the Board of Estimates will not be targeted or singled out in any way and will be solicited, if at all, in the same manner as the other potential donors.

Baltimore City school children depend on schools being open in the summer for classes and extracurriculars that provide both enrichment and a sanctuary for students. This summer, however, BCPSS is limiting programming to four days a week. Young people in Baltimore deserve to have safe spaces to go, especially in the summer when there is typically a rise in violence.

Funds raised will go toward providing programming on Fridays for BCPSS students. Councilmember Cohen and his staff intend to raise between \$30,000-40,000 in this campaign. These funds will support organizing, planning, and executing programming for Baltimore City schoolchildren on Fridays throughout the summer.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City endorsed charitable function or activity. Ethics Regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function or activity to be benefited and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designee.

**MBE/MWE PARTICIPATION:**

N/A

APPROVED BY BOARD OF ESTIMATES:

*M. Amato*

5/17/2023

CLERK

DATE



## BALTIMORE CITY ETHICS BOARD

635 City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202  
(410) 396-7986  
ethics@baltimorecity.gov

### GOVERNMENTAL/CHARITABLE SOLICITATIONS – APPLICATION FOR APPROVAL

#### DIRECTIONS AND GENERAL INFORMATION

**NOTE: *Bold-italicized terms* are defined at the end of these Directions.**

#### I. BACKGROUND

Article 8, § 6-26 {"Gifts: Solicitation prohibited"} generally 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*," from any *person* that the *public servant* "knows or has reason to know" is a *controlled donor*. Article 8, § 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*.

These prohibitions have long been recognized to apply even if the "gift" is being solicited to support a governmental function or charitable endeavor. An exception was enacted in 2005 to permit certain solicitations that are "for the benefit of an official governmental program or activity or a City-endorsed charitable function or activity" and have been pre-approved by the Ethics Board.

More recently, the Ethics Board adopted Regulation 06.26 to standardize and clarify the requirements and procedures for invoking this exception. (The full text of the Regulation is appended to City Code Article 8, accessible online through the Ethics Board's website: <http://ethics.baltimorecity.gov>.)

#### II. GENERAL STANDARDS FOR APPROVAL

Ethics Regulation 96.26B sets out 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*.
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.

## II. WHEN AND WHERE TO APPLY

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

## III. ACTIVITY REPORTS AND RECORDS

The *sponsoring agency* must periodically report solicitation activities to the Ethics Board, 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
  - (iii) for campaigns seeking less than \$5,000, only the Final 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. (*See Form 627.*)

## IV. FORMS AND INFORMATION

Additional forms and instructions for the application and activity reports are available on the Board's Website, <http://ethics.baltimorecity.gov>.

Any questions about the scope or applicability of the City Ethics Code should be directed to the Board, at 635 City Hall (410-396-7986).

## DEFINITIONS 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 City Parking Authority.
- (2) Baltimore Development Corporation.
- (3) Baltimore Police Department.
- (4) Board of Liquor License Commissioners for Baltimore City.
- (5) Civilian Review Board of Baltimore City.
- (6) Enoch Pratt Free Library of Baltimore City.
- (7) Housing Authority of Baltimore City.
- (8) Local Development Council, South Baltimore Video Lottery Terminal.
- (9) Pimlico Community Development Authority.
- (10) 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*; or

- (ii) 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).

### “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 partnership, firm, association, corporation, or other entity of any kind;
- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; and
- (4) except as used in Subtitle 9 {“Enforcement”} of this article 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 Ethics Code § 6-26(b) and Board Regulation R 06.26, 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  
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**GOVERNMENTAL/CHARITABLE SOLICITATIONS –  
APPLICATION FOR APPROVAL**

NAME OF BENEFITTED PROGRAM / CHARITY: Summer Fridays

**PART A. SPONSORING AGENCY**

Name Office of Zeke Cohen (City Council - District 1)

Address \_\_\_\_\_

Contact Person / Coordinator Maggie Master

Telephone \_\_\_\_\_ Email Maggie.Master@baltimorecity.gov

**PART B. PURPOSE OF PROPOSED SOLICITATION:**

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

Fundraising to provide programming on Fridays throughout the summer for students in BCPSS

\_\_\_\_\_

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

Baltimore City schoolchildren depend on schools being open in the summer for classes and extracurriculars that provide both enrichment and a sanctuary for students. This summer, however, BCPSS is limiting programming to four days a week. Young people in Baltimore deserve to have safe spaces to go, especially in the summer when there is typically a rise in violence. Funds raised will go toward providing programming on Fridays for BCPSS students.

\_\_\_\_\_

**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. CITY ENDORSEMENT**

By: \_\_\_\_ Board of Estimates \_\_\_\_ Designee of B/E: \_\_\_\_\_

Date and Manner of Endorsement: \_\_\_\_\_

**Attach Copy of Written Endorsement**

**PART D. WHEN AND HOW SOLICITATION TO BE CONDUCTED**

**I. Proposed starting date of solicitation efforts:** 5/3/2023

**II. Proposed ending date of solicitation efforts:** 8/30/2023

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

The campaign will target individuals, organizations, businesses, and foundations with a history of supporting the safety and enrichment of schoolchildren and Baltimore City residents. They will be contacted by Councilman Cohen and his staff through emails, calls, internet, and social media (Twitter, Facebook, Instagram, etc)

**IV. Identify all *public servants* who will be soliciting contributions**

Zeke Cohen (City Council - District 1) and his staff will be directly soliciting contributions.



**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*:**

The office of Zeke Cohen plans to announce the solicitation of donations via press releases to the public. Potential donors will be solicited based on their history of participating in initiatives supporting Baltimore's youth. Most potential donors fitting this description are not controlled donors. However, those potential donors who are controlled with respect to the City Council or Board of Estimates will not be targeted or singled out in any way and will be contacted, if at all, in the same manner as others.

**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:**

Donors will be made aware that their donation will be directed towards programming in BCPSS for Summer Fridays. The focus of all solicitation requests and promotion of the programming will focus on the benefits to schoolchildren and the community. The purpose of those funds will be made clear to all those donating and donors will be informed they will not gain favors or special access with their contribution.

**PART E. Fiscal Sponsor PERSON RESPONSIBLE FOR CUSTODY, ACCOUNTING, AND DISTRIBUTION OF DONATIONS)**

Note: This individual may not be employed by the *Sponsoring Agency*.

Name FUND for Educational Excellence - Roger Schulman

Address \_\_\_\_\_

Telephone (410) 685-8300 Email rogers@ffee.org

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

FUND for Educational Excellence - Roger Schulman

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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.**

The FUND for Educational Excellence keeps account of funds separately, although all funds are housed in a general account. The Fund ensures that individual campaigns are secluded from other funds in terms of how they are tracked, dispersed and accounted for.

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

Working with a third-party partner, that partner will accept applications from schools and summer program operators and submit those costs directly to the Fund to ensure that payment is made directly to the programs or participating field trip providers. The Fund keeps careful track and accounting of all money both received into this account and then dispersed on the account's behalf.

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**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.**

This campaign will be assigned an account within the FUND to ensure careful accounting for all donations. In the event that donations exceed the charitable need, they will be maintained in that account for summer 2024 use.

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

The purpose of those funds will be made clear to all those donating and donors will be informed they will not gain favors or special access with their contribution.

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**PART F. SIGNATURE AND AFFIRMATION**

I affirm under the penalties of perjury that the contents of this Application and of all accompanying attachments are true to the best of my knowledge, information, and belief.

Date: May 3, 2023

FOR: Fund for Educational Excellence  
*{Type/Print Name of Sponsoring Agency}*

BY: Roger Schulman  
*{Signature}*

Roger Schulman  
*{Type/Print Name of Sponsoring Agency}*

800 N. Charles St. Suite 400 Baltimore, MD 21201

*{Type/Print Office Address}*

410-685-8300

*{Type/Print Office Telephone Number}*

rogers@ffee.org

*{Type/Print Email Address}*

APPROVED BY THE BOARD OF ESTIMATES

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date






# Summer Fridays Waiver

Final Audit Report

2023-05-03

Created:	2023-05-03
By:	Sharon Dondes (sharond@ffee.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAak3gTAMwDH6Dvyuq_iMFoe2AOyrIYj3GM

## "Summer Fridays Waiver" History

-  Document created by Sharon Dondes (sharond@ffee.org)  
2023-05-03 - 5:20:30 PM GMT- IP address: 50.231.190.106
-  Document emailed to Roger Schulman (rogers@ffee.org) for signature  
2023-05-03 - 5:23:14 PM GMT
-  Email viewed by Roger Schulman (rogers@ffee.org)  
2023-05-03 - 5:37:39 PM GMT- IP address: 104.28.79.167
-  Document e-signed by Roger Schulman (rogers@ffee.org)  
Signature Date: 2023-05-03 - 5:43:33 PM GMT - Time Source: server- IP address: 69.250.103.64
-  Agreement completed.  
2023-05-03 - 5:43:33 PM GMT