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In the Matter of:

STATE ETHICS COMMISSION Before the State Ethics Commission

JOHN COLMERS

Complaint No.: C-164-11

Respondent

**STIPULATION OF SETTLEMENT AGREEMENT**

This Stipulation of Settlement Agreement (hereinafter the "Agreement") made this 22 day of November 2011 by and between John Colmers, Respondent and William J. Colquhoun, Staff Counsel of the Maryland State Ethics Commission (hereinafter the "Staff Counsel").

***STIPULATIONS***

1. Respondent was a Secretary for the Department of Health & Mental Hygiene and as a public official and an employee of the State of Maryland was required to file an annual financial disclosure statement.
2. The State Ethics Commission (hereinafter the "Commission") is an executive agency of the State of Maryland established by Chapter 513, Acts of 1979 for the purpose of enforcing the Maryland Public Ethics Law (Title 15, State Government Article, Annotated Code of Maryland) (hereinafter the "Ethics Law").
3. On July 14, 2011, the Commission issued a Complaint alleging in part that the Respondent failed to file a properly completed Financial Disclosure Statement by April 30, 2011 for the reporting period covering calendar year 2010 and a properly completed Financial Disclosure Termination Statement within 60 days of termination of his State service on January 11, 2011 for the period covering the portions of calendar year 2011 when he was a State employee.
4. Respondent admits he was a public official required to file financial disclosure statements pursuant to § 15-103 of the Ethics Law and that the statement was not filed in a timely manner.
5. Respondent has been advised as to the opportunity to be represented by counsel pursuant to the regulations of the Commission and has decided not to be represented by counsel.
6. Respondent is voluntarily entering into this Agreement to admit his failure to timely file and to accept certain sanctions.

**NOW THEREFORE**, in consideration of the Respondent's submission of the required financial disclosure statement for calendar year 2010 on July 18, 2011 and the admissions and agreements herein contained, Respondent and Staff Counsel stipulate as follows:

- A. That Respondent admits he did not timely file the required Financial Disclosure Statement for calendar year 2010 or a Financial Disclosure Termination Statement within 60 days of termination of his State service on January 11, 2011 for the period covering the portions of calendar year 2011 when he was a State employee.
- B. That Respondent subsequently submitted the required Financial Disclosure Statements on July 18, 2011.
- C. That Respondent understands a filing violation of the Ethics Law can subject an official to late fees of \$2 per day for each late day not to exceed \$250 and to fines for each violation pursuant to § 15-405(d)(2) and § 15-902(b)(1)(i) of the Ethics Law respectively. Respondent hereby agrees to pay, as a settlement, the amount of \$250.00 in lieu of adjudicated late fees and fines for the above admitted filing violations (paragraphs A and B) of the Ethics Law. Respondent agrees that \$250.00 will be paid by check or money order to the State of Maryland in care of the State Ethics Commission at the time of the execution of this agreement.
- D. That Respondent accepts that the Commission, pursuant to § 15-405 of the Ethics Law, will issue a reprimand for the late filing, effective the date of the Final Order in this matter, and the reprimand will be transmitted to the Secretary of the Department of Budget and Management and to the Governor.
- E. That Respondent accepts that the Commission, pursuant to § 15-407 of the Ethics Law will transmit this Agreement, including any documents or exhibits incorporated herein, to the Secretary of the Department of Budget and Management and to the Governor.
- F. That Respondent waives a formal hearing on this matter and agrees that acceptance of this Agreement by the Commission would constitute, based on his admission of his failure to timely file, a final action and finding of violation by the Commission, and that pursuant to § 15-407 of the Ethics Law this Agreement and materials relating to this matter are not subject to the confidentiality provisions of the Ethics Law, and will be public information unless otherwise protected.
- G. That the Staff Counsel will, upon execution of this Agreement by Respondent, recommend that the Commission suspend further complaint proceedings against Respondent and recommend further that the Commission issue a Final Order consistent with this agreement. It is understood by the Respondent that

the Commission is under no obligation to accept this Stipulation of Settlement Agreement and may decide to take other action, including holding a hearing.

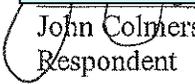
- H. That the Respondent and the Staff Counsel have entered into this Agreement for the sole purpose of resolving the Commission's Complaint under the Ethics Law for failure to file financial disclosure and for no other purpose.

IN WITNESS WHEREOF, John Colmers, Respondent, and William J. Colquhoun, Staff Counsel, State Ethics Commission, have hereunto set their hands.

SIGNATURE APPEARS ON  
ORIGINAL AGREEMENT

William J. Colquhoun  
Staff Counsel  
45 Calvert Street, 3<sup>rd</sup> Floor  
Annapolis, Maryland 21401  
(410) 260-7770

SIGNATURE APPEARS ON  
ORIGINAL AGREEMENT

  
John Colmers  
Respondent

State of Maryland

County of: Baltimore, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared John Colmers, who made oath on this 21st day of November, 2011, in due form of law that the matters and facts hereinabove set forth are true to the best of his knowledge, information and belief, and are his voluntary act, and that he executed this document for the purpose set forth herein.

SIGNATURE APPEARS ON ORIGINAL AGREEMENT

Notary Public

My Commission Expires: \_\_\_\_\_

Stanley Lustman  
NOTARY PUBLIC  
Baltimore County, Maryland  
My Commission Expires 4/02/2014

State of Maryland

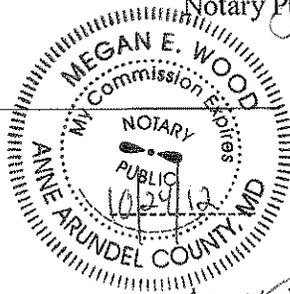
County of: Anne Arundel, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared William J. Colquhoun, Staff Counsel to the State Ethics Commission, who made oath on this 22 day of November, 2011, in due form of law, and that he executed this agreement for the purposes set forth herein.

SIGNATURE APPEARS ON ORIGINAL AGREEMENT

Notary Public

My Commission Expires: \_\_\_\_\_



Accepted by the Commission

SIGNATURE APPEARS ON ORIGINAL AGREEMENT

Robert P. Scholz, Chairman  
for the Commission

Date: 12/8, 2011