

# MARYLAND STATE ETHICS COMMISSION

45 CALVERT STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MARYLAND 21401

410-260-7770

1-877-669-6085

FAX: 410-260-7747

<http://ethics.gov.state.md.us>

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## 32<sup>ND</sup> ANNUAL REPORT

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JANUARY 1, 2010 THROUGH  
DECEMBER 31, 2010

# GENERAL STATUTORY IMPLEMENTATION

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## OVERVIEW

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During Calendar Year 2010, the Commission met 5 times in regular scheduled sessions and on 4 occasions in special sessions to conduct an enforcement hearing and to discuss advice of counsel on several enforcement matters. During its 5 regular meetings, the Commission considered issues related to all areas of its statutory mandate: financial disclosure, conflict of interest, lobbyist disclosure and conduct restrictions, local government ethics laws, school board ethics regulations, advisory opinions, enforcement matters, employee training, lobbyist training and public information activities. The State Ethics Commission, as directed in State Government Article §15-205, administers the provisions of the Public Ethics Law; prescribes and provides forms for each document required by the Public Ethics Law; retains as a public record each document filed with the Commission for at least four years after receipt; periodically reviews the adequacy of public ethics laws; reviews financial disclosure statements and lobbyist activity reports filed in accordance with the Public Ethics Law and notifies officials and employees of any omissions or deficiencies; and publishes information that explains the provisions of the Law.

The Commission held an all day enforcement hearing on May 20, 2010. The Commission met in special session to discuss the final order and report on the complaint following the hearing. The hearing did not result in a finding of violation and the complaint remains confidential pursuant to §15-407 of the Ethics law. Additionally, the Commission held two special sessions related to consideration of a Respondent's Motion to Postpone a Hearing and subsequently a joint settlement agreement submitted by the Respondent and Staff Counsel. This complaint was resolved by the stipulation of settlement.

During calendar year 2010, the Commission and its staff continued to encourage officials and employees to file annual financial disclosure statements electronically. During 2010, 13,592 statements and amendments were filed electronically by officials and employees. This represented approximately 87% of all filings. Additionally, the Commission through its staff made all lobbying registrations, activity reports, and special event reports available electronically. Lobbying registrations, event reports and activity reports were either submitted electronically or electronically inputted by Commission staff, and available to the public electronically from the Commission's website, <http://ethics.gov.state.md.us>.

The Commission staff also continued to place substantial emphasis on providing training for public officials and employees and regulated lobbyists. Commission staff continued to focus on providing training to smaller groups of employees at their particular agencies in 2010. The staff conducted 9 general ethics training programs for agencies, boards and commissions, attended by 318 State employees and public officials, focusing on conflicts of interest and the electronic filing process for financial disclosure statements. In addition, the Commission staff conducted 29 additional training sessions addressing conflicts of interest, electronic filing and procurement attended by an additional 1,052 State employees, public officials, members of public and special interest groups. The total number of individuals who attended general ethics and conflicts of interest training was 1,370. The Commission staff also conducted 5 lobbying training programs, attended by 106 regulated lobbyists pursuant to Public Ethics Law § 15-205(e). The lobbying programs focused on electronic filing and the general lobbying conduct prohibitions in the Law, and reporting requirements.

During 2010, the Commission staff was able to implement electronic training for public officials, employees and regulated lobbyists beginning on March 18, 2010. After the implementation of the electronic training, a total of 2240 public officials and state employees took the conflicts of interest training online during the remainder of calendar year 2010. A total of 184 regulated lobbyists took the mandated training online during the same period. The electronic training allows officials, employees and lobbyists to take the training at their office and saves on expenditures related to travel, parking, and meals.

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## ADVICE ACTIVITIES

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The State Ethics Commission is responsible for interpreting the Public Ethics Law. The Maryland Public Ethics Law §§ 15-301 through 15-303 authorizes the State Ethics Commission to issue formal advisory opinions in response to requests from officials, employees, lobbyists, and others who are subject to the Ethics Law. Formal opinions generally follow an appearance before the Commission by the requestor, are published in the Maryland Register, and are accessible electronically through the Division of State Documents in COMAR Title 19A. The Commission’s regulations, COMAR 19A.01.02.05, also permit the staff and the Commission to provide informal advice. The Commission and its staff provide informal advice in many forms, including letters, emails, and phone calls.

During its thirty-two years in existence, the Commission has issued 499 formal opinions. These opinions not only advise the public of the interpretations of the Commission, but also provide guidance to the Commission and its staff in providing informal advice. As a result, in recent years, the Commission and its staff primarily have provided advice informally. This process allows the Commission and its staff to provide advice in a much timelier manner.

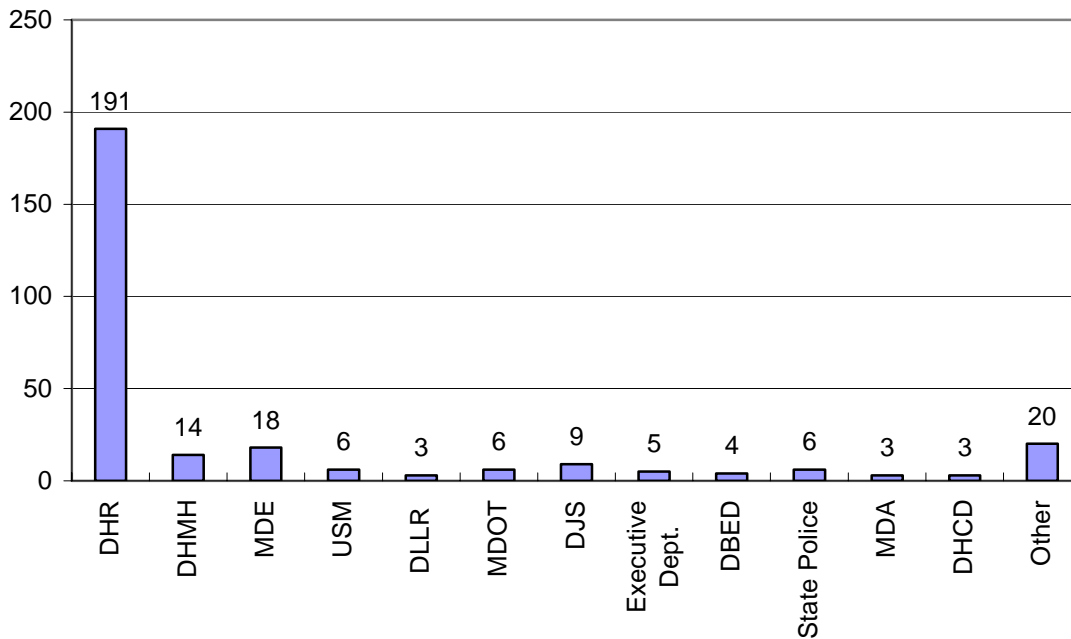
The Commission’s informal docket, initiated in 2002, logs requests for advice resulting in informal advice from the staff or Commission. The docket includes telephone advice and responses to questions from individuals who either call, email or walk into the office for advice. The Commission and its staff provided informal advice in the following subject areas during calendar years 2008 through 2010:

| SUBJECT MATTER OF THE<br>ADVICE              | 2010 | 2009 | 2008 |
|--|------|------|------|
| Lobbying Registration, Reporting and Conduct | 10   | 6    | 15   |
| Secondary Employment Advice                  | 288  | 215  | 252  |
| Participation Advice                         | 13   | 13   | 20   |
| Procurement Restrictions                     | 6    | 10   | 5    |

|                        |            |            |            |
|------------------------|------------|------------|------------|
| Post-Employment Advice | 26         | 12         | 20         |
| Gift Questions         | 25         | 45         | 54         |
| Other                  | 42         | 31         | 42         |
| <b>Total</b>           | <b>410</b> | <b>332</b> | <b>408</b> |

The number of informal matters increased substantially in 2010. This increase may be attributed to an increase in the number of employees who received ethics training in 2010, as well as Commission staff's continued outreach to State agencies, employees, and public officials. The vast majority of these matters dealt with State employees seeking outside or secondary employment. Review requests from the Department of Human Resources, the agency that consistently submits the most secondary employment requests, more than doubled for the second year in a row in 2010. The chart below shows the distribution of secondary employment advice requests by agency:

**Secondary Employment Review Requests by Agency**



The 20 “other agency” secondary employment requests came from 17 different State agencies.

The informal docket does not include routine advice that the Commission’s Executive Director, General Counsel, Assistant General Counsel, and Staff Counsel provide in response to telephone calls, emails, and in-person requests on a daily basis. It also does not include the Commission staff assisting

individuals with electronic filing or training or with other general inquiries related to the Commission and access to public information.

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## UNIVERSITY OF MARYLAND PUBLIC-PRIVATE PARTNERSHIP EXEMPTIONS

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In 1990, the General Assembly enacted legislation allowing the University System of Maryland (USM) to grant to university faculty certain exemptions from the conflict of interest provisions of the Public Ethics Law. The exemptions were for “sponsored research and development” activities. Sponsored research and development was defined in the law as an “agreement to engage in basic or applied research or development at a public senior higher education institution, and includes transferring university-owned technology or providing services by a faculty member to entities engaged in sponsored research or development.” Faculty members were not fully exempted from all Public Ethics Law requirements, and public disclosure of the interest or secondary employment was required. The institution granting the exemption was required to maintain the exemption as a public record and to file a copy with the State Ethics Commission.

In 1996, the General Assembly enacted the Public-Private Partnership Act. This law expanded the exemptions beyond faculty to include vice-presidents and presidents of institutions as well as the chancellor and vice-chancellors of the USM. The legislation also broadened the exemption from the conflict of interest provisions to include USM officials, faculty members, and employees. The USM Board of Regents and the USM institutions adopted procedures pursuant to § 15-523 to allow the conflict of interest exemptions. The USM Board of Regents and seven of the affiliated institutions adopted policies, and the Commission’s authority was limited to comment on the policy’s conformity to Public-Private Partnership Act. The definition of “sponsored research” was expanded to include “participation in State economic development activities.”

The records filed by the institutions with the Commission reflect a total of 253 faculty exemptions granted by the university presidents between 1996 and 2009, including exemptions at the University of Baltimore (UMB), the University of Maryland at Baltimore County (UMBC), the University of Maryland Biotechnology Institute (UMBI), the University of Maryland Center for Environmental Science (UMCES), and the University of Maryland College Park (UMCP). During calendar year 2010, USM institutions reported to the Commission an additional 33 individual faculty members exemptions. The exemptions were from the following institutions:

| INSTITUTION   | Number of Exemptions |
|---|----------------------|
| University of Maryland Center for Environmental Science | 1                    |
| University of Maryland College Park                     | 24                   |

|  |           |
|--|-----------|
| University of Maryland Baltimore               | 8         |
| University of Maryland Biotechnology Institute | 0         |
| <b>TOTAL FACULTY EXEMPTIONS</b>                | <b>33</b> |

In some instances, the individual faculty member had more than one interest exempted.

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## FINANCIAL DISCLOSURE

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The financial disclosure program continued to identify individual employees and officials required to file, provide technical assistance to filers, and monitor compliance with the Law. In accord with Public Ethics Law § 15-103, the Commission reviewed a significant number of requests by various agencies to add or delete positions from the financial disclosure filing list, along with an extensive review of some outdated listings. The net result was an increase in the number of filers from approximately 13,285 in 2009 to 14,177 in 2010.

Pursuant to Public Ethics Law §§ 15-103 and 15-209, the Commission made decisions regarding the status of newly created boards and commissions as “executive units” and forwarded them to the Department of Budget and Management for its concurrence. The Commission also considered and acted upon requests by a number of boards and commissions for exemption from the requirement to file financial disclosure statements. In recent years, the Commission has seen a substantial increase in the number of boards, commissions, task forces, and technical advisory groups created by the General Assembly.

Individuals who are public officials only as the result of their participation on boards or commissions are required to file a limited financial disclosure statement (Form #2). Legislators are required to file a more extensive disclosure statement (Form #19). The Commission staff conducts compliance reviews of financial disclosure statements and notifies filers of identifiable errors or omissions, and it pursues enforcement actions against those who fail to file. During 2010, the Commission staff reviewed more than 3,800 financial disclosure statements.

In 2005, the Commission implemented an electronic financial disclosure filing system. Each year more and more State employees, officials and board and commission members have filed their financial disclosure statements electronically. During calendar year 2010 more than 13,000 forms were filed electronically. The electronic administrative tool permits the staff to review electronically submitted statements, compare them to previously electronically filed statements, send email notification to the filer of any omission or question raised by the statement and maintain a copy of that notification in the filer’s electronic record. The emails become attached to the electronic file, and a record is therefore compiled of statements, inquiries and responses. The filer may also electronically file an amendment if required. Communication with filers, for the most part, was through email, which also saved the Commission substantial supply and postage costs. With full compliance with electronic filing, the Commission will be

able to review the statements more efficiently, notify filers of problems earlier than in prior years, and be more efficient in the enforcement process. Full compliance with electronic filing will also reduce the Commission filing space requirements and provide a safer, more secure and more efficient way of collecting, reviewing, and maintaining financial disclosure records.

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## LOBBYIST DISCLOSURE AND REGULATION

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In 2006, the Commission implemented an electronic process for regulated lobbyists to file required reports electronically. The Commission was also able to make the lobbyists' registrations and reports available for public review through its website. Through the Commission's website, <http://ethics.gov.state.md.us>, the public is able to search through lobbyists or employers to gain access to the information that the Commission is required to collect.

The lobbying year extends from November 1<sup>st</sup> to October 31<sup>st</sup> of the following year. During the lobbying year ending October 31, 2010, 2,666 lobbying registrations were filed with the Commission. With those registrations, 655 lobbyists registered on behalf of 1,213 employers. This represents a decrease of 71 registrations from the 2,737 filed by October 31, 2009. The following table summarizes lobbying expenditures for the last three lobbying years:

| <b>EXPENDITURES BY LOBBYISTS</b>   |                   |                 |                 |
|--|-------------------|-----------------|-----------------|
| <b>Type of Expenditure</b>   | <b>10/31/2010</b> | <b>10/31/09</b> | <b>10/31/08</b> |
|  | <b>\$</b>         | <b>\$</b>       | <b>\$</b>       |
| B-1: Meals and beverages for officials or employees or their immediate families  | 5,490             | 9,066           | 26,174          |
| B-2: Special events, including parties, dinners, athletic events, entertainment, and other functions to which all members of the General Assembly, either house thereof, or any standing committee thereof were invited. | 1,342,398         | 1,031,169       | 2,156,878       |
| B-3: Food, lodging, and scheduled entertainment of officials and employees and spouses for a meeting given in return for participation in a panel or speaking engagement at the meeting                                  | 12,511            | 10,428          | 11,260          |
| B-4: Food and beverages at approved legislative organizational meetings  | 253               | 2,100           | 1,791           |

| <b>EXPENDITURES BY LOBBYISTS</b>   |                     |                     |                     |
|--|---------------------|---------------------|---------------------|
| <b>Type of Expenditure</b>   | <b>10/31/2010</b>   | <b>10/31/09</b>     | <b>10/31/08</b>     |
|  | <b>\$</b>           | <b>\$</b>           | <b>\$</b>           |
| B-5: Tickets or free admission to attend charitable, cultural or political events where all members of a legislative unit are invited. | 1,692               | 1,222               | 1,476               |
| B-6: Gifts to or for officials or employees or their immediate families (not included on B-1 through B-5)                              | 3,220               | 3,068               | 19,291              |
| <b>SUBTOTAL OF ITEMS B 1 THROUGH B 6</b>   | <b>1,365,564</b>    | <b>1,057,053</b>    | <b>2,216,870</b>    |
| B-7: Total compensation paid to registrant (not including sums reported in any other section)  | 36,133,033          | 36,754,434          | 36,886,323          |
| B-8: Salaries, compensation and reimbursed expenses for staff of the registrant  | 829,471             | 996,064             | 1,673,743           |
| B-9: Office expenses not reported in B-5 or B-6  | 746,247             | 670,545             | 923,166             |
| B-10: Cost of professional and technical research and assistance not reported in items B-5 or B-6                                      | 554,359             | 391,621             | 403,541             |
| B-11: Cost of publications which expressly encourage persons to communicate with officials or employees                                | 424,620             | 851,893             | 419,376             |
| B-12: Fees and expenses paid to witnesses  | 3,590               | 3,765               | 60,804              |
| B-13: Other expenses   | 761,968             | 738,899             | 578,745             |
| <b>TOTAL OF ITEMS B-1 THROUGH B-13</b>   | <b>\$40,818,852</b> | <b>\$41,464,274</b> | <b>\$43,162,568</b> |

(NOTE: At the time the Annual Report was compiled, some lobbyist expenditure information may have been subject to adjustment based on staff review.)



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## ENFORCEMENT ACTIVITIES

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The Public Ethics Law provides that any person may file a complaint with the Commission. Complaints filed with the Commission must be signed under oath and allege a violation of the Public Ethics Law by a person subject to the law. The Commission may file a complaint on its own initiative, and, at its discretion, may proceed with preliminary inquiries of potential Public Ethics Law violations. Enforcement inquiries and reviews are conducted by the Commission's Staff Counsel, with the assistance of a part-time paralegal and a part-time compliance officer.

The Commission enforcement procedures divide preliminary matters into two categories. All new matters are docketed as Preliminary Consideration Matters (A matters) and presented to the Commission for review to determine whether there should be any staff inquiry or follow-up. Preliminary Inquiry Matters (B matters) are the Preliminary Consideration Matters where the Commission has directed that the staff conduct an inquiry. In 2010, the Commission opened 63 A matters, including 30 conflict of interest matters, 26 lobbyist matters and 7 financial disclosure matters. The Commission entered into 12 Late Filing Agreements with lobbyists during 2010, resulting in payments of \$3,670.00 to the State of Maryland. The Commission closed 53 A matters in 2010, including 5 pending matters from 2009.

The Commission opened 6 Preliminary Inquiry Matters (B matters) in 2010. All six B Matters related to conflicts of interest allegations. In 2010, the Commission also closed 4 B matters, including 1 pending matter from 2009. The Commission entered into a Lobbyist Filing Agreement with a lobbyist who failed to register and file activity reports after spending more than \$100 on meals and gifts for executive branch employees. The lobbyist paid a late fee of \$500.00.

In calendar year 2010, the Commission issued 52 complaints, including 50 financial disclosure matters and 2 conflict of interest matters. The Commission closed 60 complaints in 2010, including 2 matters from 2008 and 15 matters from 2009. The Commission issued a reprimand to a register of wills, through a Stipulation of Settlement Agreement, who intentionally misused the prestige of her public office in violation of the Public Ethics Law in statements she made to county commissioners regarding her request to be added to the county retirement plan. The Commission also issued a reprimand through a Stipulation of Settlement Agreement to a former employee of the Department of the Environment when he violated the post-employment restrictions of the Public Ethics Law by working with a private entity on legislation in which he had significantly participated as a state employee. The Commission held a one-day hearing on a conflict of interest matter involving a boards and commission member that did not result in a finding of a violation.

All enforcement payments collected through Late Filing Agreements were deposited in the State's general fund and cannot be used by the Commission. The Commission collected a total of \$4,170.00 in enforcement payments in 2010.

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## LOCAL GOVERNMENT ETHICS LAWS

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The Public Ethics Law requires Maryland counties and cities to enact local laws similar to the State's Public Ethics Law. In 1983, the General Assembly amended the Law to require local school boards either to adopt ethics regulations similar to the State Law or to be covered by county ethics laws. In 2010, the General Assembly enacted legislation (Chapter 277 of 2010) requiring local governments to adopt conflict of interest restrictions and financial disclosure requirements for elected local officials and candidates that were at least as stringent as the requirements for public officials in the Public Ethics Law. That legislation also required local boards of education to adopt conflict of interest standards and financial disclosure requirements at least as stringent as the provisions for State officials in the Public Ethics Law for members of and candidates for election to the board of education. In response to this legislation, the Commission drafted amendments to its local government and board of education regulations. The Commission anticipates adopting these regulations in 2011. The Commission's Executive Director, General Counsel and Assistant General Counsel have worked with local governments and boards of education, as well as the Maryland Association of Counties, the Maryland Municipal League, and the Maryland Association of Boards of Education in preparing a plan and preparing regulations to implement Chapter 277.

During 2010, the Commission's Executive Director, General Counsel, and Assistant General Counsel participated in numerous phone discussions with county and local ethics officials, as well as their trade associations regarding questions relating to conflicts of interests, financial disclosure and lobbying and the implementation of Chapter 277 of 2010. The Commission reviewed proposed draft revisions to ethics laws for the Boards of Educations for Baltimore County, Kent County, Worcester County and Garrett County. The Commission reviewed proposed draft revisions to ethics laws for Baltimore City, and Anne Arundel, Carroll, Dorchester, Calvert, and Cecil Counties. The Commission reviewed proposed changes to the four municipalities of Gaithersburg, Mt. Airy, Hampstead and Hagerstown.

During 2010, the Commission staff continued its review of the county ethics ordinances in terms of proposed revisions to the Commission's local government regulations and the process to determine whether a local jurisdiction's ethics provisions are "similar" or "substantially similar" to the Public Ethics Law<sup>1</sup>. It is anticipated that the amendments to the Commission's regulations will be completed in 2010. The Commission is also preparing to review the exemption status of all municipalities following the 2010 Census to determine whether the current exemptions granted to certain municipalities based on their size, population, government function and budget are still appropriate under the Commission's regulations and the provisions of the Public Ethics Law.

Finally, the Commission also received and reviewed four reports from the Montgomery County Director of the Office of Zoning and Administrative Hearings regarding the special land use ethics disclosure reports required in certain jurisdictions (See §15-829 through §15-841). Four reports were received from the Prince George's County Clerk of the County Commission regarding the same disclosure reports.

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<sup>1</sup> See Advisory Opinion No. 06-01.

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## EDUCATIONAL AND INFORMATIONAL ACTIVITIES

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The Commission staff has been active in providing formal training to State employees, lobbyists and local jurisdictions. The training has involved advising and assisting employees, officials, candidates and lobbyists on completion of forms, and providing training related to the conflict of interest provisions of the Public Ethics Law. The Commission staff has assisted local government and school board officials in drafting their ethics laws and regulations. The staff has also provided technical advice to local government ethics boards. Legislation passed in 1999 requires new financial disclosure filers to receive 2 hours of Ethics Law training (§15-205(d)). The Commission began implementation of this mandate in calendar year 2000. During calendar year 2010, the Commission staff conducted 38 training sessions for State employees at various locations throughout the State. The Commission provided training to a total of 1370 employees and public officials.

Additionally, the Commission staff has provided training to agency leadership and to various boards and commissions that support agency work. The Commission staff has received very positive response to the training, which consists of a PowerPoint presentation, interactive lecture, and supplemental documents that provide resource material. Although the training commitments have placed a significant burden on the Commission's staff, as each training session requires that at least one, and many times two, of the professional staff make the presentations, which causes a shortage of professional staff available in the office to respond to telephone and "other" inquiries in the office, the benefits of the training outweigh the inconvenience to staff. Expanded training programs have resulted in a significant increase in the number of telephone and email requests for guidance from employees who have attended the sessions. The Commission views this increase positively, as it indicates that trainees have acquired a better awareness of situations that may present ethics concerns.

In accordance with § 15-205(e) of the Public Ethics Law, which mandates the Ethics Commission to provide a training course for regulated lobbyists and prospective regulated lobbyists at least twice each year, the Commission staff provided training to 106 lobbyists during calendar year 2010. A total of 5 training sessions were held on 3 different days during the year.

The Ethics Commission maintains a presence on the Internet. The Commission's home page allows users to access the Commission's Annual Report, special explanatory memoranda, and other information. The Commission's electronic filing for lobbyists and financial disclosure filers may be accessed from the website. As well as all Commission forms may be downloaded from the home page. Electronic training for both State employees and officials and lobbyists may be accessed from the Commission's website.

## 2010 LEGISLATION REPORT

The State Ethics Commission did not propose any departmental legislation for the 2010 Session of the General Assembly. A total of three bills were proposed and enacted by the General Assembly that impacted on provisions of the Public Ethics Law

Senate Bill 315 was enacted to subject county and municipal elected officials and members of boards of education to conflict of interest and financial disclosure requirements that were at least equivalent to the State's requirements for State officials and public officials. This legislation was sponsored by twenty-seven (27) Senators and passed the Senate by a vote of 46-0 and the House of Delegates by a vote of 138-0. Governor Martin O'Malley signed the bill into law on May 4, 2010. Senate Bill 315 required county and municipal corporation conflict of interest and financial disclosure provisions for elected local officials and school board members to be equivalent to or exceed State conflict of interest and financial disclosure requirements, subject to local modifications if necessary. It also required all elected local officials and school board members to file a financial disclosure statement on or before April 30 of each year.

House Bill 230 specified for purposes of a disclosure program specific to Howard County, that the definition of "applicant" include, as to an application for a zoning regulation, any person authorized to sign the application. The bill also required the zoning board and the administrator of the county council to prepare a summary report compiling all affidavits and disclosures filed to be made publicly available on receipt. The bill only impacted Howard County zoning actions.

House Bill 1309 included the Liquor Control Boards for Somerset County and Worcester County in the definition of "executive unit" as it relates to the Maryland Public Ethics Law. It was to clarify that the Maryland Public Ethics Law applied to both liquor control boards. In response to a request from the State Ethics Commission, an August 2009 Attorney General's Opinion indicated that the liquor control boards in Somerset, Wicomico, and Worcester counties "function as State entities for purposes of the Public Ethics Law and therefore their members and employees should be governed by State ethics requirements." In the past, the State Ethics Commission had treated the boards as units of county government.

## **LEGISLATIVE RECOMMENDATIONS**

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### **PROPOSED CHANGES TO FINANCIAL DISCLOSURE (SUBTITLE 6) PROVISIONS**

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During the coming calendar year, the Commission will continue to focus its attention on several of the financial disclosure provisions in subtitle 6 of the Public Ethics Law. Now that the State Ethics Commission has had 32 years of experience, it has had the opportunity to review the reporting requirements and recognize those areas, which appear to be the root of most conflicts, and those areas, which, since the Commission's inception, have not caused any discernable problems.

The Commission is considering the following for Departmental legislation in 2012:

- In the 1999 Session of the General Assembly, the Harford County Liquor Board and its employees were placed under the authority of the State Ethics Commission. However, the employees of the Board, regardless of salary or duties, were excluded from financial disclosure requirements. This general exclusion should be withdrawn to make the disclosure requirements for these employees the same as other employees subject to the State Ethics Law.

- Consideration should be given to eliminating the need for reporting of investment in any mutual fund publicly traded on a national scale. The basis for the request is that the employee has no control over the trading of the individual holdings of the mutual fund, and, therefore, it is improbable that an employee could effectuate any change in value of the mutual fund by his or her official acts as a State employee.
- Judicial candidates should be required to file financial disclosure in each year of their candidacy in the same way as other candidates for State office.

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### **PROPOSED CHANGES TO CONFLICT OF INTEREST (SUBTITLE 5) PROVISIONS**

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The Commission has also reviewed Subtitle 5, Conflicts of Interest and suggests Legislative consideration of the following issues:

- Specific provisions should address membership by public officials on boards or directors of private corporations having sensitive business or regulatory involvement with the State.
- The post-employment provisions (§ 15-504) should be revised to address more specifically the problems that are common to higher-level management positions.
- Like legislators, legislative staff should be prohibited from lobbying for one legislative session after leaving their State employment.
- The law prohibiting misuse of confidential information should be extended to cover former officials and employees as to confidential information acquired during their State service.
- The Commission's authority to assess fines (up to \$5,000 per offense) should be extended to conflict of interest and failure to file financial disclosure complaints.
- The Commission's current authority to assess late fees for late financial disclosure statements and lobbying registrations and reports should be increased from \$250 to \$500 per report.
- The definition of honoraria should be clarified to eliminate the attendance at meetings for employees other than faculty members of institutions of higher education.

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### **PROPOSED CHANGES TO LOBBYING (SUBTITLE 7) PROVISIONS**

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The Commission also supports and would seek an amendment to the lobbying provisions of the Public Ethics Law (subtitle 7) with regard to two of the reporting requirements:

- §15-708 should be revised in order to more correctly reflect lobbyist spending for legislative meals and receptions. As the requirement reads now, the process is cumbersome and may inadvertently inflate the actual amount spent on lobbying legislators. The provision causes significant confusion as to what costs should be reported and how the costs should be reported.
- §15-705 currently provides that regulated lobbyists must file a separate report disclosing the name of any State official of the Executive Branch or member of the immediate family of a State official of the Executive Branch who has benefited during the reporting period from gifts of meals or beverages from the regulated lobbyist, whether or not in connection with lobbying activities. The lobbyist must file this report accounting from Dollar One spent on a meal or beverage for an official of the Executive Branch or a member of the official's immediate family. This reporting requirement is difficult to administer and is not in keeping with other gift reporting requirements, which general require such a report only when the amount spent is \$20 or greater or \$100 cumulatively from one donor. This provision should be revised to require a report only when the amount spent is \$20 or greater or \$100 cumulatively from one donor.

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#### **PROPOSED CHANGE TO ENFORCEMENT SUBTITLE 4) PROVISIONS**

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The Commission and staff continually review the Public Ethics Law in order to determine if the administration and enforcement are consistent with the intent of the law and the mission of the Commission.

- The Commission proposes that the Legislature enable it to assess civil penalties in conflict of interest and other violations by State employees and public officials. The Commission may currently request a court of competent jurisdiction to assess fines of \$5,000 per violation, and it seeks the authority, on its own, to assess civil penalties in the amount of \$5,000 per violation. Having this authority would provide a formal alternative to expensive and extended court proceedings. This would give the Commission equal authority in setting sanctions on conflict of interest issues as it presently has with regard to lobbying violations. The Commission currently has the authority to assess civil penalties up to \$5,000 for lobbying violations. All penalties assessed by the court or by the Commission are sent to the General Fund.

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#### **PROPOSED CHANGES TO ADMINISTRATIVE PROVISIONS OF THE LAW – CLARIFICATION OF GENERAL COUNSEL'S ROLE IN REGULATIONS**

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- The General Counsel is the legal advisor to the State Ethics Commission and prepares all legal documents required by Commission. The General Counsel is also defined as “unit counsel” in the Administrative Procedures Act (“APA”) (Section 10-107, Md. Code Ann., State Gov’t Title 10 (Supp. 2010)) and has responsibility to certify the Commission’s proposed regulations as to legality. During 2010 the Commission reviewed its regulations and proposed regulations both in response to SB 315 (Local Government) as discussed earlier in this report and to update its electronic regulations. The Commission determined that there should be changes in its

proposed regulations during the final adoption publication process. Section 10-113 of the APA requires that the Attorney General certify that the changes are not substantive and that the proposed text does not differ substantively from the text previously published. This certification requires action by the Attorney General and not the “unit counsel” or General Counsel to the State Ethics Commission. The Commission believed that the General Assembly intended the certification of no substantive changes to be submitted by the “unit counsel” or General Counsel and not that of the Attorney General. The Commission is considering submitting departmental legislation in 2012 to address this issue.

## APPENDIX A

### EMPLOYERS SPENDING \$50,000.00 OR MORE - ALL REGISTRANTS ALL TYPES OF EXPENSES

*November 1, 2009- October 31, 2010*

|    | <b>TOTAL AMOUNT</b> | <b>EMPLOYER</b>  |
|----|---------------------|--|
| 1  | \$596,723.99        | Maryland Hospital Association  |
| 2  | \$485,890.94        | Maryland Jockey Club, The  |
| 3  | \$423,541.88        | Verizon Maryland Inc.  |
| 4  | \$376,102.11        | Pepco Holdings, Inc.   |
| 5  | \$358,793.24        | Maryland Association of Realtors, Inc.   |
| 6  | \$357,051.51        | Constellation Energy Group   |
| 7  | \$344,168.11        | Maryland Bankers Association   |
| 8  | \$340,157.46        | Johns Hopkins Institutions   |
| 9  | \$326,044.20        | CareFirst BlueCross BlueShield   |
| 10 | \$323,106.36        | Mirant Mid-Atlantic, LLC   |
| 11 | \$316,625.67        | United Healthcare Services, Inc.   |
| 12 | \$314,578.86        | MedChi, The Maryland State Medical Society   |
| 13 | \$312,272.79        | Maryland Retailers Association   |
| 14 | \$310,329.33        | Maryland State Education Association   |
| 15 | \$288,249.76        | Health Facilities Association of Maryland (HFAM)   |
| 16 | \$277,918.15        | Adventist HealthCare, Inc  |
| 17 | \$274,811.00        | MedStar Health   |
| 18 | \$272,061.37        | State Farm Insurance Companies   |
| 19 | \$271,000.00        | Comcast Cable Communications   |
| 20 | \$262,618.97        | Maryland Chamber of Commerce   |
| 21 | \$256,445.57        | Medical Mutual Liability Insurance Society of Maryland   |
| 22 | \$244,497.42        | EDF  |
| 23 | \$231,720.00        | Ocean Enterprise 589, LLC  |
| 24 | \$221,683.90        | Altria Client Services Inc. and its Affiliates/Philip Morris<br>USA Inc./John Middleton Co./US Smokeless Tobacco Co. |
| 25 | \$220,783.53        | Children's National Medical Center   |
| 26 | \$214,983.00        | Maryland Independent College & University Assoc.   |
| 27 | \$210,000.00        | Maryland State and Washington DC Building &<br>Construction Trades Council   |



|    |              |  |
|----|--------------|--|
| 28 | \$209,378.80 | Montgomery County Chamber of Commerce                              |
| 29 | \$197,516.40 | Allegheny Energy   |
| 30 | \$189,116.53 | Norfolk Southern Corporation                                       |
| 31 | \$180,600.00 | CSX Corporation  |
| 32 | \$178,013.24 | AFSCME Maryland  |
| 33 | \$174,582.00 | Maryland State Bar Association, Inc.                               |
| 34 | \$169,602.00 | Maryland State Builders Association                                |
| 35 | \$168,114.60 | ARINC, Inc.  |
| 36 | \$167,511.20 | International Business Machines Corporation ("IBM")                |
| 37 | \$167,473.32 | Maryland Automobile Dealers Association                            |
| 38 | \$164,335.74 | ACS State and Local Solutions, Inc.                                |
| 39 | \$162,000.00 | Law Office of Peter G. Angelos                                     |
| 40 | \$161,113.87 | League of Life & Health Insurers of Maryland, Inc.                 |
| 41 | \$159,100.00 | Prince George's County   |
| 42 | \$155,105.19 | Wal-Mart Stores, Inc.  |
| 43 | \$154,900.00 | Northrop Grumman Corporation                                       |
| 44 | \$151,745.16 | Motorola, Inc.   |
| 45 | \$150,698.15 | Washington Gas Energy Services, Inc.                               |
| 46 | \$148,797.78 | Maryland Catholic Conference                                       |
| 47 | \$141,195.00 | National Children's Museum   |
| 48 | \$140,384.30 | AMERIGROUP Corporation   |
| 49 | \$139,078.39 | Pharmaceutical Research & Manufacturers of America                 |
| 50 | \$136,202.08 | Lifebridge Health  |
| 51 | \$135,628.64 | Associated Builders & Contractors                                  |
| 52 | \$130,000.00 | Citizens for Fire Safety Institute                                 |
| 53 | \$127,282.00 | Direct Energy  |
| 54 | \$123,826.88 | Apartment & Office Building Association of Metropolitan Washington |
| 55 | \$122,577.34 | Washington Gas   |
| 56 | \$121,700.00 | AFT Maryland   |
| 57 | \$120,235.71 | Schaller Anderson of Arizona, LLC                                  |
| 58 | \$118,000.00 | Scientific Games International                                     |

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|----|--------------|--|
| 59 | \$117,890.86 | Maryland Farm Bureau, Inc.   |
| 60 | \$116,998.00 | Public School Superintendents' Association of Maryland                               |
| 61 | \$115,537.07 | Beltway Fine Wine & Spirits and Corridor Fine Wines                                  |
| 62 | \$114,893.29 | Maryland Association for Justice   |
| 63 | \$114,202.14 | Ports America, Inc.  |
| 64 | \$112,778.97 | American Petroleum Institute   |
| 65 | \$112,764.84 | Maryland State Dental Association  |
| 66 | \$112,027.92 | Aetna Inc  |
| 67 | \$111,394.71 | EPIC Pharmacies  |
| 68 | \$111,362.08 | Maryland Association of Boards of Education  |
| 69 | \$110,372.51 | Greater Capital Area Association of Realtors   |
| 70 | \$109,962.24 | ESP, Inc.  |
| 71 | \$109,369.97 | Citigroup Management Corporation   |
| 72 | \$106,337.00 | Mid-Atlantic LifeSpan  |
| 73 | \$106,199.93 | Property Casualty Insurers Association of America                                    |
| 74 | \$104,028.75 | PPE Casino Resorts Maryland, LLC   |
| 75 | \$103,240.52 | General Motors LLC   |
| 76 | \$103,110.00 | Association of Maryland Pilots   |
| 77 | \$102,912.51 | Accenture LLP  |
| 78 | \$102,442.05 | Baltimore Jewish Council AND The Associated Jewish Community Federation of Baltimore |
| 79 | \$101,132.38 | Maryland Tort Reform Coalition   |
| 80 | \$100,950.00 | Common Cause   |
| 81 | \$100,600.00 | Maximus  |
| 82 | \$100,594.65 | Licensed Beverage Distributors of Maryland, Inc.                                     |
| 83 | \$98,317.09  | Apollo Group/University of Phoenix   |
| 84 | \$97,200.00  | Penn National Gaming, Inc.   |
| 85 | \$97,037.62  | Quality Image Access Maryland Coalition  |
| 86 | \$96,900.00  | Dominion Resources Services, Inc.  |
| 87 | \$96,400.00  | Agusta Aerospace Corporation   |
| 88 | \$95,925.18  | Lockheed Martin Corporation  |
| 89 | \$95,087.54  | IGT  |

|     |             |   |
|-----|-------------|---|
| 90  | \$94,508.25 | Bank of America   |
| 91  | \$94,258.48 | Coventry Health Care, Inc   |
| 92  | \$93,772.12 | AFSCME, AFL-CIO   |
| 93  | \$93,416.25 | FedEx Corporation   |
| 94  | \$92,962.70 | Maryland Radiological Society   |
| 95  | \$92,700.00 | Balfour Beatty Construction   |
| 96  | \$92,500.00 | American Heart Association  |
| 97  | \$92,000.00 | Atlantic Recycling Group, LLC   |
| 98  | \$92,000.00 | Chesapeake Amusements, Inc.   |
| 99  | \$91,783.00 | Smith Industries  |
| 100 | \$91,350.00 | Owens Illinois, Inc.  |
| 101 | \$90,803.00 | Tech Council of Maryland/MdBio  |
| 102 | \$90,000.00 | Noresco, LLC  |
| 103 | \$89,836.15 | Sherwin-Williams Company, The   |
| 104 | \$89,108.00 | National Aquarium in Baltimore, Inc.  |
| 105 | \$87,730.00 | Maryland Insurance Council, The   |
| 106 | \$86,000.00 | Veolia Transportation   |
| 107 | \$85,715.06 | Bluewater Wind Maryland, LLC  |
| 108 | \$85,000.00 | Manufacturers' Alliance of Maryland   |
| 109 | \$84,800.00 | Maryland Classified Employees Association                                   |
| 110 | \$84,751.29 | Exelon Generation. LLC  |
| 111 | \$84,407.73 | Teachers Insurance and Annuity Association/College Retirement Equities Fund |
| 112 | \$84,283.76 | 1199 SEIU   |
| 113 | \$84,000.00 | National Federation of Independent Business                                 |
| 114 | \$84,000.00 | Novartis Pharmaceutical Corporation   |
| 115 | \$83,823.00 | Prince George's County Association of Realtors                              |
| 116 | \$83,700.00 | Allstate Insurance Company  |
| 117 | \$82,922.27 | Glaxo Smith Kline   |
| 118 | \$81,737.05 | Daily Record, The   |
| 119 | \$81,500.00 | RAI Services Company  |
| 120 | \$81,441.97 | Maryland Citizen's Health Initiative Education Fund, Inc.                   |

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|-----|-------------|--|
| 121 | \$81,354.93 | Holy Cross Hospital of Silver Spring, Inc.   |
| 122 | \$81,100.00 | Sempra Energy Global Enterprises   |
| 123 | \$80,730.20 | GTech  |
| 124 | \$80,700.00 | Isle of Capri Casinos, Inc.  |
| 125 | \$80,402.90 | Jack Neil & Associates, LLC  |
| 126 | \$80,000.00 | Joseph Smith & Sons, Inc.  |
| 127 | \$78,705.80 | Rite Aid Corporation   |
| 128 | \$78,558.60 | Merck, Sharp & Dohme Corp.   |
| 129 | \$78,505.00 | American Community Properties Trust  |
| 130 | \$76,882.22 | Chesapeake Bay Foundation  |
| 131 | \$76,304.00 | Maryland Association of Community Services for Persons with Developmental Disabilities, Inc. |
| 132 | \$76,264.00 | Restaurant Association of Maryland, Inc.   |
| 133 | \$75,000.00 | Dimensions Healthcare System   |
| 134 | \$74,399.23 | Baltimore Metal Recycling Association, Inc.  |
| 135 | \$73,310.58 | Americans for Prosperity, Inc.   |
| 136 | \$73,050.00 | Doctor's Community Hospital  |
| 137 | \$72,735.71 | Waste Management of Maryland   |
| 138 | \$72,700.00 | Agency Insurance Company of Maryland   |
| 139 | \$72,000.00 | Competitive Power Ventures, Inc.   |
| 140 | \$72,000.00 | L-1 Secure Credentialing, Inc.   |
| 141 | \$72,000.00 | Prison Health Services, Inc.   |
| 142 | \$72,000.00 | ValueOptions   |
| 143 | \$71,502.00 | Hilltop Public Solutions   |
| 144 | \$70,576.26 | Maryland Transportation Builders & Materials Association                                     |
| 145 | \$70,479.21 | Cash America   |
| 146 | \$70,235.71 | Washington Area NEW Automobile Dealers Association (WANADA)                                  |
| 147 | \$70,000.00 | American Rental Association  |
| 148 | \$70,000.00 | Maryland Jockey Club   |
| 149 | \$69,000.00 | Bombardier Mass Transit Corporation  |
| 150 | \$68,757.86 | Catholic Charities   |
| 151 | \$68,426.59 | Concentra Medical Centers  |

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|-----|-------------|--|
| 152 | \$68,120.00 | Diamond Game Enterprises   |
| 153 | \$67,760.00 | Maryland State Association of United Ways  |
| 154 | \$67,467.57 | American Legal Finance Association   |
| 155 | \$67,300.17 | T-Mobile USA, Inc.   |
| 156 | \$67,100.00 | Wheelabrator Technologies, Inc.  |
| 157 | \$67,086.55 | Greater Baltimore Committee  |
| 158 | \$67,075.78 | Enterprise Holdings, Inc.  |
| 159 | \$67,074.25 | American Infrastructure  |
| 160 | \$66,916.45 | USAA   |
| 161 | \$66,484.19 | Correctional Medical Services  |
| 162 | \$66,398.00 | Maryland Community Health System, LLP  |
| 163 | \$66,200.00 | Stevenson University   |
| 164 | \$66,000.00 | Maryland Industrial Technology Alliance  |
| 165 | \$65,300.39 | Johnson Controls, Inc.   |
| 166 | \$65,001.00 | Policy Studies, Inc.   |
| 167 | \$65,000.00 | MAPDA  |
| 168 | \$64,965.90 | NAIOP Maryland   |
| 169 | \$64,684.18 | Maryland Wineries Association  |
| 170 | \$64,167.00 | CSC  |
| 171 | \$64,000.00 | Fraternal Order of Police, Lodge #89   |
| 172 | \$63,762.21 | Discovery Communications, Inc.   |
| 173 | \$63,458.23 | Maryland State Licensed Beverage Association   |
| 174 | \$63,424.00 | AES Warrior Run  |
| 175 | \$63,354.00 | Multi-State Associates, Inc. on behalf of the Carroll County Cancer Center                 |
| 176 | \$63,218.50 | Maryland/D.C./Delaware Broadcasters  |
| 177 | \$63,121.55 | Maryland Association of Mortgage Professionals   |
| 178 | \$61,744.60 | Roche Diagnostics Corporation  |
| 179 | \$61,652.00 | Savantage Solutions  |
| 180 | \$61,393.43 | Retail Energy Supply Association   |
| 181 | \$60,800.00 | Oracle America, Inc.   |
| 182 | \$60,624.00 | Manufacturers and Traders Trust Company As Trustee for Bondholders of the Rocky Gap Resort |

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|-----|-------------|--|
| 183 | \$60,200.00 | General Growth Properties, Inc.                                |
| 184 | \$60,100.00 | Alcoa Eastalco Works   |
| 185 | \$60,100.00 | American Chemistry Council                                     |
| 186 | \$60,100.00 | Microsoft Corporation  |
| 187 | \$60,080.22 | VALIC  |
| 188 | \$60,000.00 | AMERIGROUP Maryland, Inc.                                      |
| 189 | \$60,000.00 | CVS/Caremark   |
| 190 | \$60,000.00 | HMR of Maryland, LLC   |
| 191 | \$60,000.00 | Kool Smiles  |
| 192 | \$60,000.00 | Marylanders for Public Research Universities, Inc.             |
| 193 | \$60,000.00 | Peoples Community Health Centers, Inc.                         |
| 194 | \$60,000.00 | Sprint Nextel Corporation                                      |
| 195 | \$60,000.00 | Taser International, Inc.                                      |
| 196 | \$59,484.00 | Abbott Laboratories  |
| 197 | \$59,250.00 | Association of Forest Industries                               |
| 198 | \$58,755.80 | iGPS Company, LLC  |
| 199 | \$57,200.00 | Kaplan Higher Education  |
| 200 | \$57,000.00 | MI Developments (Maryland), Inc.                               |
| 201 | \$56,967.00 | Committee for Montgomery                                       |
| 202 | \$56,648.52 | Public Justice Center, Inc.                                    |
| 203 | \$56,270.18 | Legal Aid Bureau, Inc.   |
| 204 | \$56,190.40 | Maryland Association of Certified Public Accountants           |
| 205 | \$56,100.00 | Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. |
| 206 | \$56,000.00 | Persels & Associates   |
| 207 | \$56,000.00 | Toyota Motor North America, Inc.                               |
| 208 | \$55,003.52 | American Cancer Society  |
| 209 | \$55,000.00 | Chesapeake Urology Associates, P.A                             |
| 210 | \$55,000.00 | Cigar Association of America, Inc.                             |
| 211 | \$54,863.29 | Maryland Optometric Association                                |
| 212 | \$54,471.90 | AAA Mid-Atlantic, Inc.   |
| 213 | \$54,032.75 | Jai Medical Systems  |

|     |             |  |
|-----|-------------|--|
| 214 | \$53,845.75 | Columbia Gas of Maryland   |
| 215 | \$53,842.20 | Maryland Horse Breeders Association  |
| 216 | \$53,368.82 | Baltimore Museum of Art  |
| 217 | \$53,138.02 | One Call Concepts, Inc.  |
| 218 | \$53,000.00 | Maryland Association of Chain Drug Stores                                  |
| 219 | \$52,984.33 | Maryland Consumer Rights Coalition, Inc.                                   |
| 220 | \$52,604.46 | Maryland Patient Care and Access Coalition                                 |
| 221 | \$52,533.00 | Procter & Gamble   |
| 222 | \$52,483.20 | Medco Health Solutions, Inc. & Affiliates                                  |
| 223 | \$52,482.03 | Maryland Works, Inc.   |
| 224 | \$52,458.00 | MD/DE/DC Beverage Assn.  |
| 225 | \$52,000.00 | Chester River Association  |
| 226 | \$51,935.71 | Chimes, The  |
| 227 | \$51,800.60 | Wireless Generation  |
| 228 | \$51,720.00 | Maryland Zoo in Baltimore, The   |
| 229 | \$51,600.00 | Environment Maryland   |
| 230 | \$51,087.72 | Cloverleaf Standardbred Owners Association                                 |
| 231 | \$51,000.00 | T. Rowe Price Group, Inc.  |
| 232 | \$50,817.50 | NCP Finance Maryland, L.P.   |
| 233 | \$50,781.24 | American Insurance Association   |
| 234 | \$50,604.46 | Maryland Chapter, American College of Cardiology                           |
| 235 | \$50,500.00 | National MS Society, MD Chapter  |
| 236 | \$50,465.55 | Maryland Association of Nonprofit Organizations                            |
| 237 | \$50,025.33 | WMDA Service Station and Automotive Repair Assoc.                          |
| 238 | \$50,000.00 | AT&T   |
| 239 | \$50,000.00 | E.I. DuPont de Nemours & Co.   |
| 240 | \$50,000.00 | Maryland Chapter of National Association of Industrial & Office Properties |
| 241 | \$50,000.00 | Mchale Landscape Design  |
| 242 | \$50,000.00 | Mid-Atlantic Sports Network  |
| 243 | \$50,000.00 | P3 Group, The  |
| 244 | \$50,000.00 | Synergics Wind Energy  |

## APPENDIX B

### LOBBYISTS RECEIVING \$50,000.00 OR MORE IN COMPENSATION ONE OR MORE EMPLOYERS

*November 1, 2009- October 31, 2010*

|    | <b>TOTAL AMOUNT</b> | <b>LOBBYIST</b>            |
|----|---------------------|----------------------------|
| 1  | \$1,311,923.28      | Rozner, Joel D.            |
| 2  | \$1,098,984.89      | Johansen, Michael V.       |
| 3  | \$1,038,500.00      | Evans, Gerard E.           |
| 4  | \$994,825.00        | Stierhoff, John R.         |
| 5  | \$974,269.00        | Perry, Timothy A.          |
| 6  | \$931,649.71        | Alexander, Gary R.         |
| 7  | \$870,650.00        | Manis, Nicholas G.         |
| 8  | \$848,925.00        | Proctor, Jr., Gregory S.   |
| 9  | \$776,750.00        | Harris Jones, Lisa         |
| 10 | \$758,489.00        | Enten, D. Robert           |
| 11 | \$757,380.90        | Shaivitz, Robin F.         |
| 12 | \$530,939.80        | Popham, Bryson F.          |
| 13 | \$480,750.00        | Pitcher, J. William        |
| 14 | \$443,020.00        | Bereano, Bruce C.          |
| 15 | \$417,809.83        | Miedusiewski, American Joe |
| 16 | \$415,284.00        | Carroll, Jr., David H.     |
| 17 | \$404,284.00        | Sidh, Sushant              |
| 18 | \$403,500.00        | Mitchell, Van T.           |
| 19 | \$392,394.49        | Kasemeyer, Pamela M.       |
| 20 | \$390,998.00        | Johnson, Robert G.         |
| 21 | \$389,500.00        | Malone, Sean R.            |
| 22 | \$388,170.65        | Wise, J. Steven            |
| 23 | \$386,750.00        | Rasmussen, Dennis F.       |
| 24 | \$353,000.00        | Lanier, Ivan V.            |
| 25 | \$348,809.99        | Boston, III, Frank D.      |
| 26 | \$344,597.00        | Hoffman, Barbara A.        |
| 27 | \$338,000.98        | Tiburzi, Paul A.           |
| 28 | \$332,758.61        | Bryant, Eric L.            |



|    |              |                          |
|----|--------------|--------------------------|
| 29 | \$327,317.55 | Powers, Hannah J.        |
| 30 | \$326,742.39 | Doherty, Jr., Daniel T.  |
| 31 | \$320,883.41 | Taylor, Jr., Casper R.   |
| 32 | \$318,521.50 | Harting, Marta D.        |
| 33 | \$318,002.00 | Aery, Shaila R.          |
| 34 | \$305,170.44 | Levitan, Laurence        |
| 35 | \$304,624.58 | White, Josh              |
| 36 | \$295,864.29 | Lucchi, Leonard L.       |
| 37 | \$294,891.68 | Bagwell, Ashlie          |
| 38 | \$280,866.66 | Bellamy, Lorenzo M.      |
| 39 | \$276,250.00 | Kress, William Allen     |
| 40 | \$272,000.00 | Gally, Eric              |
| 41 | \$271,514.46 | Greenfield, Aaron J.     |
| 42 | \$264,596.02 | Battle, J. Kenneth       |
| 43 | \$263,000.00 | Genn, Gil                |
| 44 | \$237,162.96 | Brocato, Barbara M.      |
| 45 | \$234,969.79 | Jones, Gary R.           |
| 46 | \$233,700.00 | Canning, Michael F.      |
| 47 | \$224,658.85 | Wilkins, Barbara J.      |
| 48 | \$220,504.00 | McCoy, Dennis C.         |
| 49 | \$220,000.00 | Looney, Sean M.          |
| 50 | \$216,281.24 | Andryszak, John A.       |
| 51 | \$213,500.00 | DiPietro, Christopher V. |
| 52 | \$212,016.37 | Collins, Carville B.     |
| 53 | \$211,818.05 | Powell, Michael C.       |
| 54 | \$211,000.00 | Burner, Gene L.          |
| 55 | \$210,000.00 | Coles, Mark Anthony      |
| 56 | \$203,190.00 | Valentino-Benitez, Ellen |
| 57 | \$194,654.00 | Schrader, Sandra         |
| 58 | \$186,000.00 | Hill, Denise O.          |
| 59 | \$178,500.00 | Roddy, Patrick H.        |

|    |              |                            |
|----|--------------|----------------------------|
| 60 | \$171,750.00 | Miles, William R.          |
| 61 | \$167,113.87 | Rivkin, Deborah R.         |
| 62 | \$159,000.00 | Herman, Michael            |
| 63 | \$148,000.00 | Rifkin, Alan M.            |
| 64 | \$145,820.00 | Elliott, Robyn S.          |
| 65 | \$143,700.00 | O'Keefe, Kevin             |
| 66 | \$141,300.00 | Robinson, Kimberly Y.      |
| 67 | \$130,000.00 | Townsend, Pegeen           |
| 68 | \$127,500.00 | Maloney, Kathleen M.       |
| 69 | \$126,416.00 | Montgomery III, Richard A. |
| 70 | \$125,000.00 | Carter, W. Minor           |
| 71 | \$124,865.60 | Murphy, Kathleen M.        |
| 72 | \$123,740.50 | Lininger, Brett Stewart    |
| 73 | \$123,500.00 | Opara, Clay C.             |
| 74 | \$119,781.96 | Wood, Paul G.              |
| 75 | \$116,000.00 | Loughran, Kathleen G.      |
| 76 | \$114,487.00 | Neil, John B.              |
| 77 | \$113,436.10 | Ciekot, Ann T.             |
| 78 | \$112,484.16 | Hoover, Lesa N.            |
| 79 | \$109,492.84 | Schwartz, III, Joseph A.   |
| 80 | \$109,437.15 | Weisel, Meredith R.        |
| 81 | \$109,130.94 | Esty, Susan                |
| 82 | \$104,998.00 | Roberts, Carl D.           |
| 83 | \$96,600.00  | Arrington, Michael         |
| 84 | \$96,000.00  | Appel, Erin                |
| 85 | \$94,625.00  | Zellmer, Jeffrie           |
| 86 | \$92,715.00  | Muir, Charles Scott        |
| 87 | \$91,391.00  | Quinn, Brian M.            |
| 88 | \$90,796.00  | Douglas, Michele           |
| 89 | \$90,000.00  | Gisriel, Michael U.        |
| 90 | \$90,000.00  | Overton, Valerie Shearer   |

|     |             |                             |
|-----|-------------|-----------------------------|
| 91  | \$89,000.00 | Woolums, John R.            |
| 92  | \$88,620.00 | Casey, William F.           |
| 93  | \$88,022.00 | Lewis, Thomas               |
| 94  | \$84,500.00 | Manis, George N.            |
| 95  | \$84,000.00 | Frye, Neely T.              |
| 96  | \$82,500.00 | O'Donnell, Ryan             |
| 97  | \$82,348.00 | Cobbs, Drew P.              |
| 98  | \$80,081.23 | Castelli, William A.        |
| 99  | \$80,000.00 | Boschert , David G.         |
| 100 | \$80,000.00 | DeMattos, Jr., Joseph       |
| 101 | \$75,500.00 | Kelly, Clare Marie          |
| 102 | \$75,000.00 | Almalel, Suzanne C.         |
| 103 | \$70,210.00 | Bjarekull, Tina M.          |
| 104 | \$70,000.00 | Robbins, Mike               |
| 105 | \$69,294.00 | Bourland, Ray               |
| 106 | \$66,920.16 | Maloney, Amy E.             |
| 107 | \$65,000.00 | Horrigan, F. Peter          |
| 108 | \$65,000.00 | Zinsmeister, Robert M.      |
| 109 | \$63,000.00 | Matricciani, Denise M.      |
| 110 | \$61,768.10 | Saquella, Diana K.          |
| 111 | \$61,750.00 | Worcester, Julia P.         |
| 112 | \$61,700.00 | Neily Mutch, Alice J.       |
| 113 | \$61,250.00 | Rohling, Martin Guy         |
| 114 | \$60,367.00 | Riddick, Major F.           |
| 115 | \$60,172.75 | Radensky, Paul William      |
| 116 | \$60,000.00 | Ballentine, Jr. , Thomas M. |
| 117 | \$60,000.00 | Goldstein, Franklin         |
| 118 | \$60,000.00 | Nathanson, Martha D.        |
| 119 | \$59,941.00 | Connelly, Valerie T.        |
| 120 | \$58,987.00 | Schreiber, Bret Allan       |
| 121 | \$57,900.00 | Saquella, Thomas S.         |

|     |             |                        |
|-----|-------------|------------------------|
| 122 | \$57,435.90 | Mitchell, Susan        |
| 123 | \$56,130.50 | Groves, Jason L.       |
| 124 | \$55,842.46 | Feinroth, Mark         |
| 125 | \$55,093.33 | Wineholt, Ronald W.    |
| 126 | \$54,892.00 | Mickens, Randal L.     |
| 127 | \$54,000.00 | Kitzmiller, John P.    |
| 128 | \$53,788.00 | Yewell, Therese        |
| 129 | \$53,634.00 | Waranch, Nan A.        |
| 130 | \$53,000.00 | Yost, Mark Anthony     |
| 131 | \$52,500.00 | Kauffman, Danna L.     |
| 132 | \$52,000.00 | Fedder, Michaeline R.  |
| 133 | \$51,139.00 | Rankin, Sr., Robert L. |
| 134 | \$51,000.00 | Thompson, Melvin R.    |
| 135 | \$50,493.86 | Lehman, Miriam         |
| 136 | \$50,421.00 | Higdon, Sheila F.      |
| 137 | \$50,000.00 | Jepson, Robert         |
| 138 | \$50,000.00 | Jones, Tim T.          |
| 139 | \$50,000.00 | La Valle, Traci        |
| 140 | \$50,000.00 | Miller, Beverly L.     |

## APPENDIX C

### EXPENDITURES ON SPECIAL EVENTS

*November 1, 2009- October 31, 2010*

| <b>Group Invited</b>   | <b>Number<br/>of Times<br/>Invited</b> | <b>Total</b> |
|--|--|--------------|
| Allegany County Delegation                                     | 1                                      | \$165.00     |
| Anne Arundel County Delegation                                 | 8                                      | \$6,830.19   |
| Baltimore City Delegation                                      | 7                                      | \$6,466.21   |
| Baltimore County Delegation                                    | 8                                      | \$7,072.15   |
| Carroll County Delegation                                      | 2                                      | \$1,752.09   |
| Cecil County Delegation  | 0                                      | \$0.00       |
| Frederick County Delegation                                    | 1                                      | \$520.00     |
| General Assembly   | 102                                    | \$791,677.84 |
| Harford County Delegation                                      | 1                                      | \$375.84     |
| House Appropriations Committee                                 | 6                                      | \$7,775.48   |
| House Economic Matters Committee                               | 23                                     | \$37,403.24  |
| House Environmental Matters Committee                          | 9                                      | \$8,755.95   |
| House Health and Governmental Operations Committee             | 20                                     | \$30,545.69  |
| House Judiciary Committee                                      | 12                                     | \$17,177.83  |
| House of Delegates   | 8                                      | \$14,773.91  |
| House Rules and Executive Nominations Committee                | 0                                      | \$0.00       |
| House Ways and Means Committee                                 | 6                                      | \$14,243.67  |
| Howard County Delegation                                       | 6                                      | \$4,907.81   |
| Lower Eastern Shore Delegation                                 | 5                                      | \$5,689.52   |
| Montgomery County Delegation                                   | 27                                     | \$209,773.99 |
| Prince George 's County Delegation                             | 15                                     | \$42,791.44  |
| Senate   | 9                                      | \$18,786.57  |
| Senate Budget and Taxation Committee                           | 11                                     | \$16,464.53  |
| Senate Education Health and Environmental Affairs<br>Committee | 15                                     | \$16,539.97  |
| Senate Executive Nominations Committee                         | 0                                      | \$0.00       |
| Senate Finance Committee                                       | 33                                     | \$40,915.18  |
| Senate Judicial Proceedings Committee                          | 15                                     | \$17,792.69  |
| Southern Maryland Delegation                                   | 6                                      | \$10,879.35  |

|                                |   |            |
|--------------------------------|---|------------|
| Upper Eastern Shore Delegation | 6 | \$5,060.98 |
| Washington County Delegation   | 1 | \$4,462.45 |
| Western Maryland Delegation    | 6 | \$4,798.71 |

TOTAL: \$1,344,398.29

(NOTE: Where more than one committee was invited to the same event there may be a proportionate allocation for the purposes of this report. Allegany, Cecil, Frederick and Washington County Delegations are not designated units but were added in error by the lobbyist.)

## APPENDIX D

### LOBBYING FIRMS REPORTING COMPENSATION OF \$1,000,000.00 OR MORE

*November 1, 2009 - October 31, 2010*

|   | <b>Name of Firm</b>   | <b>Amount of<br/>Compensation<br/>Reported</b> |
|---|---|--|
| 1 | Rifkin, Livingston, Levitan & Silver,<br>LLC                | \$3,693,961.80                                 |
| 2 | Alexander & Cleaver, P.A.                                   | \$3,375,185.97                                 |
| 3 | Gordon, Feinblatt, Rothman,<br>Hoffberger & Hollander, LLC. | \$2,013,891.80                                 |
| 4 | Manis Canning & Associates                                  | \$1,592,350.00                                 |
| 5 | Venable, LLP  | \$1,313,346.50                                 |
| 6 | Capitol Strategies, LLC                                     | \$1,306,566.00                                 |
| 7 | Harris Jones & Malone, LLC                                  | \$1,172,250.00                                 |
| 8 | Gerald Evans  | \$1,038,500.00                                 |

(Corrected totals 5/2/2011)

## APPENDIX E

### STATE ETHICS COMMISSION MEMBERS – 1979 TO PRESENT

|                              |                 |
|------------------------------|-----------------|
| * Herbert J. Belgrad         | 1979 to 1986    |
| William B. Calvert           | 1979 to 1980    |
| Jervis S. Finney             | 1979 to 1983    |
| Reverend John Wesley Holland | 1979 to 1987    |
| * Barbara M. Steckel         | 1979 to 1990    |
| Betty B. Nelson              | 1981 to 1988    |
| * Thomas D. Washburne        | 1984 to 1986    |
| * M. Peter Moser             | 1987 to 1989    |
| * William J. Evans           | 1987 to 1993    |
| Reverend C. Anthony Muse     | 1988 to 1990    |
| Robert C. Rice, PhD          | 1989 to 1993    |
| * Mark C. Medairy, Jr.       | 1990 to 1999    |
| Mary M. Thompson             | 1990 to 1994    |
| Shirley P. Hill              | 1992 to 1994    |
| * Michael L. May             | 1993 to 2003    |
| Robert J. Romadka            | 1994 to 1997    |
| April E. Sepulveda           | 1994 to 2003    |
| * Charles O. Monk, II        | 1995 to 2003    |
| * Dorothy R. Fait            | 1999 to 2005    |
| D. Bruce Poole               | 2000 to 2004    |
| * Julian L. Lapides          | 2002 to present |
| Ava S. Feiner, Ph.D.         | 2003 to 2005    |
| * Robert F. Scholz           | 2003 to present |
| Daryl D. Jones               | 2005 to 2006    |
| Janet E. McHugh              | 2005 to present |
| Paul M. Vettori              | 2006 to present |
| H. Richard Duden, III        | 2006 to 2008    |
| Jacob Yosef Miliman          | 2008 to present |

*\*Person served as Chairman during some part  
of their term on the Commission.*