

In the Matter of

George Harman,

Respondent

\* Before the  
\* State Ethics Commission  
\* Complaint No.  
\* C-125-09  
\*

### ORDER

Having reviewed a report on the results of an investigation as to whether this case merits further proceedings, and having considered the Stipulation of Settlement Agreement entered into between Respondent, George Harman, and William J. Colquhoun, Staff Counsel to the State Ethics Commission on November 15, 2010, the State Ethics Commission hereby determines that the matter complained of herein has been settled by the Respondent's execution of the Stipulation of Settlement, attached hereto and made part hereof. Pursuant to paragraphs C and D, it is hereby

ORDERED, that the Respondent is reprimanded, and that this reprimand be transmitted to the Governor and the Secretary of the Department of the Environment.

STATE ETHICS COMMISSION

SIGNATURE APPEARS ON  
ORIGINAL AGREEMENT

Date: November 19, 2010

By:

Robert F. Scholz, Chair

### CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, 2010, a copy of the foregoing Order and executed Stipulation of Settlement Agreement in Commission proceeding C-125-09 was forwarded via regular first class mail, postage prepaid, to the Respondent 5429 Weywood Drive, Reisterstown, Maryland 21136 and was hand delivered to William J. Colquhoun, Staff Counsel to the State Ethics Commission, at 45 Calvert Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401

SIGNATURE APPEARS ON  
ORIGINAL AGREEMENT

Jennifer K. Allgair, General Counsel

RECEIVED

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In the Matter of

GEORGE HARMAN,

Respondent

Before the STATE ETHICS  
COMMISSION

State Ethics Commission

Complaint No. C-125-09

**STIPULATION OF SETTLEMENT AGREEMENT**

This Agreement is made this 15<sup>th</sup> day of NOVEMBER, 2010, by and between George Harman, Respondent, and William J. Colquhoun, Esq., Staff Counsel to the State Ethics Commission (hereinafter "Staff Counsel").

The State Ethics Commission ("the Commission") is the executive agency of the State of Maryland established by Chapter 513, Acts 1979 for the purpose of enforcing the Maryland Public Ethics Law (State Government Article, Title 15, Annotated Code of Maryland, (hereinafter "the Ethics Law")) including the provisions of Subtitle 5, Conflicts of Interest.

**AGREED STATEMENT OF FACTS**

1. The Commission issued a complaint against Respondent on December 10, 2009. The Complaint alleged that Respondent assisted and represented a party (Maryland Pesticide Network), other than the State, in a case, contract or other specific matter for compensation that involves State government and in which he participated significantly in the matter as a State employee. The Commission alleged that the Respondent worked as a private consultant on behalf of the Maryland Pesticide Network (MPN) on matters on proposed legislation related to pesticide reporting requirements in violation of §15-504 of the Ethics Law.

2. George Harman ("the Respondent") was, at all times relevant to this matter, a Program Manager within the Science Services Administration, Maryland Department of the Environment, an executive agency of the State of Maryland, and as such was defined as a public official of the State subject to the conflict of interest provisions of the Ethics Law.

3. MPN's Pesticides and the Chesapeake Bay Watershed project is a coalition of State and federal agencies, non-profit organizations, academia, and others promoting alternatives to pesticides and supporting changes in pesticide regulations and law through grassroots and other lobbying activities in order to reduce pesticide occurrence and impact on the Bay. The Respondent had attended a conference in 2008 hosted by MPN while employed with the State and had offered a suggestion to all in attendance that if the MPN was going to seek a sponsor for the previously planned 2009 legislation that would require the Maryland Department of Agriculture to collect reports on pesticide usage, that it should also require electronic reporting



similar to an unrelated program at the Department of the Environment that the Respondent had managed. The Respondent believed that his suggestion would foster efficiencies and minimize costs to the State. Following the conference, the Respondent's duties as a State employee did not include the support or opposition of MPN's legislative agenda.

4. The Respondent left State service at the end of 2008. Thereafter, the Respondent provided consulting services to MPN by conducting research on pesticide reporting systems in other states and by providing assistance in drafting proposed legislation concerning a pesticide reporting system at the Maryland Department of Agriculture. The legislation was introduced in the 2009 General Assembly as HB929. The Respondent testified in support of HB929. HB929 failed to receive a favorable report from the House Environmental Affairs Committee and received no further action in the 2009 General Assembly Session. If HB929 had passed, its implementation would have provided no financial benefit to either the Respondent or MPN. Respondent's consulting services to MPN were initially provided on a volunteer basis and later for compensation. The Respondent's total compensation from MPN for the aforementioned activities was \$2,365.00. The Respondent's activities on behalf of MPN and his compensation did not reach the threshold of requiring him to register with the Commission as a regulated lobbyist.

5. The Respondent has voluntarily cooperated with the investigation into this matter.

6. Section 15-504 of the Public Ethics Law prohibits a former official or employee from assisting or representing a party, other than the State, in a case, contract, or other specific matter for compensation if the matter involves State government and the former official or employee participated significantly in the matter as an official or employee of the State.

7. The Respondent is voluntarily entering into this agreement to admit to the facts stated above relating to the Staff Counsel determined violation of the Ethics Law, to accept certain sanctions, and to resolve the matter now pending against him without a hearing before the Commission.

8. The Respondent has been advised of the opportunity to be represented by counsel pursuant to the regulations of the Commission and has elected not to be represented by counsel.

**NOW THEREFORE**, in consideration of the agreed upon facts contained herein, and effective on the date of the Commission's acceptance of the terms of this Agreement, Respondent George Harman and William J. Colquhoun, Staff Counsel, agree as follows:

A. That the Respondent admits to the above stipulated facts concerning Staff Counsel's determination that he committed a violation of the post-employment restrictions contained in § 15-504 of the Public Ethics Law in that he assisted the Maryland Pesticide Network's Policies working group, one of five working groups in the

Pesticides and the Chesapeake Bay Watershed Project, in drafting proposed legislation for a pesticide reporting system, a matter in which he offered a suggestion as a State employee that the Staff Counsel for the Ethics Commission determined was "significant participation".

B. That the Respondent understands that violations of the conflict of interest provisions of the Ethics Law may result in civil fines pursuant to § 15-902 of the Ethics Law and that such fines may be in an amount of up to \$5,000 for each violation of the law.

C. That Respondent accepts that pursuant to § 15-405(c)(2) of the Public Ethics Law, the Commission will issue a reprimand to him effective the date of the Final Order for a violation of § 15-504.

D. That the Commission will transmit a copy of said reprimand and this Agreement to the Governor and to the Secretary of the Department of the Environment pursuant to § 15-407(c) of the Public Ethics Law.

E. That the Respondent waives any formal proceedings and hearing in this matter if the Commission accepts the Agreement, and agrees that acceptance of this Agreement by the Commission constitutes a final action and finding of violation by the Commission. The Respondent further agrees that the Agreement and materials related to this matter are not subject to the confidentiality provisions of the Ethics Law and will be public information unless otherwise protected.

F. That upon execution of this Agreement by the Respondent, Staff Counsel will recommend that the Commission suspend any further complaint proceedings against the Respondent, and recommend further that the Commission issue a Final Order consistent with the terms of this agreement. Should the Respondent fail to comply with the terms of the Agreement, and after written notice to the Respondent, the Commission reserves the right to open another investigation and issue a Complaint for violation of § 15-504 of the Public Ethics Law.

G. That in the event that the Commission declines to accept the Agreement, both the Respondent and Staff Counsel are relieved of their respective obligations hereunder; and neither this Agreement, nor any admission it may contain shall be admissible in any subsequent proceeding by the Commission.

H. That the Respondent and Staff Counsel are entering into this agreement for the sole purpose of resolving the matters involved in the Commission's Preliminary Investigation and other matters currently known to the Commission and for no other purpose.



**IN WITNESS WHEREOF**, George Harman and William J. Colquhoun, Staff Counsel, State Ethics Commission, have hereunto set their hands.

SIGNATURE APPEARS ON  
ORIGINAL AGREEMENT

William J. Colquhoun, Staff Counsel  
State Ethics Commission  
45 Calvert Street, 3<sup>rd</sup> Floor  
Annapolis, Maryland 21401

SIGNATURE APPEARS ON  
ORIGINAL AGREEMENT

George Harman

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 George Harman who made oath on this 10 day of NOVEMBER, 2010 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: 7/23/14

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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 15<sup>th</sup> day of November, 2010 in due form of law that he executed this agreement for the purposes set forth herein.

SIGNATURE APPEARS ON  
ORIGINAL AGREEMENT

Notary Public

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

JENNIFER D WHITEHEAD  
Notary Public  
Anne Arundel County  
Maryland

My Commission Expires May 20, 2012

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Accepted by the Commission

SIGNATURE APPEARS ON  
ORIGINAL AGREEMENT

Robert E. Scholz, Chair  
for the Commission

Date: 11/19/10, 2010