

AUG 10 2023

PRE-COMPLAINT DISPOSITION AGREEMENT

STATE ETHICS COMMISSION

This Agreement made this 10th day of August, 2023, by and between Ulysses Howard, former Assistant Secretary, Office of Business Enterprise Administration, Department of General Services, and Katherine P. Thompson, 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 (General Provisions Article, Title 5, Annotated Code of Maryland), (hereinafter "the Ethics Law") including the provisions of Subtitle 5, Conflicts of Interest.

AGREED STATEMENT OF FACTS

1. Ulysses Howard was, at all times relevant to this matter, employed by the Department of General Services ("DGS"), an executive agency of the State of Maryland, and an employee subject to the conflicts of interest provisions of the Ethics Law.
2. Mr. Howard was employed as Assistant Secretary within the Office of Business Enterprise Administration for DGS. According to the website for DGS, the Office of Business Enterprise Administration, "...encompasses Capital Grants & Loans, Inventory Standards, Surplus Property, Fleet Management, Fuel Management and Mail Courier Service. Each unit is tasked with support of Departmental operations."
3. Section 5-506(a)(1)(i) of the Ethics Law prohibits a State employee or official from intentionally using the prestige of his or her office for his or her own private gain or that of another. The Commission, through its published opinions, has interpreted the prestige provision to mean that State employees should not use any State resources, such as State computers, State-issued email accounts, or State time for activities unrelated to their State duties. (Op. No. 08.01).
4. In January 2023, the Board of Public Works ("BPW") made a referral to the Commission for potential violations of the Ethics Law by Mr. Howard for using his State-issued email account to conduct activities unrelated to his State duties. The Commission placed this matter on the docket at its meeting on March 2, 2023, and directed Staff Counsel to conduct a preliminary inquiry. During the inquiry into this matter, BPW staff cooperated and provided assistance to Commission staff. Staff Counsel and other Commission staff spent numerous hours reviewing documents for this inquiry.
5. Mr. Howard, in his capacity as Assistant Secretary within the Office of Business Enterprise Administration for DGS, conducted activities related to personal matters or for the benefit of others, which were transmitted through his State-issued email account using his State computer, while on the job. The activities conducted by Mr.

Howard include communications attempting to secure an internship for a family member and communications with individuals on behalf of his family's nonprofit entity.


6. Mr. Howard is voluntarily entering into this Agreement to admit certain violations of the Ethics Law, to accept certain sanctions, and to resolve the matter now pending against him without the issuance of a complaint and a hearing before the Commission.
7. Mr. Howard has been represented throughout these proceedings by counsel, Lydia A. Wade, Esquire, as indicated by her signature on this Agreement.

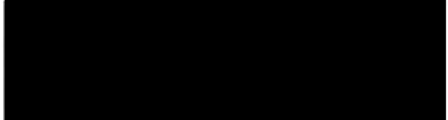
NOW THEREFORE, in consideration of the agreed facts contained herein, and effective on the date of the Commission's acceptance of the terms of this Agreement, Ulysses Howard and Katherine P. Thompson, Staff Counsel, agree as follows:


- A. That Mr. Howard admits that using State resources to conduct activities related to personal matters or for the benefit of others is a violation of the prohibition against using the prestige of one's office for their private gain or that of another contained in § 5-506(a)(1)(i) of the Ethics Law.
- B. Mr. Howard understands that violations of the conflicts of interest provisions of the Ethics Law may result in civil fines pursuant to § 5-902 of the Ethics Law. Mr. Howard further agrees to pay, in lieu of potential fines, the sum of ONE HUNDRED and no/100 DOLLARS (\$100.00) for the above admitted violations of the Ethics Law. That said sum will be paid by check or money order payable to the "State of Maryland" in care of the Commission on or before August 18, 2023. The fee shall be distributed to the Fair Campaign Financing Fund established under § 15-103 of the Fair Campaign Finance Article. If the fee is not paid, it is agreed that the matter will be transferred to the Maryland State Central Collection Unit for the purpose of collecting the monies owed.
- C. This Agreement will serve as a reprimand to Mr. Howard effective the date of the Commission's acceptance of this Agreement.
- D. Mr. Howard waives any formal proceedings and hearing in this matter (if the Commission accepts this Agreement) and agrees that acceptance of this Agreement by the Commission constitutes a final action and finding of violation by the Commission.
- E. Mr. Howard further agrees that this 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. Upon execution of this Agreement by Mr. Howard, Staff Counsel will recommend that the Commission suspend any further proceedings against Mr. Howard.
- G. In the event the Commission declines to accept this Agreement, both Mr. Howard 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 Mr. Howard and Staff Counsel are entering into this Agreement for the sole purpose of resolving the matters involved in the Commission's preliminary inquiry into this matter and for no other purpose.

IN WITNESS WHEREOF, Ulysses Howard and Katherine P. Thompson, Staff Counsel, State Ethics Commission, have hereunto set their hands.


Katherine P. Thompson, Staff Counsel
State Ethics Commission
45 Calvert Street, 3rd Floor
Annapolis, Maryland 21401
(410) 260-7770


Ulysses Howard


Lydia A. Wade, Esquire
Law Office of Lydia A. Wade
717 D Street, NW, Suite 300
Washington, DC 20004

State of Maryland
County of Montgomery, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Ulysses Howard, who made oath in due form of law on this 10 day of AUGUST, 2023, that the matters and facts hereinabove set forth in this Agreement are true to the best of his knowledge, information and belief, that it is his voluntary act and that he executed this Agreement for the purposes set forth herein.

[REDACTED]
Notary Public

My Commission Expires: 11/07/2025



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 Katherine P. Thompson, Staff Counsel to the State Ethics Commission, who made oath on this 11th day of August, 2023, in due form of law that she executed this Agreement for the purposes therein contained.

[REDACTED]
Notary Public

My Commission Expires: June 20, 2025



Accepted by the Commission

[REDACTED]
Craig D. Roswell, Chair
for the Commission

Date: 9/7, 2023