

RECEIVED COMPLAINT DISPOSITION AGREEMENT

This Agreement, made this 3rd day of NOVEMBER, 2008, by and between Michael Slattery, former Assistant Secretary, Department of Natural Resources, 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 of 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. Michael Slattery was, at all times relevant to this matter, the former Assistant Secretary at Department of Natural Resources ("DNR"), an executive agency of the State of Maryland, and was a public official of the State subject to the conflict of interest provisions of the Ethics Law.
2. As a senior official at DNR, Mr. Slattery was involved with supervision of the Forest Service and supervised individuals involved in the awarding of grants from the Maryland Urban and Community Forestry Funding Program. The program provides funding for the planting of trees and other vegetation on public property in the State of Maryland. Mr. Slattery's wife was at the time an employee of a United States government agency that frequently did business with DNR.
3. Mr. Slattery and his wife own a residence that abuts the Baltimore-Annapolis Trail, an Anne Arundel County Park, primarily consisting of a former rail bed that has been paved over as a recreational trail. Sometime in 2005, an Anne Arundel County employee advised Mrs. Slattery that bamboo on the public right-of-way slope that was between the trail and the Slattery property line could be removed and replaced with native species plants. The Anne Arundel County employee stated that this could be accomplished with a grant from the Urban and Community Forestry Funding Program. Subsequently, Mrs. Slattery, on behalf of a local environmental advocacy group, submitted an application for grant monies from Maryland Urban and Community Forestry Funding Program to remove bamboo and other vegetation from the aforementioned area and replace it with plants native to Maryland. The project was in cooperation with Mrs. Slattery's employer, the local environmental advocacy group and the county. A DNR employee stated that it would not be unusual to see Mrs. Slattery's name on a grant application as she frequently did business on behalf of her employer with the agency. After reviewing the application DNR awarded the grant in the amount of \$5,822.00. Both DNR and Mr. Slattery state that he had no role in the awarding of the grant. Mr. Slattery states that he was unaware of DNR's involvement until the day of planting the vegetation when he saw a sign that indicated DNR was involved. Mr. Slattery states that he believes that the project had merit as it was an example of native

vegetation in a public area and that he neither he, nor his wife, personally profited from the planting of the vegetation.

4. In early 2007, Mr. Slattery sought advice from the Commission regarding whether or not he could participate in matters involving his wife's new employer, in which she would likely be seeking further grant monies. Commission staff advised Mr. Slattery as to conflict of interest prohibitions and in turn DNR and he sought to avoid even the appearance of a conflict of interest in future matters by transferring grant final grant approval to another individual at DNR.

5. Section 15-101 of the Public Ethics Law precludes a public official from having even the appearance of a conflict of interest. Section 15-506 of the Public Ethics Law prohibits an official from intentionally using the prestige of his or her office for the private gain of that official or that of another. Mr. Slattery acknowledges the circumstances of the awarding of a grant by a supervisee to allow the planting of vegetation in right-of-way adjacent to his home created the appearance of a conflict of interest.

6. Mr. Slattery represents that any violation of the Public Ethics Law was unintentional on his part and his actions did not work to the detriment of the state.

7. Staff Counsel and Mr. Slattery further represents that he has cooperated with the inquiry into this matter.

8. Mr. Slattery 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.

9. Mr. Slattery has been represented by D. Bruce Poole, Esq., in the inquiry into this matter and the execution of 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, Michael Slattery and William J. Colquhoun, Staff Counsel, agree as follows:

A. That Mr. Slattery admits the awarding of grant monies to allow planting of vegetation near his property gives rise to the appearance of a conflict of interest, specifically, a violation of § 15-506's prohibition against using the prestige of one's office for the private gain of themselves and others.

B. That the Commission will issue an official reprimand to Mr. Slattery effective the date of the Commission's acceptance of the Agreement.

C. That the Commission will transmit a copy of said reprimand and the Agreement to the Secretary of DNR and the Governor.

D. That Mr. Slattery 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.

E. Mr. Slattery 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 Mr. Slattery, Staff Counsel will recommend that the Commission suspend any further proceedings against Mr. Slattery. Should Mr. Slattery fail to comply with the terms of the Agreement, and after written notice to Mr. Slattery, the Commission reserves the right to open another investigation and issue a Complaint for violation of Sections 15-506 of the Public Ethics Law.

G. That in the event that the Commission declines to accept the Agreement, both Mr. Slattery 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. Slattery and Staff Counsel are entering into this agreement for the sole purpose of resolving the matters involved in the Commission's Preliminary Inquiry Investigation and other matters currently known to the Commission and for no other purpose.

IN WITNESS WHEREOF, Michael Slattery 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, 3rd Floor
Annapolis, Maryland 21401

SIGNATURE APPEARS ON
ORIGINAL AGREEMENT

Michael Slattery

SIGNATURE APPEARS ON
ORIGINAL AGREEMENT

D. Bruce Poole, Esq.
Counsel for Michael Slattery

State of Maryland
County of: Washington, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared MICHAEL SLATTERY who made oath on this day of 31st day of October, 2008 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

[Signature]
Notary Public

My Commission Expires: 10/17/2011



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 3rd day of NOVEMBER, 2008 in due form of law that he executed this agreement for the purposes set forth herein.

SIGNATURE APPEARS ON
ORIGINAL AGREEMENT

[Signature]
Notary Public

My Commission Expires:

DONALD M. STREET
Notary Public-Maryland
Anne Arundel County
My Commission Expires
November 09, 2010

Accepted by the Commission

[Signature]
SIGNATURE APPEARS ON
ORIGINAL AGREEMENT

[Signature]
Robert F. Scholz, Chair for the Commission

Date: DECEMBER 4, 2008