

In the Matter of

Joseph Stewart

Respondent

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Before the

State Ethics Commission

Complaint No. C-74-13

ORDER

Having considered the Stipulation of Settlement Agreement entered into between Respondent, Joseph Stewart, and William J. Colquhoun, Staff Counsel to the State Ethics Commission on June 26, 2014, 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 Agreement, attached hereto and made part hereof, it is hereby

ORDERED, that the Respondent is reprimanded, and that this Order and Stipulation of Settlement Agreement are public documents and shall be transmitted to the Governor and the Director of the Department of Assessments and Taxation.

STATE ETHICS COMMISSION

Date: June 26, 2014

Robert G. Blue, Acting Chair

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2014, a copy of the foregoing Order in State Ethics Commission proceeding C-1-14, was forwarded via regular mail, postage prepaid, to the Joseph Stewart, c/o Andrew Radding, Adelberg, Rudow, Dorf & Hendler, LLC, 7 Saint Paul Street, Suite 600, Baltimore, Maryland 21202, and was hand delivered to William J. Colquhoun, Staff Counsel for the State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, Maryland 21401.

Jennifer K. Allgair, General Counsel

RECEIVED

MAY 07 2014

STATE ETHICS
COMMISSION

In the Matter of:

JOSEPH STEWART

Respondent

Before the State Ethics Commission

Complaint No.: C-74-13

STIPULATION OF SETTLEMENT AGREEMENT

This Stipulation of Settlement Agreement (hereinafter the "Agreement") was made on the 4th day of May, 2014, between Joseph Stewart, Respondent, and William J. Colquhoun, Staff Counsel to the State Ethics Commission ("Staff Counsel").

STIPULATIONS

1. The State Ethics Commission ("Commission") is an executive agency of the State of Maryland established for the purpose of enforcing the Maryland Public Ethics Law (Title 15, State Government Article, Annotated Code of Maryland, hereinafter "the Public Ethics Law").
2. Joseph Stewart ("the Respondent") was, at all times relevant to this matter, employed by the Department of Assessments and Taxation ("SDAT"), an executive agency of the State of Maryland, and an employee subject to the conflict of interest provisions of the Public Ethics Law.
3. The Respondent is employed as a Charter Specialist in the Charter Legal Section at SDAT. His primary duties involve handling expedited requests for charters and reviewing charters for legal sufficiency.
4. On November 25, 2013, the Commission received correspondence from an individual (the "Complainant") requesting that a complaint be issued against the Respondent for using his state e-mail account "jstewart@dat.state.md.us" to communicate with other individuals about matters unrelated to his SDAT duties. The Commission met on December 12, 2013 and authorized the issuance of the complaint. Staff Counsel was directed to perform a preliminary investigation into the allegations. Staff Counsel delivered his preliminary investigation report to the Commission at its April 24, 2014 meeting.
5. Between 2009 and 2012, the Respondent with some frequency used his State email account, which included a signature with his State email address and phone number, to communicate with various personal contacts. The e-mails were largely to Baltimore-based community, historical and recreational associations of which the Respondent is a member.
6. 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. The Commission has interpreted this provision to mean that a State employee or official should not use State time, title or resources for business unrelated to their State duties.

7. The Respondent has fully cooperated in Staff Counsel's review of this matter.
8. The Respondent is voluntarily entering into this Agreement to admit certain violations of the Public Ethics Law, to accept certain sanctions, and to resolve the matter now pending against him without a hearing before the Commission.
9. The Respondent has been represented throughout these proceedings by counsel, Andrew Radding, Esq., as indicated by his 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, Joseph Stewart, Respondent, and William J. Colquhoun, Staff Counsel, agree as follows:

A. That the Respondent admits that using his State email account to interact with individuals on behalf of Baltimore-based community, historical, and recreational groups of which he is a member constitutes a violation of the prohibition in § 15-506 against using the prestige of one's office for the private gain of themselves or others.

B. That the Respondent will not during his remaining months in State service, until his long planned retirement on June 30, 2014, use his State email account to conduct personal business, including, but not limited to, that of Baltimore-based community, historical and recreational groups of which he is a member.

C. That the Commission will issue an official reprimand to the Respondent for the above admitted violation of the Public Ethics Law effective the date of the Commission's acceptance of this Agreement.

D. That the Commission will transmit a copy of this Agreement to the Governor and the Director of SDAT.

E. That the Respondent 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.

F. That the Respondent further agrees that the Agreement and materials related to this matter are not subject to the confidentiality provisions of the Public Ethics Law and will be public information unless otherwise protected.

G. That upon execution of this Agreement by the Respondent, Staff Counsel will recommend that the Commission suspend any further 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 this Agreement, and after written notice to him, the Commission reserves the right to issue a further order regarding this matter or to schedule a hearing in this matter.

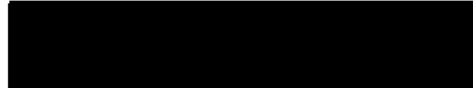
H. That in the event the Commission declines to accept this Agreement, both the Respondent and Staff Counsel are relieved of their respective obligations hereunder, and neither this Agreement, nor any admission it may contain, shall be admissible in any subsequent proceeding by the Commission.

I. That the Respondent and Staff Counsel are entering into this agreement for the sole purpose of resolving the matters arising under the Commission's Complaint and for no other purpose.

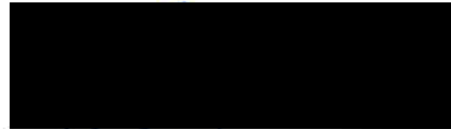
IN WITNESS WHEREOF, Joseph Stewart, Respondent, and William J. Colquhoun, Staff Counsel, State Ethics Commission, have hereunto set their hands.



William J. Colquhoun, Staff Counsel
State Ethics Commission
45 Calvert Street, 3rd Floor
Annapolis, Maryland 21401
(410) 260-7770



Joseph Stewart



Andrew Radding, Esq.
Adelberg, Rudow, Dorf & Hendler LLC
7 Saint Paul Street, Suite 600
Baltimore, Maryland 21202
(410) 986-0824

State of Maryland
County of: Baltimore City, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Joseph Stewart, who made oath in due form of law on this 5th day of May, 2014 that the matters and facts hereinabove set forth in the Stipulation of Settlement Agreement are true to the best of his knowledge, information and belief and it is his voluntary act and that he executed this document for the purpose set forth herein.


Notary Public

My Commission Expires: June 11, 2015

(Notary Seal)

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 7th day of May, 2014 in due form of law that he executed this agreement for the purposes therein contained.


Notary Public

My Commission Expires: _____

(Notary Seal)



Accepted by the Commission


Robert G. Blue, Acting Chair
for the Commission

Date: June 26