

In the Matter of
Thomas Klenk
Respondent

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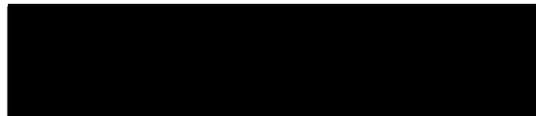
Before the
State Ethics Commission
Complaint No. C-31-16

ORDER

At its September 10, 2015 meeting, the State Ethics Commission reviewed the above captioned Complaint to determine whether further proceedings were necessary. The State Ethics Commission determined that the matter complained of herein has been settled by execution of a Stipulation of Settlement Agreement, attached hereto and made a part hereof, and payment in accord with Paragraph C of the Stipulation of Settlement Agreement of the sum of One Hundred and Ten Dollars (\$110).

ORDERED, that the Respondent is reprimanded, that this Order and Stipulation of Settlement Agreement are public documents and will be transmitted to the Governor and the Public Defender.

STATE ETHICS COMMISSION



Janet E. McHugh, Chair

Date: August 25, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this 30 day of August, 2016, a copy of the foregoing Order in State Ethics Commission proceeding C-31-16, was forwarded via regular mail, postage prepaid, to the Respondent, Thomas Klenk, Assistant Public Defender III, Office of the Public Defender, 170 E. Main Street, Elkton, Maryland 21921, and was hand delivered to William J. Colquhoun, Staff Counsel for the State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, MD 21401.



Jennifer K. Allgair, General Counsel

In the Matter of:

THOMAS KLENK

Respondent

Before the State Ethics Commission

AUG 01 2016

Complaint No.: C-31-16

STATE ETHICS COMMISSION

STIPULATION OF SETTLEMENT AGREEMENT

This Stipulation of Settlement Agreement (hereinafter the "Agreement") made this 27th day of July, 2016, by and between Thomas Klenk, Respondent and William J. Colquhoun, Staff Counsel to the Maryland State Ethics Commission (hereinafter the "Staff Counsel").

STIPULATIONS

1. The Respondent is an Assistant Public Defender III for the Office of the Public Defender and as a public official and an employee of the State of Maryland is required to file an annual financial disclosure statement.

2. The State Ethics Commission (hereinafter the "Commission") is an executive agency of the State of Maryland established by Chapter 513, Acts of 1979 for the purpose of enforcing the Maryland Public Ethics Law (Title 5, General Provisions Article, Annotated Code of Maryland (2015)).

3. On June 16, 2016, the Commission issued a Complaint alleging in part that the Respondent failed to file a properly completed Financial Disclosure Statement for calendar year 2015 by April 30, 2016.

4. The Respondent admits he is a public official required to file financial disclosure statements pursuant to § 5-103 of the Public Ethics Law and that the statement was not filed in a timely manner.

5. The Respondent has been advised as to the opportunity to be represented by counsel pursuant to the regulations of the Commission and has decided not to be represented by counsel.

6. The Respondent is voluntarily entering into this Agreement to admit his failure to timely file and to accept certain sanctions.

NOW THEREFORE, in consideration of the Respondent's submission of the required financial disclosure statement for calendar year 2015 on May 24, 2016 and the admissions and agreements herein contained, Respondent and Staff Counsel stipulate as follows:

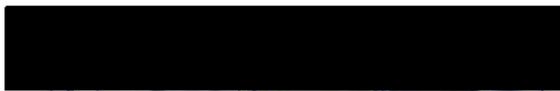
- A. The Respondent admits he did not timely file the required financial disclosure statement for calendar year 2015.

- B. The Respondent subsequently submitted the required financial disclosure statement on May 24, 2016.
- C. The Respondent understands a filing violation of the Public Ethics Law can subject an official to late fees of Five Dollars (\$5) per day for each late day not to exceed Five Hundred Dollars (\$500) and to fines for each violation pursuant to § 5-405(g)(2) and § 5-902(b)(1)(i) of the Public Ethics Law respectively. Respondent hereby agrees to pay, as a settlement, the amount of ONE HUNDRED TEN and no/100 DOLLARS (\$110.00) in lieu of adjudicated late fees and fines for the above admitted filing violations (paragraphs A and B) of the Public Ethics Law. Respondent agrees that the fee will be paid by check or money order to the State of Maryland in care of the State Ethics Commission at the time of the execution of this Stipulation of Settlement Agreement. The fee shall be distributed to the Fair Campaign Finance Fund established under § 15-103 of the Fair Campaign Finance Article.
- D. The Respondent accepts that the Commission, pursuant to § 5-405 of the Public Ethics Law, will issue a reprimand for the late filing, effective the date of the Final Order in this matter, and the reprimand will be transmitted to the Public Defender of the Office of the Public Defender and to the Governor.
- E. The Respondent accepts that the Commission, pursuant to § 5-407 of the Public Ethics Law will transmit this Agreement, including any documents or exhibits incorporated herein, to the Public Defender of the Office of the Public Defender and to the Governor.
- F. The Respondent waives a formal hearing on this matter and agrees that acceptance of this Agreement by the Commission would constitute, based on his admission of his failure to timely file, a final action and finding of violation by the Commission, and that pursuant to § 5-407 of the Public Ethics Law this Agreement and materials relating to this matter are not subject to the confidentiality provisions of the Public Ethics Law, and will be public information unless otherwise protected.
- G. The Staff Counsel will, upon execution of this Agreement by Respondent, recommend that the Commission suspend further complaint proceedings against Respondent and recommend further that the Commission issue a Final Order consistent with this agreement. It is understood by the Respondent that the Commission is under no obligation to accept this Stipulation of Settlement Agreement and may decide to take other action, including holding a hearing.
- H. The Respondent and the Staff Counsel have entered into this Agreement for the sole purpose of resolving the Commission's Complaint under the Public Ethics Law for failure to file financial disclosure and for no other purpose.

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



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



Thomas Klenk
Respondent

State of Maryland

County of: Cecil, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared THOMAS KLENK, who made oath in due form of law on this 28th day of July, 2016, 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 is his voluntary act and that he executed this document for the purpose set forth herein.

[Redacted Signature]

Notary Public

My Commission Expires: June 6, 2017

(Notary Seal)

State of Maryland

County of: ANNE ARUNDEL, to wit:

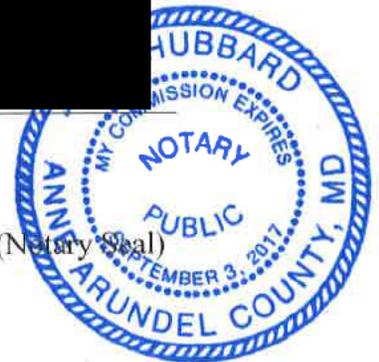
Before me, the undersigned, a Notary Public for the State and County aforesaid, personally appeared WILLIAM J. COLQUHOUN, Staff Counsel to the State Ethics Commission, who made oath on this 1st day of AUGUST, 2016, in due form of law that he executed this agreement for the purposes therein contained

[Redacted Signature]

Notary Public

My Commission Expires: 9/3/2017

(Notary Seal)



Accepted by the Commission

[Redacted Signature]

Janet E. McHugh, Chair
For the Commission

Date: August 25, 2016