

PRE-COMPLAINT DISPOSITION AGREEMENT

This Agreement, made this 30 day of January, 2015, by and between Dorian Flynn and William J. Colquhoun, Esq., Staff Counsel to the State Ethics Commission (hereinafter "Staff Counsel").

The State Ethics Commission ("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 (General Provisions Article, Title 5, Annotated Code of Maryland) including the provisions of Subtitle 7, the lobbying disclosure and conduct program.

AGREED STATEMENT OF FACTS

1. Dorian Flynn is an individual whose lobbying activities on behalf the Maryland Association of Nonpublic Special Education Facilities ("the Association") during the period of November 1, 2013 to October 31, 2014 required her to register as a lobbyist with the Commission. Ms. Flynn is the Executive Director of the Association.
2. Section 5-715(d)(1)(i) of the Public Ethics Law prohibits a regulated lobbyist from soliciting or transmitting a political contribution from any person, including a political committee, for the benefit of the Governor, Lieutenant Governor, Attorney General, or Comptroller, or a member of the General Assembly, or for the benefit of a candidate for those offices.
3. On three separate occasions in 2014, Ms. Flynn wrote political contribution checks to three different candidates for the General Assembly from the Association's checking account. Ms. Flynn, after writing each check, transmitted those political contributions to the campaigns of the candidates at campaign events. The campaigns deposited the checks into their campaign accounts.
4. On or about November 24, 2014, Ms. Flynn filed an Individual Regulated Lobbyist-Campaign Contribution Report (Form #22). Section 5-708(a)(1-4) of the Public Ethics Law requires a regulated lobbyist to report political contributions made directly or indirectly by the regulated lobbyist for the benefit of the Governor, Lieutenant Governor, Attorney General, or Comptroller, or a member of the General Assembly, or for the benefit of a candidate for those offices. On the form she disclosed that she had made 5 contributions during the reporting period to members of the General Assembly. Three of those reported contributions were in fact the Association's contributions that she had transmitted and should not have been reported on the form. The form was corrected on January 30, 2015 to accurately reflect only her own political contributions.

5. On or about January 12, 2015, Ms. Flynn advised the Commission's staff that she had transmitted contributions. Ms. Flynn explained the circumstances of the transfer and provided copies of the political contribution checks to Staff Counsel. Ms. Flynn fully cooperated with Staff Counsel's review of this matter.

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, Dorian Flynn and William J. Colquhoun, Staff Counsel, agree as follows:

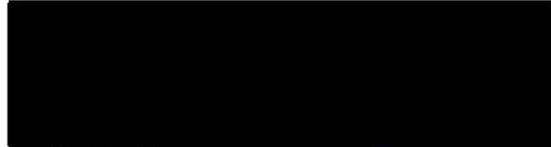
- A. That Ms. Flynn, a regulated lobbyist, transmitted political contributions on three separate occasions in violation of § 5-715(d)(1)(i) of the Public Ethics Law.
- B. That Ms. Flynn understands that failure to comply with the cited provisions of the Public Ethics Law may subject her to civil fines pursuant to § 5-902 of the Public Ethics Law and that such fines may be in an amount up to \$5,000 for each violation of the law.
- C. That the Commission will issue a reprimand to Ms. Flynn effective the date of the Commission's acceptance of the Agreement.
- D. That Ms. Flynn accepts that the Commission, pursuant to § 5-407(c) of the Public Ethics Law, will transmit this Agreement, including any documents or exhibits incorporated herein, to the Speaker of the House of Delegates, the President of the Senate, and the Association.
- E. That upon execution of this Agreement by Ms. Flynn, Staff Counsel will recommend that the Commission suspend any further proceedings against Ms. Flynn. Should Ms. Flynn fail to comply with the terms of the Agreement, and after written notice is issued to her, the Commission reserves the right to open an investigation and issue a Complaint for violation of § 5-715(d)(1)(i) of the Public Ethics Law.
- F. That Ms. Flynn waives a formal hearing on this matter and agrees that acceptance of this Agreement by the Commission constitutes a final action and finding of violation by the Commission, and further agrees that pursuant to § 5-407(c) 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. That in the event the Commission declines to accept the Agreement, both Ms. Flynn 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 Ms. Flynn and the Staff Counsel have entered into this Agreement for the sole purpose of resolving the Commission's preliminary consideration matter and for no other purpose.

IN WITNESS WHEREOF, Dorian Flynn 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, MD 21401



Dorian Flynn
Lobbyist
Maryland Association of Nonpublic
Special Education Facilities

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 Dorian Flynn, who made oath in due form of law on this 30 day of January, 2015 that the matters and facts hereinabove set forth in the Pre-Complaint Disposition Agreement are true to the best of her knowledge, information and belief, it is her voluntary act and that she executed this document for the purpose set forth herein.

[Redacted Signature]
Notary Public

My Commission Expires: 06-01-2018 (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 2nd day of February, 2015 in due form of law that he executed this agreement for the purposes therein contained.

[Redacted Signature]
Notary Public

My Commission Expires: _____ (Notary Seal)



Accepted by the Commission

[Redacted Signature]
Paul Vettori, Chair
for the Commission

Date: _____, 2015