

In the Matter of

Paul J. Fiore,

Respondent

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Before the

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State Ethics Commission

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Complaint No. C-85-08

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ORDER

Having reviewed at its meeting on December 11, 2008, the results of an investigation as to whether this case merits further proceedings, and having considered the Stipulation of Settlement Agreement entered into between Respondent, Paul J. Fiore, and William J. Colquhoun, Staff Counsel to the State Ethics Commission on November 25, 2008, the State Ethics Commission has determined that the matter complained of herein has been settled by Respondent's execution of the Stipulation of Settlement, attached hereto and made a part hereof. In paragraphs G. 1-3 of the Stipulation, Respondent agreed to a payment of the sum of One Thousand Five Hundred (\$1,500) dollars. Pursuant to paragraph H of the Stipulation, it is therefore by the Commission hereby

ORDERED, that Respondent is officially reprimanded, and that a copy of this Order and the executed Stipulation of Settlement Agreement be transmitted to the Governor, the Speaker of the Maryland House of Delegates, the President of the Maryland Senate and the Respondent's employer, WMDA Service Station and Automotive Repair Association.

Date: December 11, 2008

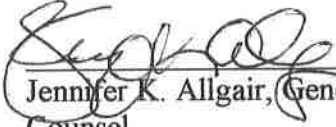
STATE ETHICS COMMISSION

By:


Robert F. Scholz, Chair

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of December, 2008, a copy of the foregoing Order in State Ethics Commission proceeding C-85-08, was forwarded via regular mail, postage prepaid, to the Respondent, Paul J. Fiore, WMDA, 1532 Pointer Ridge Place, Ste. E, Bowie, Maryland 20716 and was hand delivered to William J. Colquhoun, Staff Counsel to the State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, Maryland 21401.


Jennifer K. Allgair, General
Counsel

IN THE MATTER OF

PAUL J. FIORE,

Respondent

* BEFORE THE

*

* STATE ETHICS COMMISSION

*

* COMPLAINT NO. C-85-08

*

STIPULATION OF SETTLEMENT AGREEMENT

This Stipulation of Settlement Agreement (hereinafter the "Agreement"), made this day of DECEMBER, 2008, by and between Paul Fiore, lobbyist for the WMDA Service Station and Automotive Repair Association ("WMDA") and William J. Colquhoun, Staff Counsel to the Maryland State Ethics Commission (hereinafter "Staff Counsel").

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RECITALS

1. 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 (State Government Article, Title 15, Annotated Code of Maryland, hereinafter the Ethics Law) including the provisions of Subtitle 7, the lobbying disclosure program.

2. Paul Fiore ("Respondent") is an individual whose lobbying activities on behalf of the WMDA during the period of November 1, 2007 to October 31, 2008, required him to register as a lobbyist with the State Ethics Commission.

3. The Respondent did not timely register on behalf of the employer, the WMDA ("the Employer"), as required by Md. Code. Ann., State Gov't. Art., §15-703(d)(1)(Supp.2008). The Respondent registered on August 25, 2008 for the period of November 1, 2007 to October 31, 2008.

4. The Respondent submitted a Lobbyist Activity Report on August 28, 2008 for the period of November 1, 2007 through April 30, 2008, which was not timely filed and was due on May 31, 2008.

5. The Respondent participated in activities related to the solicitation and transmittal of political contributions involving the WMDA Political Action Committee ("PAC") by making the following statements in the WMDA newsletter:

"... That leaves us with one request and that is to help us pay for Lobby Day by sending in your PAC ticket now. If you can afford it, buy two; it's good for your financial health. Remember, this is a key component of our lobbying efforts - between attending political fundraisers and our interaction with legislators on Lobby Day we keep our vital relationships with them strong and lasting. We can't do

without you and no one tells your story better than you. . ."
(January 2008 Newsletter, page 11, "Legislative Update")

". . . Well, now that the session is over the invitations to fundraisers are piling up and this is our first time asking you to get those PAC tickets in. We enjoy a wonderful working relationship with the Maryland legislature and it is largely because of your efforts, both in grass roots and financial contributions. Many thanks to those members who have already sent their donations. Please help us continue to present your issues in Annapolis from a position of strength. . ."
(May 2008 Newsletter, page 11, "Legislative Update")

NOW THEREFORE, in consideration of the submission of the required lobbyist registration form filed on August 25, 2008, and the required lobbyist activity report filed on August 28, 2008 by the Respondent, and the admissions and agreements herein contained, the Respondent and Staff Counsel stipulate and agree as follows:

A. That the Respondent did not timely file his lobbyist registration form on behalf of the WMDA for the period of November 1, 2007 to October 31, 2008, as required by §15-703(d)(1) of the Public Ethics Law.

B. That the Respondent did not timely file his lobbyist activity report on behalf of the WMDA for the period of November 1, 2007 through April 30, 2008, as required by §15-704(a) of the Public Ethics Law.

C. That the Respondent filed his lobbyist registration form on August 25, 2008 and his lobbyist activity report on August 28, 2008 (copies of which have been attached hereto and made a part thereof).

D. That the Respondent participated in activities related to the solicitation and transmittal of political contributions, as more thoroughly described in paragraph 5 above, in violation of §15-714(d)(i) of the Public Ethics Law.

E. That the Respondent avers that other than the matters referenced in paragraph 5 above, he has not solicited or transmitted any contributions in violation of Section 15-714(d)(i) during the period of his registration. He further avers that he will refrain from doing so during any future period of time when he is employed as a regulated lobbyist.

F. That the Respondent understands that failure to comply with the cited provisions of the Public Ethics Law may subject him to civil fines pursuant to Section 15-902 of the Public Ethics Law and that such fines may be in an amount up to \$5,000 for each violation of the law.

G. That based on the facts stated in this agreement, at the time of execution of this agreement in lieu of potential fines for the above admitted violations, the Respondent agrees to pay as settlement the following:

1. For the late lobbyist registration filing, the amount of Two Hundred Fifty Dollars (\$250.00);
2. For the late lobbyist activity report, the amount of Two Hundred Fifty Dollars; (\$250.00);
and
3. For the PAC political contributions solicitation matters, the amount of One Thousand Dollars (\$1,000.00).

The above payments will be made no later than DECEMBER 17, 2008 by money order, cashier's check or other certified funds.

H. That the Respondent accepts that the Commission, pursuant to Section 15-405(c)(2) of the Public Ethics Law will issue a reprimand effective the date of the Final Order in this matter, and the reprimand will be transmitted to the Governor, the Speaker of the House of Delegates, the President of the Senate, and to WMDA.

I. That the Respondent accepts that the Commission, pursuant to Section 15-407(c) of the Public Ethics Law will transmit this Agreement, including any documents or exhibits incorporated herein, to the Governor, the Speaker of the House of Delegates, the President of the Senate, and to WMDA.

J. That upon execution of this Agreement by the Respondent, Staff Counsel will recommend that the Commission suspend any further proceedings on this Complaint, 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.

K. That Respondent 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 Section 15-407(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

L. That the Respondent understands a copy of this agreement will be mailed to his employer.

M. That 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 timely file a lobbyist registration statement, late filing of a lobbyist activity report, and solicitation of PAC contributions, and for no other purpose.

IN WITNESS WHEREOF, Paul Fiore, 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



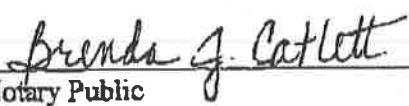
Paul Fiore
Lobbyist
WMDA Service Station and Automotive
Repair Association



Harry C. Storm
Lerch, Early & Brewer, Chtd.
3 Bethesda Metro Center
Bethesda, MD 20814
Attorney for Respondent

State of Maryland,
County of: Calvert, to wit:

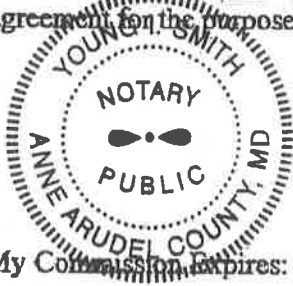
Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared PAUL FIORE, who made oath on this 25th day of November, 2008 in due form of law that the matters and facts hereinabove set forth are true to the best of his knowledge, information and belief, and are his voluntary act and that he executed this document for the purpose set forth herein.


Notary Public

My Commission Expires: 12/17/2012

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 4th day of December, 2008 in due form of law that he executed this agreement for the purposes set forth herein.



Young Smith
Notary Public

My Commission Expires: 2/23/2011

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

Date: DECEMBER 4, 2008