

LOBBYIST SETTLEMENT AGREEMENT

RECEIVED

JUN 24 2019

This Agreement, made this 19th day of June, 2019, by and between Jeffry F. Guido, lobbyist for North American Building Trades Unions, and William J. Colquhoun, Staff Counsel to the Maryland State Ethics Commission (hereinafter "Staff Counsel").

RECITALS

The State Ethics Commission ("the Commission") is the 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) (hereinafter the "Ethics Law") including the provisions of Subtitle 7, the lobbying disclosure program.

Jeffry F. Guido is an individual whose lobbying activities on behalf of North American Building Trades Unions for the period of November 28, 2018 to October 30, 2019, required him to register as a lobbyist with the Commission.

Regulated lobbyists are required to file Activity Reports (Form #4) reporting expenditures and compensation for each of the lobbyist's employers. This includes the reporting of gifts given to officials or employees or their immediate family. Md. Code Ann., Gen'l Prov. Art., § 5-705(b)(2)(xi). The Ethics Law defines a "gift" as "the transfer of anything of economic value, regardless of form, without adequate and lawful consideration." Md. Code Ann., Gen'l Prov. Art., § 5-101(p)(1).

State officials and employees are prohibited from accepting certain gifts from "controlled donors." Controlled donors include individuals or businesses that: 1) do business with or seek to do business with the official's or employee's agency; 2) are regulated by the official's or employee's agency; 3) have private interests that can be impacted by an official's or employee's performance of his/her duties; or 4) are regulated lobbyists with respect to matters within the jurisdiction of the official or employee. Md. Code Ann., Gen'l Prov. Art., § 5-505(b)(2)(i-iv).

The Ethics Law allows controlled donors to give and State officials and employees to receive certain categories of gifts.¹ Relevant to this matter, an employee may accept an unsolicited gift with a value of \$20 or less from a controlled donor. Md. Code Ann., Gen'l Prov. Art., § 5-505(c)(2)(iii). State officials and employees are strictly prohibited from accepting: 1) cash; 2) gift cards; and 3) tickets to sporting events from controlled donors. The Ethics Law strictly prohibits a regulated lobbyist from making a gift that the lobbyist knows or has some reason to know is in violation of Subtitle 5. Md. Code Ann., Gen'l Prov. Art., § 5-714(8).

Mr. Guido timely filed his Activity Report on May 9, 2019. Mr. Guido reported to the Commission that he gave flowers to two employees of the Maryland General Assembly. Mr. Guido advised the Commission that he spent \$48.89 on one bouquet of flowers, and \$47.89 on the

¹ A more detailed discussion of the Public Ethics Law's gifts provisions are included in the Commission's, *The Gift Law* memorandum, dated October 1, 2017; and its memorandum entitled, *Gift Reporting for Lobbyists*, dated October 1, 2014.

second bouquet of flowers. He further advised the Commission that the employees were unaware of the value of the flowers.²

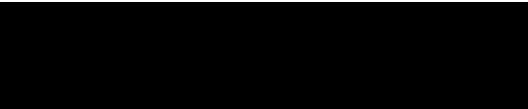
Mr. Guido has fully cooperated in Staff Counsel's investigation into this matter.

NOW THEREFORE, in consideration of the admissions and agreements herein contained, Mr. Guido and Staff Counsel stipulate and agree as follows:

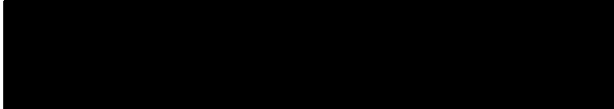
1. Mr. Guido gave gifts that were in excess of the value allowable in violation of Section 5-714(8) of the Ethics Law.
2. Mr. Guido understands that failure to comply with the lobbying prohibitions of the Ethics Law may subject him to a formal complaint by the Commission and, upon finding of a violation, late fees and the possibility of civil fines.
3. That the Commission will issue a reprimand to Mr. Guido effective the date of this Agreement.
4. Based on the facts stated in this Agreement, Mr. Guido agrees to pay as settlement of the matter the amount of FIVE HUNDRED and no/100 Dollars (\$500.00) at the time of the execution of this Agreement in lieu of potential late fees and civil fines for the above admitted violation of providing gifts in excess of the allowable value to two employees of the General Assembly.
5. The Staff Counsel will, upon execution of this Agreement by Mr. Guido, recommend that the Commission not institute any proceedings for the giving of gifts to two State employees in excess of \$20 in value. Mr. Guido understands that the Commission is under no obligation to accept this Agreement and may decide to take other action, including issuing a complaint.
6. Mr. Guido waives a formal hearing on this matter (if the Agreement is accepted by the Commission) to which he would be entitled if a complaint were issued, and he understands that this Agreement and materials relating to this matter are not subject to the confidentiality provisions of the Ethics Law, and will be public information unless otherwise protected.
7. Mr. Guido understands that a copy of this Agreement and reprimand will be mailed to his employer.
8. Mr. Guido and the Staff Counsel have entered into this Agreement for the sole purpose of resolving the above admitted violation of providing gifts in excess of the allowable value to two employees of the General Assembly, for the payment in lieu of a late fee and fine, and for no other purpose.

² Employees are urged to exercise caution when accepting gifts if they cannot easily ascertain the gift's value.

IN WITNESS WHEREOF, Jeffry F. Guido, lobbyist, and William J. Colquhoun, Staff Counsel to the State Ethics Commission, have hereunto set their hands.



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



Jeffry F. Guido
Lobbyist for
North American Building Trades Unions

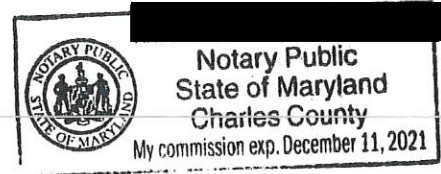
State of Maryland
County of Charles, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Jeffrey F. Guido, who made oath on this 19 day of June, 2019 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.

[Redacted Signature]

Notary Public

My Commission Expires: December 11, 2021



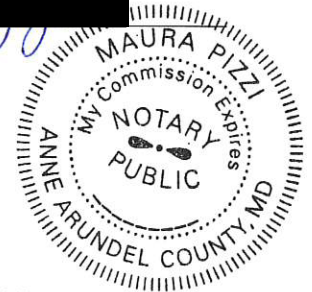
State of Maryland,
County of Anne Arundel to wit:

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 24th day of June, 2019 in due form of law that he executed this Agreement for the purposes set forth herein.

[Redacted Signature]

Notary Public

My Commission Expires: June 20, 2021



Accepted by the Commission

[Redacted Signature]

Janet E. McHugh, Chair
for the Commission

Date: July 11, 2019

MARYLAND STATE ETHICS COMMISSION

45 Calvert Street, 3rd Floor
Annapolis, Maryland 21401
410-260-7770
Toll Free 1-877-669-6085

GENERAL LOBBYING ACTIVITY FORM (Form #4)

Read instructions carefully before completing this form. If you had reportable expenses or compensation during the reporting period, complete Parts A, B, C, D, E, F and G of the Activity Report. If you had no reportable compensation or expenses during the reporting period, but were registered to engage in lobbying, check here _____ and complete Parts A, E, F, and G. If additional forms are required for this employer, those forms should be attached to and made part of this filing.

Activity Report for reporting period: November 28, 2018 through April 30, 2019

Termination Report: Yes _____ No x

Termination Date:

PART A Identification of Regulated Lobbyist (Registration and Employer)

A. 1) Identifying Information (complete all blanks, compare to registration form, and explain any differences)

- a) Name: Jeffry F Guido
- b) Permanent Address (Include firm name if applicable):
Firm Name: Building & Construction Trades Dept. AFL-CIO

Address:
815 16th st nw
suite 600
washington, dc, DC 20006
- c) Business telephone: 202-756-4660

Cell phone: 240-687-5195

A. 2) Identification of others required to register:

- a) Was any other person required to register as a lobbyist on behalf of the filer?
Yes _____ No x
- b) If the answer to a) is "Yes", identify each such person below and give their name and address:

A. 3) Identification of employer (complete only if registrant acts on behalf of another):

- a) Did you engage in lobbying activity on behalf of a person or entity other than yourself?
Yes x No _____
Name: North American Building Trades Unions
Permanent Address:
815 16th St NW
suite 600
Washington, DC 20006
Business Telephone: 202-347-1461

Nature of business: Building Trades Unions

Website of employer:

- b) Did you represent any other person or entity with regard to the matters covered by this registration?
Yes _____ No x

A. 4) Primary purpose of the organization:

Is your employer, or you if there was no employer, organized and operated for the primary purpose of attempting to influence any legislative or executive action?
Yes _____ No x

A. 5) Registration Information:

- a) For what period of registration did you engage in lobbying activity for this employer, or for yourself if you did not have an employer?
November 28, 2018 to October 30, 2019

b) What were the matters on which you or someone in your employ engaged in lobbying activity during the registration period covered by this report?

- APPRENTICES
- BUILDING CODES
- COLLECTIVE BARGAINING
- CONSTRUCTION
- ECONOMIC DEVELOPMENT
- EDUCATION
- ELECTRICIANS
- ELEVATORS
- HEATING AND COOLING
- LABOR AND INDUSTRY
- NUCLEAR MATTERS
- OCCUPATIONAL SAFETY
- PLUMBING
- POWER PLANTS
- PUBLIC UTILITIES
- SOLAR ENERGY
- STRIKES
- TRADE SECRETS
- UNIONS
- VETERANS
- VOCATIONAL REHABILITATION
- WORKERS' COMPENSATION
- WORK, LABOR AND EMPLOYMENT

c) If known include the bill number(s) of the matter(s) on which you lobby
SB 300; SB 516

A. 6) Did the employer claim the status of exempt employer on the registration form? If that exemption is no longer claimed or should be amended, please provide an explanation for the change in the field below.

Yes No

If the exemption claimed differs from the registration form, please explain in writing:

PART B Compensation and Expenses

B. 1) Did you provide any meals and beverages for officials or employees or their immediate families?

Yes No

If yes, what was the exact amount?

B-1 \$0.00

B. 2) Did you incur any expenses for special events, including dinners and receptions, entertainment and other functions to which all members of the General Assembly, either house thereof, all members of any standing committee or all members of a formally recognized (for ethics purposes) county or regional delegation have received written invitations.

Yes No

If yes, list date, location, group of invitees who benefited and total expenses for each event.

Total B-2
Expenses \$0.00

B. 3) Did you incur any expenses for food, lodging, or scheduled entertainment of officials and employees for a meeting which were given in return for participation in a panel or speaking engagement at a meeting?

Yes No

If yes, list date, location, and total expense for each meeting. If the total amount in expenses on any one official or employee is \$200 or more for any meeting, also include the person's name and the amount expended for the person at the meeting.

Total B-3
Expenses \$0.00

B. 4) Did you incur any expenses for food and beverages received by any member(s) of the General Assembly at approved legislative organization meetings?

Yes No

If yes, list location, name of legislative organization, date and total expense for each meeting.

Total B-4
Expenses \$0.00

B. 5) Did you incur any expense for a ticket or free admission to any members of the General Assembly to attend charitable, cultural or political events to which the event holder invited all members of a legislative unit?
Yes _____ No X
If yes, list the name of the event, location, date, name of legislative unit and total expense for each event.

Total B-5 Expenses \$0.00

B. 6) Did you give any gifts to or for officials or employees or their immediate families other than those that were reported in B-1 through B-5? (not including sums reported in B-1, B-2, B-3, B-4 and B-5)
Yes X No _____
If yes, list the amount: B-6 \$95.78

Subtotal of Items B-1 through B-6 - \$95.78

B. 7) What was the total compensation paid to you, not including any sums reported in any other section of Part B of this report? B-7 \$31,875.00

Was the amount prorated because you were compensated for services in addition to lobbying activities?

Yes _____ No X

B. 8) What was the total for salaries, compensation and reimbursed expenses you paid to your staff related to lobbying services for this employer? B-8 \$0.00

B. 9) Did you incur any additional office expenses not reported in B-7 or B-8?
Yes _____ No X
If yes, list the amount: B-9 \$0.00

B. 10) Did you incur any cost for professional and technical research and assistance not reported in B-7 or B-8?
Yes _____ No X
If yes, list the amount: B-10 \$0.00

B. 11) Did you incur any expenses for publications or expenses related to expressly encouraging persons to communicate with officials or employees?
Yes _____ No X
If yes, list the amount: B-11 \$0.00

B. 12) Did you pay any fees or incur any expenses for witnesses who were engaged to appear on behalf of your employer?
Yes _____ No X
If yes, list the name and amount for each.

Total B-12 Expenses \$0.00

B. 13) Did you incur any other expenses for this employer not otherwise accounted for in this report? If yes, list the amount and provide an explanation.
Yes X No _____
If yes, list the amount: B-13 \$1,440.00

Please provide an explanation:
 parking and gas reimbursement during the 90 day general session

TOTAL \$33,410.78

C. Did you give any gifts or participate in the giving of any gifts with a cumulative value of \$75 or more? (Forms 13C and 13D, Section 15-704(c))
Yes X No _____

D. Did you give any gifts or participate in the giving of any gifts of meals and beverages to elected Executive Officials? (Forms 13A and 13B, Section 15-705)
Yes _____ No X

E. Did you engage in any business transactions with officials during the reporting period? (Form 21, Section 15-706)
Yes _____ No X

F. During the reporting period, did you make any political contributions, either directly or indirectly, for the benefit of the Governor, Lt Governor, Attorney General, Comptroller member of the General Assembly or a candidate for election to any of those offices?
Yes _____ No X

Please provide any narrative that you may wish with regard to any of the figures or responses in the report:

PART G Signature and Oath

The Public Ethics Law provides the following:

(d) *Development of electronic filing procedures.* - The Ethics Commission shall develop procedures under which a statement under this subtitle may be filed electronically and without additional cost to the individual who files the statement.

(e) *Oath or affirmation for electronically filed statements.* - (1) If the Activity Form (Form #4) filed electronically under subsection (d) of this section is required to be made under oath or affirmation, the oath or affirmation shall be made by a signed statement that:

- i. Is In the Activity Form (Form #4) or attached to and made part of the Activity Form (Form #4); and
- ii. is made expressly under the penalties for perjury.

(2) A signed statement made under paragraph (1) of this subsection subjects the individual making it to the penalties for perjury to the same extent as an oath or affirmation made before an individual authorized to administer oaths.

X **I have read and I understand that by submission of this electronically filed Activity Form (Form #4), I hereby swear or affirm that the information contained in it is complete and accurate to the best of my knowledge and belief.**

Date: 05/09/2019