

IN THE MATTER OF
KIMBERLY D. HAVEN,
RESPONDENT

* BEFORE THE
*
* STATE ETHICS COMMISSION
*
* COMPLAINT NO. C-17-07
*

ORDER

Having reviewed a report on 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, Kimberly D. Haven, and William J. Colquhoun, Staff Counsel to the State Ethics Commission on December 8, 2009, 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. Pursuant to Paragraphs D and H of the Stipulation of Settlement Agreement, it is hereby

ORDERED, that the Respondent is reprimanded, and that this reprimand be transmitted to the Governor, the President of the Senate, and the Speaker of the House of Delegates; and

ORDERED, that pursuant to Paragraph F of the Stipulation of Settlement Agreement and Md. Code Ann., State Gov't, Title 15, Section 15-405(e)(1)(i)(1)(Repl. Vol. 2009), the Respondent's lobbying registration is hereby suspended for a period of three (3) years beginning on November 1, 2007 and concluding on October 31, 2010.

STATE ETHICS COMMISSION

SIGNATURE APPEARS ON
ORIGINAL AGREEMENT

Date: December 10, 2009

By:

Robert F. Scholz, Chair

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of December, 2009, a copy of the foregoing Order and executed Stipulation of Settlement Agreement in Commission proceeding C-17-07 was forwarded via regular first class mail, postage prepaid, to the Respondent, Kimberly D. Haven, Justice Maryland, 108 South Patterson Park Avenue, Baltimore, Maryland, 21231 and was hand delivered to William J. Colquhoun, Staff Counsel to the State Ethics Commission, at 45 Calvert Street, 3rd Floor, Annapolis, Maryland 21401.

SIGNATURE APPEARS ON
ORIGINAL AGREEMENT

Jennifer K. Allgair, General Counsel

DEC 08 2009

IN THE MATTER OF
KIMBERLY D. HAVEN,
RESPONDENT

*
*
*
*
*

BEFORE THE
STATE ETHICS COMMISSION
COMPLAINT NO. C-17-07

STATE ETHICS
COMMISSION

STIPULATION OF SETTLEMENT AGREEMENT

This Agreement was made on this 7th day of December, 2009 by and between Kimberly D. Haven, Respondent, and William J. Colquhoun, Staff Counsel to the State Ethics Commission ("Staff Counsel").

RECITALS

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. The Respondent is an individual whose lobbying activities on behalf of Justice Maryland ("employer") during the period November 1, 2006 through October 31, 2007 required registration as a lobbyist with the State Ethics Commission.
3. The Respondent registered as a lobbyist with the Commission on behalf of the employer on March 30, 2007 as required by Section 15-703(d)(1) of the Public Ethics Law. The employer claimed an exemption from registration requiring the filer to report all lobbying expenditures on behalf of the employer.
4. The Respondent was required to submit Lobbying Activity Reports no later than May 31, 2007 for the period November 1, 2006 through April 30, 2007, and no later than November 30, 2007 for the period May 1, 2007 through October 31, 2007. The Respondent failed to timely file either report.
5. On October 11, 2007, the Commission issued a complaint against the Respondent alleging failure to file a Lobbying Activity Report for the period November 1, 2006 through April 30, 2007 in violation of Section 15-704 of the Public Ethics Law.
6. On February 1, 2008, the Commission issued an amended complaint against the Respondent, further alleging failure to file a Lobbying Activity Report for the period May 1, 2007 through October 31, 2007, in violation of Section 15-704 of the Public Ethics Law.
7. The Respondent subsequently submitted the delinquent Lobbying Activity Reports on February 17, 2009. On the Lobbying Activity Report filed for the period

November 1, 2006 through April 30, 2007, the Respondent reported compensation of \$6,000 and indicated that she worked on legislative action matters.

8. The Respondent is voluntarily entering into this Stipulation of Settlement Agreement to admit her failure to timely file the Lobbying Activity Reports for the period November 1, 2006 through April 30, 2007 and for the period May 1, 2007 through October 31, 2007.

NOW THEREFORE, in consideration of the submission of the required Lobbying Activity Report by the Respondent on February 17, 2009 and the admissions and agreements contained in this Stipulation of Settlement Agreement, the Respondent and Staff Counsel stipulate and agree as follows:

A. That the Respondent admits that she did not timely file Lobbying Activity Reports on behalf of Justice Maryland for the periods November 1, 2006 through April 30, 2007 and May 1, 2007 through October 31, 2007 as required by Section 15-704(a)(1)(i-ii) of the Public Ethics Law.

B. That the Respondent subsequently filed the required Lobbying Activity Reports with the Commission on February 17, 2009, copies of which are attached hereto and made a part hereof.

C. That the Respondent understands that failure to comply with the lobbying disclosure provisions of the Public Ethics Law can subject her to a hearing by the Commission, and upon a finding of a violation, the possibility of late fees, reprimand or a suspension of her ability to lobby for compensation, and, pursuant to Section 15-902, civil fines in an amount up to \$5,000 for each violation of the law.

D. That Respondent accepts that pursuant to Section 15-405(c)(2) of the Public Ethics Law, the Commission will issue a reprimand to her effective the date of the Final Order.

E. That the Respondent admits she knowingly and willfully violated Section 15-704(a)(1)(i-ii) of the Public Ethics Law by failing to timely file Lobbying Activity Reports on behalf of Justice Maryland for the periods November 1, 2006 through April 30, 2007 and May 1, 2007 through October 31, 2007.

F. That the Respondent acknowledges and voluntarily agrees that the Commission will suspend any lobbying registration by her for a period of three (3) years beginning on November 1, 2007 and concluding on October 31, 2010 pursuant to Section 15-405(e)(1)(i)(1). The Respondent further agrees that she will not engage in any lobbying activities for compensation during this time period pursuant to Section 15-405(e)(2)-(3).

G. That the Respondent acknowledges that the Commission may reinstate her lobbyist registration during the period of suspension pursuant to Section 15-405(f) of the Public Ethics Law provided that the Commission determines that her reinstatement would not be detrimental to the public interest and the integrity of the governmental process.

H. That the Respondent accepts that the Commission, pursuant to Section 15-407(c), will transmit this Agreement, including any documents incorporated herein, and the Final Order, including reprimand and the suspension of lobbying registration, to the Governor, the Speaker of the House of Delegates, the President of the Senate, and to the employer, Justice Maryland.

I. That the Respondent waives a formal hearing on this matter and agrees that acceptance of the Stipulation of Settlement Agreement by the Commission constitutes a final action and finding of violation by the Commission based on her admission of violations of the Public Ethics Law, and pursuant to Section 15-407 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.

J. That upon execution of this Stipulation of Settlement Agreement by the Respondent, Staff Counsel will recommend that the Commission suspend further complaint proceedings against the Respondent, and further recommend that the Commission issue a Final Order with the terms of this Agreement. It is understood by the Respondent that the Commission is under no obligation to accept this Agreement and may decide to take other action, including holding a hearing.

K. That Respondent and Staff Counsel have entered into this Stipulation of Settlement Agreement for the sole purpose of resolving the Commission's complaint now pending under the Public Ethics Law for failure to timely file Lobbying Activity Reports, and for no other purpose.

IN WITNESS WHEREFORE, Kimberly D. Haven, Respondent, and William J. Colquhoun, Staff Counsel for the State Ethics Commission, have hereunto set their hands.

SIGNATURE APPEARS ON
ORIGINAL AGREEMENT

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

SIGNATURE APPEARS ON
ORIGINAL AGREEMENT

Kimberly D. Haven
Lobbyist
Justice Maryland

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

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared KIMBERLY D. HAVEN, who made oath on this 7th day of December, 2009 in due form of law that the matters and facts hereinabove set forth are true to the best of her knowledge, information and belief, and are her voluntary act and that she executed this document for the purpose set forth herein.

SIGNATURE APPEARS ON ORIGINAL AGREEMENT

Notary Public

My Commission Expires: 4/10/2010

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 8th day of DECEMBER, 2009 in due form of law that he executed this agreement for the purposes set forth herein.

SIGNATURE APPEARS ON ORIGINAL AGREEMENT

Notary Public

My Commission Expires:

DONALD M. STREET
Notary Public-Maryland
Anne Arundel County
My Commission Expires
November 09, 2010

Accepted by the Commission

SIGNATURE APPEARS ON ORIGINAL AGREEMENT

Robert F. Scholz, Chair
for the Commission

Date: Dec 10, 2009