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STATE ETHICS  
COMMISSION

**LOBBYIST FILING AGREEMENT**

This Agreement, made this 1st day of MARCH, 2011, by and between Susan N. Mitchell, lobbyist for the Maryland Association of Realtors, Inc., and William J. Colquhoun, Staff Counsel to the Maryland State Ethics Commission (hereinafter "Staff Counsel").

**RECITALS**

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

2. The Public Ethics Law allows members of a "legislative unit" to be provided food and beverages as part of a reception or meal. Md. Code Ann., State Gov't Art. § 15-708 (Supp. 2010). A "legislative unit" is defined as the entire General Assembly, either house of the General Assembly, a standing committee, a county or regional delegation of members of the General Assembly recognized by a presiding officer. Md. Code Ann., State Gov't Art. §15-102(w)(1-4). Presently there are 12 recognized county or regional delegations (Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, Howard County, Lower Eastern Shore, Montgomery County, Prince George's County, Southern Maryland, Upper Eastern Shore and Western Maryland). A list the county or regional delegations deemed to be "legislative units" is published by the Commission and available by request and on its website. A regulated lobbyist must extend a written invitation to all members of the legislative unit that are invited to the meal or reception and complete the Commission's Form # 13E ("Five Day Notice") at least 5 days before the date of the meal or reception. Md. Code Ann., State Gov't Art. § 15-708(a). Thereafter, the regulated lobbyist must file Form #13F ("Fourteen Day Report") 14 days after the meal or reception disclosing its total cost and any other sponsors and their contributions to the meal or reception. Md. Code Ann., State Gov't Art. § 15-708(d).

3. Susan N. Mitchell (the "filer") is a regulated lobbyist registered on behalf of the Maryland Association of Realtors, Inc. (the "Association"). The filer on five occasions issued invitations to legislative events to county delegations that did not compose an entire legislative unit. The five events are referred to collectively as "the Events".

4. On November 19, 2009, the filer filed a Five Day Notice on behalf of the Association. The notice indicated that the Association was holding a legislative event for the Allegany County Delegation on December 16, 2009 at the Cumberland Country Club. On November 30, 2009, the filer filed a Five Day Notice on behalf of the Association. The notice indicated that the Association was holding a legislative even for the Frederick County Delegation on December 7, 2009 at Dutch's

Daughter Restaurant. On December 3, 2010, the filer filed three Five Day Notices on behalf of the Association. The first notice indicated that the Association was holding a legislative event for the Frederick County Delegation on December 9, 2010 at the Holly Hills Country Club. The second notice indicated the Association was holding a legislative event for the Allegany County Delegation on December 15, 2010 at the Alleghany Arts Council. The third notice indicated the Association was holding a legislative event for the Cecil County Delegation on January 6, 2012 (the year was a typographical error made by Ms. Mitchell, she intended to put in 2011) at the Cecil County Board of Realtors. In each of the five events the Association did not invite an entire legislative unit as required by the Public Ethics Law. Each of the County Delegations invited by the Association are part of larger regional legislative units: Frederick County-Western Maryland; Allegany County-Western Maryland; and Cecil County-Upper Eastern Shore. The Five Day Reports also erroneously made reference to the respective entire legislative unit having been invited to the Events.

5. The filer timely filed Fourteen Day Reports for the Events, but incorrectly listed the legislative unit as the invitee in each of the reports.

6. The filer has filed amended Five Day Reports and Fourteen Day Reports for the Events. The amended reports correctly list the actual invitees to the Events.

**NOW THEREFORE**, in consideration of the submission of amended reports by the filer, and the admissions and agreements herein contained, the filer and Staff Counsel stipulate and agree as follows:

A. The filer did not invite a "legislative unit" as defined by Md. Code Ann., State Gov't Art. §15-102(w)(1-4) to the Events held by the Maryland Association of Realtors, Inc..

B. The filer subsequently amended the filings with the Commission to reflect the actual invitees to the Events (copies of which have been attached hereto and made a part thereof).

C. The filer understands that failure to comply with the lobbying disclosure provisions of the Ethics Law may subject her to a formal complaint by the Commission and, upon finding of a violation, late fees and the possibility of civil fines.

D. Based on the facts stated in this agreement the filer agrees to pay as settlement of the late filing matter, the amount of One Thousand Two Hundred and Fifty and no/100 Dollars (\$1, 250.00) at the time of the execution of this agreement in lieu of potential late fees and civil fines for the failure to properly invite an entire legislative unit.

E. The Staff Counsel will, upon execution of this Agreement by the filer, recommend that the Commission not institute any proceedings on the filer's failure to invite a legislative unit and erroneous filings. The filer understands that the Commission is under no obligation to accept this

agreement and may decide to take other action, including issuing a complaint.

F. The filer waives a formal hearing on this matter (if the agreement is accepted by the Commission) to which it would be entitled if a complaint were issued, and it 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.

G. The filer understands a copy of this agreement will be mailed to her employer.

H. The filer and the Staff Counsel have entered into this Agreement for the sole purpose of resolving the failure to invite an entire legislative unit and for the payment of a fee in lieu of a fine and for no other purpose.

**IN WITNESS WHEREOF**, Susan N. Mitchell and William J. Colquhoun, Staff Counsel to the State Ethics Commission, have hereunto set their hands.

SIGNATURE APPEARS ON ORIGINAL AGREEMENT

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

SIGNATURE APPEARS ON ORIGINAL AGREEMENT

Susan N. Mitchell  
Lobbyist for Maryland Association of Realtors, Inc.

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 Susan N. Mitchell, who made oath on this 1st day of March, 2011 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

Kimberly D. Danzker

My Commission Expires: June 18, 2014



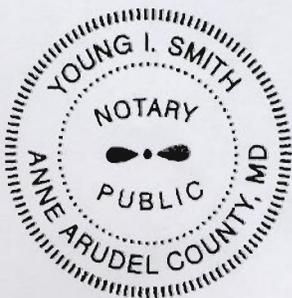
State of Maryland,  
County of: Anne Arundel, to wit:

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 1~~st~~ day of March, 2011 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: 2/23/15



Accepted by the Commission

SIGNATURE APPEARS ON  
ORIGINAL AGREEMENT

Robert F. Scholz, Chair  
for the Commission

Date: 3/3/11, 2011