

In the Matter of:

DAVION PERCY

Respondent

Before the State Ethics Commission

Complaint No. C-5-23

STIPULATION OF SETTLEMENT AGREEMENT

This Stipulation of Settlement Agreement (hereinafter "Agreement") was made on the 14th day of November, 2024, between Davion Percy, Respondent, and Katherine P. Thompson, Staff Counsel to the State Ethics Commission ("Staff Counsel").

STIPULATIONS

1. The State Ethics Commission ("the Commission") is an executive agency of the State of Maryland established for the purpose of enforcing the Maryland Public Ethics Law (General Provisions Article, Title 5, Annotated Code of Maryland, (hereinafter the "Ethics Law")).
2. Davion Percy (the "Respondent") has been registered as a lobbyist with the Commission since at least 2017. In 2021, the Respondent entered into a Lobbyist Filing Agreement with the Commission for filing late activity reports for twenty-eight employers and paid a fine of \$250.
3. The Respondent was, at all times relevant to this matter, subject to the provisions of the Ethics Law by virtue of engaging in lobbying activities on behalf of his employer, The Retail Energy Supply Association, for the period of January 16, 2023 through October 31, 2023, that required registration and reporting as a regulated lobbyist.
4. On January 25, 2023, The Retail Energy Supply Association held a reception for the members of the House Economic Matters Committee, and on February 9, 2023, The Retail Energy Supply Association held a reception for the members of the Senate Education Health and Environmental Affairs Committee.
5. The Respondent failed to timely file two Notices of Invitation within five days of the receptions held on January 25, 2023, and February 9, 2023, and two Post-Event Reports within fourteen days of each event, for activity on behalf of The Retail Energy Supply Association during the reporting period of January 16, 2023 through October 31, 2023, in violation of § 5-709 of the Ethics Law.
6. The Respondent filed his late event report forms for The Retail Energy Supply Association with the Commission on June 2, 2023, but should have filed the Notice of Invitation form within five days of the triggering events held on January 25, 2023 and February 9, 2023, and a Post-Event Report within fourteen days of each event.

7. The filer understands that failure to comply with the lobbying disclosure provisions 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. The filer acknowledges that he has been previously advised that the filing deadlines for activity reports are May 31st for the period of November 1st to April 30th and November 30th for the period May 1st through October 31st if he is registered in those reporting periods. The filer also acknowledges that any future late filed Lobbying Reports or failure to pay will be viewed as knowing and willful violations of the Ethics Law.
8. During its meeting on September 7, 2023, the Commission considered Staff Counsel's Preliminary Consideration Report and determined to authorize the issuance of a complaint. Staff Counsel was then directed to perform a preliminary investigation into the allegations.
9. On September 19, 2023, a copy of the foregoing Complaint issued in proceeding C-5-23 was forwarded via both regular mail and electronic mail to the Respondent.
10. Section 5-709 of the Ethics Law requires that at least five days prior to a legislative unit meal or reception event, a regulated lobbyist file a report, Notice of Invitation, with the Commission disclosing the invitees, date, and location of the event. The same statute requires that within fourteen days after the meal or reception event, that a second form, Post-Event Report, be filed with the Commission disclosing the cost, location, and invitees.
11. Section 5-405(g)(1) of the Ethics Law requires the Commission to assess late fees of \$10.00 per day, not to exceed \$1,000.00, if it finds that there has been a late submission of a lobbying activity report or registration. Additionally, § 5-405(d) permits the Commission to impose additional sanctions, including a fine up to \$5,000.00 per violation and possible suspension or revocation of registration.
12. The Respondent is voluntarily entering into this Agreement to admit certain violations of the Ethics Law, to accept certain sanctions, and to resolve the matter now pending against him without a hearing before the Commission.

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, Davion Percy, Respondent, and Katherine P. Thompson, Staff Counsel, agree as follows:

- A. The Respondent stipulates that he failed to timely file the Notices of Invitation and Post-Event Reports in regards to the two receptions held during the period of January 16, 2023 through October 31, 2023, and subsequently filed substantially late event report forms on June 2, 2023, for lobbying activity on behalf of the employer, The Retail Energy Supply Association, in violation of § 5-709 of the Ethics Law.

- B. The Respondent understands that violations of the lobbying reporting provisions may result in civil fines pursuant to § 5-902 of the Ethics Law. The Respondent further agrees to pay, in lieu of potential fines, the sum of SEVEN HUNDRED FIFTY and no/100 DOLLARS (\$750.00) for the above admitted violations of the Ethics Law. That said sum will be paid by check or money order made payable to the "State of Maryland" in care of the Commission on or before November 8, 2024. The fee shall be distributed to the Fair Campaign Financing Fund established under § 15-103 of the Fair Campaign Finance Article. If the fee is not paid, it is agreed that the matter will be transferred to the Maryland State Central Collection Unit for the purpose of collecting the monies owed.
- C. This Agreement will serve as a reprimand to the Respondent for the above admitted violations of the Ethics Law effective the date of the Commission's acceptance of this Agreement.
- D. The Commission will transmit a copy of this Agreement to The Retail Energy Supply Association.
- E. The Respondent waives any formal proceedings and hearing in this matter if the Commission accepts this Agreement and agrees that acceptance of this Agreement by the Commission constitutes a final action and finding of violation by the Commission.
- F. The Respondent further agrees that this Agreement is not subject to the confidentiality provisions of the Ethics Law and will be public information unless otherwise protected.
- G. Upon execution of this Agreement by the Respondent, Staff Counsel will recommend that the Commission suspend any further proceedings against the Respondent and recommend further that the Commission issue a Final Order consistent with the terms of this Agreement. Should the Respondent fail to comply with the terms of this Agreement, and after written notice to him, the Commission reserves the right to issue a further order regarding this matter or to schedule a hearing in this matter.
- H. In the event that the Commission declines to accept this Agreement, both the Respondent 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.
- I. The Respondent and Staff Counsel are entering into this Agreement for the sole purpose of resolving this matter and for no other purpose.

IN WITNESS WHEREOF, Davion Percy, Respondent, and Katherine P. Thompson, Staff Counsel, State Ethics Commission, have hereunto set their hands.

[Redacted]
Katherine P. Thompson, Staff Counsel
State Ethics Commission
45 Calvert Street, 3rd Floor
Annapolis, Maryland 21401
(410) 260-7770

[Redacted]
Davion Percy

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 Davion Percy, who made oath in due form of law on this 15th day of November, 2024, that the matters and facts hereinabove set forth in the Stipulation of Settlement Agreement are true to the best of his knowledge, information and belief and it is his voluntary act and that he executed this Agreement for the purposes set forth herein.

[Redacted]
Notary Public

My Commission Expires: June 20, 2025

(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 Katherine P. Thompson, Staff Counsel to the State Ethics Commission, who made oath on this 14th day of November, 2024, in due form of law that she executed this Agreement for the purposes therein contained.

[Redacted]
Notary Public

My Commission Expires: June 20, 2025

(Notary Seal)



Date: 11/14/24

Accepted by the Commission



Craig D. Roswell, Chair
for the Commission

Form ID: **E000807**

Notice of Invitation

Notice Submitted on 06/02/2023 at 10:30AM EDT | [View Original Notice](#)

Sponsorship

Name of Registrant

Davion E. Percy

Name of employer funding the event

Retail Energy Supply Association, The

Are there any additional sponsors supporting the event?

No

Invitation Details

Date of Event

01/25/23

Venue / Location of Event

Chart House

Address

300 Second Street, Annapolis, MD, 21401

Invitees for the event. This includes all legislative groups, standing committees, or designated geographical units.

House Economic Matters Committee

Post-Event Report

Post Event Report Submitted on 06/02/2023 at 11:03AM EDT | [View Original Report](#)

Attendance

Was this an event to which there were more invitees than just the legislative unit(s) disclosed on this report (i.e. were the invited groups part of a larger invited group?)

No

Number of legislators who attended (Optional)

24

Number of non-legislators who attended (Optional)

14

Contributions to Expenditures

Sponsor	Contributions
Retail Energy Supply Association, The	\$2,879.90

Total Contributions for Event: **\$2,879.90**

Expenditures

Is this a full and final reporting of expenditures, or does it contain estimates?

Full and final

What was the total cost of the event?

\$2,879.90

How much of the cost was attributed to the legislative unit members who attended?

N/A

Affirmation Provision

Submission of this event report is required to be made under oath or affirmation. The oath or affirmation shall be confirmed by electronic signature, which is made expressly under penalties for perjury, to the same extent as an oath or affirmation made before an individual authorized to administer oaths.

I have read the disclaimer above and hereby swear and affirm that the information contained in this report is complete and accurate to the best of my knowledge and belief.

E-signature: Davion E. Percy 06/02/2023

Form ID: **E000810**

Notice of Invitation

Notice Submitted on 06/02/2023 at 10:57AM EDT | [View Original Notice](#)

Sponsorship

Name of Registrant

Davion E. Percy

Name of employer funding the event

Retail Energy Supply Association, The

Are there any additional sponsors supporting the event?

No

Invitation Details

Date of Event

02/09/23

Venue / Location of Event

Lewnes Steakhouse

Address

401 Fourth Street, Annapolis, MD, 21403

Invitees for the event. This includes all legislative groups, standing committees, or designated geographical units.

Senate Education Health and Environmental Affairs Committee

Post-Event Report

Post Event Report Submitted on 06/02/2023 at 11:05AM EDT | [View Original Report](#)

Attendance

Was this an event to which there were more invitees than just the legislative unit(s) disclosed on this report (i.e. were the invited groups part of a larger invited group?)

No

Number of legislators who attended (Optional)

N/A

Number of non-legislators who attended (Optional)

N/A

Contributions to Expenditures

Sponsor	Contributions
Retail Energy Supply Association, The	\$3,019.00

Total Contributions for Event: **\$3,019.00**

Expenditures

Is this a full and final reporting of expenditures, or does it contain estimates?

Full and final

What was the total cost of the event?

\$3,019.00

How much of the cost was attributed to the legislative unit members who attended?

N/A

Affirmation Provision

Submission of this event report is required to be made under oath or affirmation. The oath or affirmation shall be confirmed by electronic signature, which is made expressly under penalties for perjury, to the same extent as an oath or affirmation made before an individual authorized to administer oaths.

I have read the disclaimer above and hereby swear and affirm that the information contained in this report is complete and accurate to the best of my knowledge and belief.

E-signature: Davion E. Percy 06/02/2023