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STATE ETHICS  
COMMISSION

**LOBBYIST FILING AGREEMENT**

This Agreement, made this 7<sup>th</sup> day of June, 2010, by and between Rifkin, Livingston, Levitan & Silver, LLC, lobbyist for Hagerstown-Washington County Community Legislative Coalition, 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 (State Government Article, Title 15, Annotated Code of Maryland, hereinafter the Ethics Law) including the provisions of Subtitle 7, the lobbying disclosure program.

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. 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 (Legislative Unit Meal or Reception Invitation) 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 on Legislative Unit Meal or Reception) 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).

On January 26, 2010, a Form #13E was timely filed by Rifkin, Livingston, Levitan & Silver, LLC, a regulated corporate lobbyist, (the "filer") which indicated that the "Western Maryland Delegation" had been invited to an event held by the Hagerstown-Washington County Community Legislative Coalition (the "employer") on February 7, 2010 at Osteria in Annapolis. The Form #13E was incorrect because only the "Washington County Delegation" had been invited. The "Washington County Delegation" is not one of 12 recognized county or regional delegations; however, its members are part of the "Western Maryland Delegation" (Allegany, Frederick, Garrett & Washington Counties). The filer represents that when Form #13F was being completed, the filer's staff realized that "Western Maryland Delegation" was erroneously listed as the invitee, when in fact only the "Washington County Delegation" had been invited. The filer notified the Commission of the incorrect filing and subsequently filed an amended Form #13E and Form #13F. The filer also notified the Commission they had filed similarly erroneous Form #13E's and Form #13F's for events

held by the employer in 2008 and 2009. The filer filed amended forms for those years indicating the invitee was the "Washington County Delegation."

**NOW THEREFORE**, in consideration of the submission of the correct Form #13E and Form #13F by the filer, and the admissions and agreements herein contained, the filer and Staff Counsel stipulate and agree as follows:

1. The filer did not invite a "legislative unit" as defined by Md. Code Ann., State Gov't Art. §15-102(w)(1-4) to events held by the Hagerstown-Washington County Community Legislative Coalition in 2008, 2009 and 2010.

2. The filer reported it had incorrectly identified the invitee as the "Western Maryland Delegation" in filings to the Commission in 2008, 2009 and 2010. The filer subsequently amended the filings with the Commission to reflect that the "Washington County Delegation" had been the invitee in 2008, 2009 and 2010 (copies of which have been attached hereto and made a part thereof).

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

4. Based on the facts stated in this agreement the filer agrees to pay as settlement of the late filing matter, the amount of SEVEN HUNDRED AND FIFTY and no/100 Dollars (\$750.00) at the time of the execution of this agreement in lieu of potential late fees and civil fines for the above admitted erroneous filings (paragraph 1).

5. 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.

6. 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.

7. The filer understands a copy of this agreement will be mailed to the employer.

8. The filer and the Staff Counsel have entered into this Agreement for the sole purpose of resolving the late submission of a lobbyist registration statement and for the payment of late fees and other fines and for no other purpose.

**IN WITNESS WHEREOF**, Rifkin, Livingston, Levitan & Silver, LLC by Michael Johansen, its agent, 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

Michael Johansen  
Rifkin, Livingston, Levitan & Silver, LLC  
Lobbyist for Hagerstown-Washington  
County Community Legislative Coalition

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 Michael Johansen, and acknowledged that he was an individual authorized to execute this document on behalf of Rifkin, Livingston, Levitan & Silver, LLC, and that he executed this document on this 7<sup>th</sup> day of June, 2010 for the purpose set forth herein on behalf of Rifkin, Livingston, Levitan & Silver, LLC.

SIGNATURE APPEARS ON ORIGINAL AGREEMENT

Notary Public

My Commission Expires: 7-17-11

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 7 day of June, 2010 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: 10/24/12



Accepted by the Commission

SIGNATURE APPEARS ON  
ORIGINAL AGREEMENT

Robert E. Scholz, Chair  
for the Commission

Date: June 10, 2010