

LOBBYIST SETTLEMENT AGREEMENT

This Agreement, made this 20 day of August, 2018, by and between Josh Tulkin, lobbyist for the Sierra Club, Maryland Chapter, 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 and conduct program.

Josh Tulkin is an individual whose lobbying activities on behalf of the Sierra Club, Maryland Chapter, for the period November 15, 2017 to October 31, 2018, required him to register as a lobbyist with the State Ethics Commission.

Pursuant to Section 5-715 of the Ethics Law, a regulated lobbyist or a person acting on behalf of a regulated lobbyist may not, for the benefit of the Governor, Lt. Governor, Attorney General, Comptroller, member of the General Assembly or candidate for these offices, engage in the following activities:

1. Soliciting or transmitting a contribution from any person or political committee;
2. Serving on a fundraising committee or a political committee;
3. Acting as a treasurer for a candidate or official, chairman, or treasurer of a political committee;
4. Organizing or establishing a political committee for the purpose of soliciting or transmitting contributions from any person; or
5. Forwarding tickets for fundraising activities or other solicitations for political contributions to a potential contributor.

The Ethics Law contains three exceptions allowing a regulated lobbyist to 1) make a personal political contribution in accordance with the Election Law; 2) inform the lobbyist's employer, or others of the position taken by a particular candidate for office; and 3) to engage in other activities not specifically prohibited by Section 5-715.

On or about July 30, 2018, Mr. Tulkin sent or caused to be sent an email to various individuals from the email address "Josh.Tulkin@sierraclub.org" that related to a candidate for State Senate. In relevant part, Mr. Tulkin wrote:

...That is why we need your help to elect [Candidate's

name] to be the next Senator from [District Number]. [Candidate's name] has the passion, experience, and platform that Anne Arundel County and Maryland need in office, but she cannot do this without our support. So Sierra Club is co-hosting a fundraiser for [Candidate's name] on [event date], and we are asking all Sierrans to try to attend, or if you cannot, please donate!

...Join us and [Candidate's name] at a [event name] fundraiser! The fundraiser will be [event date and time] at [event location]. ...You can find event details, purchase a ticket, or donate to [Candidate's name] campaign here. ... Will you join us?

Sincerely,

Josh Tulkin
Chapter Director
Sierra Club Maryland Chapter

On or about August 8, 2018, Staff Counsel notified Mr. Tulkin in writing that the Commission would review whether his email contained solicitations for campaign contributions to benefit a candidate for State Senate in violation of Section 5-715(d)(1)(i) of the Ethics Law.

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

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

1. Mr. Tulkin's email contained solicitations to contribute to the campaign of a candidate for State Senate in violation of Section 5-715(d)(1)(i) of the Ethics Law.

2. Mr. Tulkin understands that failure to comply with the lobbying prohibition provisions of the Ethics Law may subject him to a formal complaint by the Commission and, upon finding of a violation, the possibility of civil fines.

3. That the Commission will issue a reprimand to Mr. Tulkin effective the date of the Commission's acceptance of this Agreement.

4. Based on the facts stated in this Agreement, Mr. Tulkin agrees to pay as settlement for the above admitted violation of soliciting a political contribution for the benefit of a candidate for the State Senate, the amount of ONE THOUSAND FIVE HUNDRED and no/100 DOLLARS (\$1,500.00) at the time of the execution of this Agreement in lieu of civil fines for the above

admitted violation of soliciting a political contribution for the benefit of a candidate for the State Senate. (Paragraph 1).

5. The Staff Counsel will, upon execution of this Agreement by Mr. Tulkin, recommend that the Commission not institute any proceedings for Mr. Tulkin's above admitted violation of soliciting a political contribution for the benefit of a candidate for the State Senate. Mr. Tulkin 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. Tulkin 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. Tulkin understands a copy of this Agreement and reprimand will be mailed to his employer.

8. Mr. Tulkin and the Staff Counsel have entered into this Agreement for the sole purpose of resolving for the above admitted violation of soliciting a political contribution for the benefit of a candidate for the State Senate and for the payment of fines and for no other purpose.

IN WITNESS WHEREOF, Josh Tulkin, lobbyist, and William J. Colquhoun, Staff Counsel, 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

Josh Tulkin
Lobbyist for
Sierra Club, Maryland Chapter
7338 Baltimore Avenue, Suite 102
College Park, MD 20740

State of Maryland

County of: Prince Georges, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Josh Tulkin who made oath on this 20th day of August, 2018 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.

SHEVORNE NIEVES
NOTARY PUBLIC
Prince George's County, Maryland
My Commission Expires 11/8/2021 Notary Public

My Commission Expires: 11/8/2021

~~State of Maryland~~

~~County of: _____, 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 _____ day of _____, 2018 in due form of law that he executed this Agreement for the purposes set forth herein.~~

~~_____
Notary Public~~

~~My Commission Expires: _____~~

~~Accepted by the Commission~~

~~_____
Janet E. McHugh, Chair
for the Commission~~

~~Date: _____, 2018~~

State of Maryland

County of: _____, to wit:

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Josh Tulkin who made oath on this _____ day of _____, 2018 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.

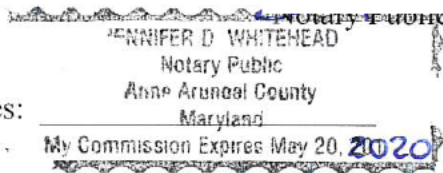
Notary Public

My Commission Expires: _____

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 23rd day of August, 2018 in due form of law that he executed this Agreement for the purposes set forth herein.



My Commission Expires: _____

Accepted by the Commission

Janet E. McHugh, Chair
for the Commission

Date: 8-23-18, 2018