



Maryland Municipal League

The Association of Maryland's Cities and Towns

October 28, 2016

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STATE ETHICS COMMISSION

Michael Lord, Esquire
Executive Director
State Ethics Commission
45 Calvert Street, 3rd Floor
Annapolis, MD 21401

SUBJECT: Proposed Action on Regulations - Title 19A State Ethics Commission

Dear Mr. Lord: *Mike*

The Maryland Municipal League appreciates the opportunity to comment on the proposed revisions to Title 19A of the Code of Maryland Regulations and has the following concerns with the regulations as currently drafted:

1. The definition of "Gift" in 19A.01.01 would exclude political campaign contributions regulated in accordance with the provisions of Election Law Article or any other provisions of State law regulating the conduct of elections or the receipt of political campaign contributions. If applied, this provision would exclude campaign contributions from the Gift definition for state and county officials, but not for municipal officials resulting in the inability of municipal officials to accept campaign contributions. We believe that this is not the intent of this revision and that the second sentence of this provision be revised to: "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions.
2. In 19A.04.02 both subsections .04.A and .05.A have similar added language "in accordance with General Provisions Article, §§5-209 and 5-808 or 5-809, respectively. This revision would require a local government requesting a modification or exemption of the conflict of interest or financial disclosure requirements to meet the standards of both §§5-209 and either 5-808 or 5-809. We believe that this adds a new requirement to the law that is not contemplated by the language in the Maryland Public Ethics Law. In addition, this new requirement could have significant unintended consequences. For municipalities that are exempt or are seeking a full or partial exemption from the law, in addition to meeting the current "size" test under §5-209, they would now also have to prove that the exemption is "necessary to make the provisions relevant to the prevention of conflicts of interest in that

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jurisdiction.” This requirement mixes an exemption with a modification requirements and leads to a statutory construction that would make it impossible for municipalities to obtain exemptions. This issue could be resolved by changing the “*and*” language to state §§5-209 “*or*” 5-808 or 5-809, respectively.

We are also concerned that the Commission intends to adopt the proposed regulations at its December 15, 2016 meeting and at this point, no public hearing has been scheduled. MML would hope that the Commission would understand the need for transparency in its processes and allow public comments at a hearing prior to adoption of the proposed regulations.

Sincerely,



Scott A. Hancock
Executive Director

Cc: The Honorable Thomas V. “Mike” Miller, Jr., Maryland State Senate
The Honorable Michael E. Busch, Maryland House of Delegates
Maryland Municipal League Board of Directors
Ms. Brynja Booth, President, Maryland Municipal Attorney’s Association