



City of

Annapolis

ETHICS COMMISSION

c/o CITY OF ANNAPOLIS OFFICE OF LAW
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ANNAPOLIS, MARYLAND 21401

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April 27, 2020

Summary of Dismissal of Complaint Dated April 23, 2020

A complaint was filed with the Ethics Commission on April 17, 2020, alleging that an Alderperson violated the City's Ethics Law by soliciting contributions to Chrysalis House in a March 18, 2020, e-mail. The Commission dismissed the complaint as it did not set forth facts establishing a violation.

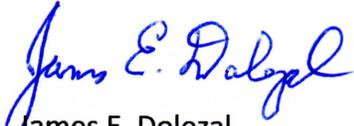
Investigation revealed that the Chrysalis House is a 501(c)(3) charitable organization whose mission is described on its website as "...to transform the lives of women and children by providing comprehensive recovery programs and services that support the development of their inherent strengths, talents, and potential." The Alderperson was not listed as either a board member or staff person on their website. Hence, the Commission concluded the Alderperson had no financial interest in Chrysalis House.

In dismissing the complaint, the Commission relied on its June 18, 2014, advice to then Alderman Joe Budge. The advice was in response to the Alderman's inquiry as to whether he could solicit contributions for a charitable organization, the Summit School, for which he served as an unpaid director and chairman of the board. The Commission concluded that the solicitation would not violate the Ethics Law, City Code 2.08.

In reaching that conclusion, the Commission cited Annapolis City Code 2.08.040 (F)(2), which provides that "[a]n official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, **from an individual regulated lobbyist**" (emphasis added). The Commission observed that this specific prohibition would only apply to a solicitation from a regulated lobbyist and this section, being specific, would take precedence over the general provision of 2.08.040 (F)(1), prohibiting the solicitation of a gift by an official or employee. See *Lumbermen's Mutual Casualty v. Insurance Commissioner*, 302 Md. 248, 268 (1985). That section is distinguishable as it applies to a gift for the official or employee, not on "...behalf of another person."

It was noted that while not controlling, as only being applicable to the General Assembly, in interpreting State Government Article §15-505(a)(2) in its 2011 Ethics Guide, the Joint Committee on Legislative Ethics opined at page 10 that a General Assembly member "...may participate

directly in charitable fund-raising drives and may directly ask for charitable donations (so long as the request is not made to an individual regulated lobbyist); and the title "Senator" or "Delegate" may be used in these efforts." Likewise, in interpreting the same statutory provision as implemented verbatim in the Annapolis City Code, an Annapolis City Alderperson should be no less privileged than a State Senator or Delegate.


James E. Dolezal