

# Brown candidacy raises specter of fund-raising quandary

12-23-05

by Douglas Tallman

Staff Writer

*The Gazette*

ANNAPOLIS — Imagine this scenario:

A lobbyist enters Del. Anthony G. Brown's office in Annapolis to talk about upcoming legislation. He prefaces the conversation by congratulating the lawmaker on his selection as Baltimore Mayor Martin O'Malley's running mate in the 2006 election.

"We want to do anything possible to help you get elected," the lobbyist says.

Is that an offer to contribute? Or is it an offer for some quid pro quo about the legislation?

Either way, it is the kind of ethical obstacle course the O'Malley-Brown ticket must negotiate before September's Democratic primary.

Although O'Malley himself has no restrictions on raising money for his gubernatorial campaign, a nearly decade-old state law forbids incumbent lawmakers from collecting political donations during the 90-day General Assembly session, which begins Jan. 11.

"What it sounds like is an opportunity for certain lobbyists, if they choose to, to imply or bring to the conversation a potential promise, in an attempt to sweeten the pot," said Bobbie Walton, executive director of Common Cause Maryland. "It's an open door for an influence seeker."

Jonathan Epstein, O'Malley's campaign manager, said Brown (D-Dist. 25) of Mitchellville will not attend fund-raisers during the session.

But John S. Arnick, House chairman of the Joint Ethics Committee, pointed out that the General Assembly, in passing the legislation, failed to restrict other office holders, diminishing the effect the prohibition might have.

"It's one of those feel-good bills we passed, and it probably doesn't do much. There are ways around any law," said Arnick (D-Dist. 6) of Dundalk.

Republicans are wondering where the O'Malley campaign can turn for sound advice.

"Under normal circumstances, I would suggest the delegate approach the Attorney General's Office for a formal written opinion, but in this instance, it doesn't work either because the attorney

general has an apparent conflict," said House Minority Whip Anthony O'Donnell (R-Dist. 29C) of Lusby.

The attorney general, J. Joseph Curran Jr., is O'Malley's father-in-law.

Walton has advice for the mayor:

"I would tell him, if he chooses to engage in raising money, it better be squeaky clean and to keep any connection with the delegate out of his fund-raising attempts," she said.

The law draws some of the lines. Brown cannot raise money for the campaign. O'Malley can, but it cannot go into a joint O'Malley-Brown account; it can be directed only to his own account.

Although some have quietly pondered whether Brown should resign, one person who says he should not is Joseph M. Getty, policy director for Gov. Robert L. Ehrlich Jr. (R) and a former delegate from Carroll County.

"You're elected to a term, and you try to resolve the ethical conflicts along the way," Getty said.

O'Malley's rival, Montgomery County Executive Douglas M. Duncan, could find himself with the same problem if he chooses Sen. Gwendolyn T. Britt (D-Dist. 47) of Landover Hills — or any other sitting lawmaker — as his running mate.

Duncan spokeswoman Jody H. Couser declined to comment.

Getty pointed out, however, none of these questions would be asked if the election season had not been accelerated. Other lieutenant governor candidates — Curran and Melvin A. Steinberg, both lieutenant governors who came out of the state Senate — were named after the General Assembly session.

"It would have been a lot easier," Getty said.