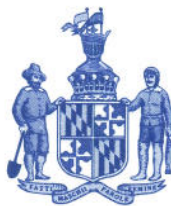


ROBERT A. ROHRBAUGH
STATE PROSECUTOR



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For Immediate Release

July 28, 2009

BALTIMORE COUNTY COUNCILMAN PLEADS GUILTY

State Prosecutor, Robert A. Rohrbaugh, has announced that Baltimore County Councilman Kenneth Oliver pled guilty today to one count of Misappropriation of Funds by a Fiduciary and one count of Failure to Support Reimbursement for Expenses by Receipt.

On or about January 7, 2009, the Grand Jury of Baltimore County indicted Mr. Oliver, 64 of Baltimore County, on two counts of Felony Theft and several election law violations; specifically, four counts of Failure to Support Reimbursement for Expenses by Receipt, one count of Failure to Replenish Petty Cash by Check and one count of Failure to Maintain Petty Cash Ledger. A plea agreement was reached whereby Oliver entered guilty pleas to Misappropriation of Funds by a Fiduciary and Failure to Support Reimbursement for Expenses by Receipt.

The State Prosecutor's Office explained to the Court today that Oliver was obligated to use campaign funds solely for campaign activities and to obtain reimbursements from the campaign bank account if the reimbursements were supported by receipts. As a matter of course, the funds in the campaign account were the result of private citizens donating monies in support of Oliver's candidacy and also to fund any re-election efforts. The funds once received were classified as "campaign funds" and as such were to be used only and solely for campaign expenses or campaign activities. However, Oliver's actions were contrary to these election laws. Oliver, and not the campaign's treasurer, continually maintained possession and control of the campaign Committee's one and only checkbook. Furthermore, Oliver routinely kept several blank pre-signed Committee checks that should have been used to pay campaign expenses.

Oliver on or about January 8, 2008, Oliver took a blank and pre-signed check made it payable to "Kenneth Oliver", in the amount of \$2,000.00. This check was then endorsed and cashed at Harbor Bank by Kenneth Oliver. The monies received from the campaign account were not used for any campaign activities, but rather were used to pay his personal household bills. On February 7, 2008, Kenneth Oliver wrote a letter to the State Board of Elections admitting to converting campaign funds and indicated that "I alone am responsible" for these actions.

Moreover, Oliver was required to maintain receipts for any expenditure made on behalf of the Committee. On or about August 15, 2007, Kenneth Oliver wrote out check number 1071 on the committee's bank account, made payable to Kenneth Oliver, in the amount of \$300.00. No supporting receipts were ever maintained to document any expenditure to justify check 1071 as a reimbursement to Kenneth Oliver.

The Court sentenced Mr. Oliver, who has no prior criminal record, to probation before judgment. During the course of probation Oliver must pay a \$2,500.00 fine. Additionally, he must

perform 50 hours of community service for violating the trust of the people who funded his campaign with their hard earned dollars.

For further inquiries contact Assistant State Prosecutor Tamara M. Gustave at the State Prosecutor's Office.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND

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V.

*

CASE NO: K-09-0001

KENNETH NATHANIEL OLIVER

*

*

* * * * *

PLEA AGREEMENT

IT IS HEREBY AGREED, by and between the State of Maryland by Robert Rohrbaugh, State Prosecutor and Tamara M. Gustave, Assistant State Prosecutor, and Kenneth Nathaniel Oliver, defendant, and his attorney, Charles G. Byrd, Jr., Esquire, as follows:

1. Kenneth Nathaniel Oliver is charged in case number 03 K-09-0001 an eight (8) count criminal indictment filed in the Circuit Court for Baltimore County, with:

i. Theft Over \$500.00 (two counts), in violation of § 7-104, *Criminal Law Article, Annotated Code of Maryland*, a felony punishable by a sentence of imprisonment not exceeding 15 years and/or a fine of \$25,000.00 and restitution;

ii. Failure to Maintain Petty Cash Ledger (two counts), in violation of § 13-220(c)(2), *Election Law Article, Annotated Code of Maryland*, a misdemeanor punishable by imprisonment not exceeding 1 year and a fine not exceeding \$25,000.00 or both;

iii. Failure to Support Reimbursement for Expenses by Receipt (four counts) in violation of §13-220(b)(2)(i), *Election Law Article, Annotated Code of Maryland*, a felony punishable by imprisonment not exceeding 1 year and a fine not exceeding \$25,000.00 or both. That case is presently scheduled for trial on July 28, 2009.

2. On or before July 28, 2009, a two count criminal information charging Kenneth Nathaniel Oliver with one count of Misappropriation of Funds by a Fiduciary in violation of §7-113 Criminal Law Article, Annotated Code of Maryland, and one count of failure to support an expenditure of a finance committee by an appropriate expenditure in violation of Election Law Article 13-220 (b)(2)(ii) will be filed by the Office of the Maryland State Prosecutor. A copy of the proposed criminal information is attached hereto as Exhibit A.

3. Kenneth Nathaniel Oliver will waive his Constitutional and other rights, including any right he may have to a preliminary hearing, and enter pleas of guilty to the charges of Misappropriation of Funds by a Fiduciary and Failure to Support an Expenditure by an Appropriate Receipt. The respective maximum penalties are set forth on the attached proposed criminal information.


4. In return for Kenneth Nathaniel Oliver's pleas of guilty as set forth above, and upon acceptance of those pleas of guilty by the Court:

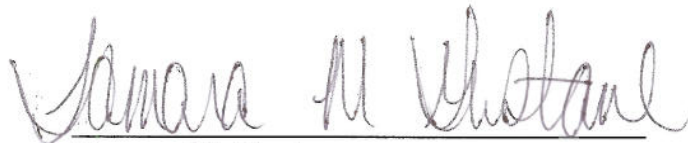
- a. The State will enter a *nolle prosequi* as of criminal indictment number K-09-0001; and
- b. Not oppose and take no position with respect to Kenneth Nathaniel Oliver's request for probation before judgment pursuant to Maryland Criminal Procedure Code Ann. §6-220 -- (except that as a condition of probation before judgment, Kenneth Nathaniel Oliver shall: (a) pay a fine in the amount of Twenty-Five Hundred Dollars (\$2,500.00) by January 28, 2010, and (2) perform fifty (50) hours of community service by January 28, 2010).

5. The State and Defendant further agree that the statement of facts offered by the State in support of the defendant's plea of guilty shall include the facts pertaining to all counts of the criminal information.

6. No provision of this agreement is binding unless and until executed by all of the parties hereto.

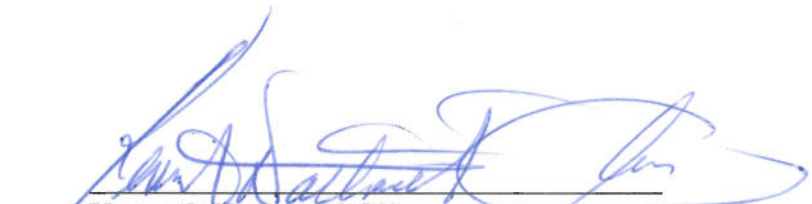
Date: 7/22/09


Robert A. Rohrbaugh,
State Prosecutor


Tamara M. Gustave,
Assistant State Prosecutor

I, **Kenneth Nathaniel Oliver**, have read the foregoing Plea Agreement and reviewed its terms with my attorney Charles G. Byrd, Jr. I thoroughly understand the terms of the agreement and freely and voluntarily agree to its terms.

Date: 28 Jul 09


Kenneth Nathaniel Oliver

I, **Charles G. Byrd, Jr., Esquire**, am the attorney for Kenneth Nathaniel Oliver.
I certify that I have thoroughly reviewed the terms of the foregoing Plea Agreement with my client. To the best of my knowledge, and belief, his decision to enter into this plea agreement is made freely and voluntarily with full understanding of its terms.

7-27-09

Date

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a long, sweeping tail that ends in a sharp point.

Charles G. Byrd, Jr., Esquire
Attorney for Kenneth Nathaniel Oliver

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND

*

V.

*

CASE NO:

KENNETH NATHANIEL OLIVER

*

03-KO9-3991

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CRIMINAL INFORMATION

The State Prosecutor for the State of Maryland, Robert A. Rohrbaugh informs and charges the Defendant, Kenneth Nathaniel Oliver with the commission of the following offense in Baltimore County, Maryland:

General Allegations

1. On or about October 22, 2001 Kenneth Oliver established a campaign bank account in the name Committee to Elect Kenneth Oliver with Harbor Bank.
2. Commencing on or about May 3, 2002 Kenneth Oliver created the campaign finance committee known as Committee to Elect Kenneth Oliver with the State Board of Elections (hereinafter "the Committee").
3. At all times pertinent and since approximately October 2003, Kenneth Oliver has personally and continually maintained possession and control of the committee's one and only checkbook.
4. As a result of maintaining and controlling the Committee's checking account, the Defendant became, and was, a fiduciary of the Committee and was required to act in a fiduciary capacity.
5. At all times pertinent, the Defendant, as a fiduciary of the Committee, was required to maintain receipts for any expenditures made on behalf of the Committee.
6. On or about August 15, 2007, Kenneth Oliver wrote out check number 1071 on the committee's bank account, made payable to Kenneth Oliver, in the amount of \$300.00. No supporting receipts were ever maintained to document any expenditure to justify check 1071 as a reimbursement to Kenneth Oliver.

7. On or about January 8, 2008, Kenneth Oliver wrote out check number 1087 on the committee's bank account, made payable to Kenneth Oliver, in the amount of \$2,000.00, as a loan due to a family emergency.
8. On or about January 8, 2008, check number 1087 was cashed by Kenneth Oliver at approximately 9:39 a.m. at Harbor Bank. The check was endorsed by Kenneth Oliver and the proceeds were for the personal use and benefit of the Defendant. The funds were repaid to the committee's bank account on January 28, 2008. This transaction was also listed on the committee's report to the Board of Election Supervisors.
9. On February 7, 2008, Kenneth Oliver wrote a letter to the State Board of Elections admitting to writing out check number 1087 for his personal use, indicating "I alone am responsible" for these actions.
10. The acts alleged herein were not related to Kenneth Oliver's public duties and responsibilities as a Baltimore County Councilman.

COUNT I
MISAPPROPRIATION OF FUNDS

11. The allegations and facts contained in paragraphs 1-9 are re-alleged and incorporated herein by reference.
12. On or about January 8, 2008 in Baltimore County, Maryland, **KENNETH NATHANIEL OLIVER** did, knowingly and willfully and being a fiduciary of the Committee to Elect Kenneth Oliver, take and secrete Two Thousand Dollars (\$2,000.00) by using the Committee's checkbook obtained by the Defendant in his fiduciary capacity with the intent to appropriate the money for his own use and benefit and not to a use in the due and lawful execution of his trust in violation of *Criminal Law Article*, §7-113(a)(2) and against the peace, government and dignity of the State.

Criminal Law Article, §7-113(a)(2)

Penalty: not less than 1 year imprisonment or more than 5 years

CJIS CODE 1-0460

COUNT II

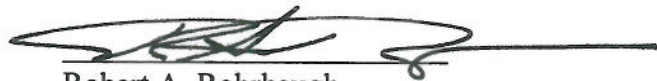
**FAILURE TO SUPPORT REIMBURSEMENT
FOR EXPENSES BY RECEIPT**

13. The allegations and facts contained in paragraphs 1- 10 are re-alleged and incorporated herein by reference
14. On or about June 28, 2007 in Baltimore County, Maryland, **KENNETH NATHANIEL OLIVER** did unlawfully reimburse a person who paid an expense of the Committee to Elect Kenneth Oliver without a receipt for said expense being provided to the campaign finance entity, to wit: check number 1071 on the committee's bank account, made payable to Kenneth Oliver in the amount of \$300.00, in violation of § 13-220 (b)(2)(ii) of the *Election Law Article of Maryland*, and against the peace, government and dignity of the State.

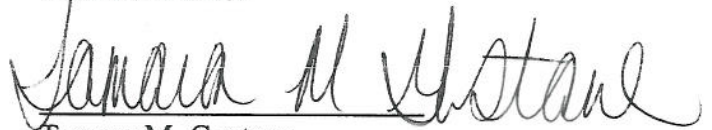
Election Law Article, § 13-220 (b)(2)(ii)

Penalty 1 year and/or \$25,000.00, *Election Article*, § 13-603.

Respectfully submitted,



Robert A. Rohrbaugh
State Prosecutor



Tamara M. Gustave
Assistant State Prosecutor

STATE OF MARYLAND

VS.

**Kenneth Nathaniel Oliver
Black/Male/DOB 03/06/1945**

Information –Misappropriation of Funds
Failure to Support Reimbursement for Expenses by Receipt

Filed: _____

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. You have the right to have lawyer.
4. A lawyer can be helpful to you by:
 - a. Explaining the charges in this paper
 - b. Telling you the possible penalties;
 - c. Helping you at trial;
 - d. Helping you protect your constitutional rights; and
 - e. Helping you get a fair penalty if convicted.
5. Even if you plan to plead guilty, a lawyer can be helpful.
6. If you want a lawyer but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender.
7. If you want a lawyer but cannot get one and Public Defender will not provide one for you, contact the court clerk as soon as possible.
8. **DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER.** If you do not have a lawyer before the trial date, you have to go to trial without one.