

REPORT OF THE JOINT COMMITTEE ON LEGISLATIVE ETHICS

IN RE: STATE SENATOR ULYSSES S. CURRIE

February 15, 2012

The Joint Committee on Legislative Ethics (Joint Committee), pursuant to the November 21, 2011, request of the President of the Senate, Thomas V. Mike Miller to conduct a review and proceedings regarding the alleged ethical improprieties on the part of Senator Ulysses Currie, submits its report with recommendations to the President of the Senate, adopted by a unanimous vote of Joint Committee on this date.

SUMMARY OF RECOMMENDATIONS

Based on careful and thorough consideration of the evidence and the issues before it, and for the reasons set forth in detail in this Report, the Joint Committee unanimously recommends to the President of the Senate that:

1. The President of the Senate remove Senator Currie immediately and permanently as a member of the Senate or Democratic leadership, as chairman of any committee or subcommittee, and as a member of all statutory, joint, select, and conference committees, except his assigned standing committee and the Prince George's County Senate Delegation, of the Senate of Maryland.
2. The President of the Senate submit to the Senate, and the full Senate adopt, a resolution of censure expressing the Senate's disapproval of Senator Currie's actions, based on his activities as set forth in this Report of the Joint Committee on Legislative Ethics.
3. The President of the Senate request that Senator Currie consider making a public apology to the members of the Senate to acknowledge and express regret for his conduct and the dishonor he has brought to the Maryland General Assembly.

The Joint Committee on Legislative Ethics makes the following additional recommendations that:

1. The President of the Senate and the Speaker of the House of Delegates immediately undertake a renewed program of education and enforcement with respect to ethical obligations of its members, including that:
 - a. Each member of the General Assembly be required to have an in-person meeting annually with the Ethics Advisor to the General Assembly at which the member shall be required to bring for

review with the Ethics Advisor the Member's most recent state and federal tax returns; and

- b. The Ethics Advisor be required to provide written notice to the presiding officers of the General Assembly of a member's failure to fulfill the annual ethics meeting requirement.

2. The President of the Senate require the Senate Special Committee on Legislative Ethics to consider other means to strengthen Members' compliance with ethical requirements.

PROCEDURAL BACKGROUND

On November 21, 2011, the President of the Senate, Thomas V. Mike Miller, sent a letter to the Joint Committee on Legislative Ethics requesting that the Joint Committee review possible violations of the Maryland Public Ethics Law by Senator Ulysses Currie. The letter referenced the recent federal criminal investigation and trial of Senator Currie after which he was acquitted of all charges of bribery, extortion, and conspiracy. However, in his defense, Senator Currie argued that he committed violations of the Maryland Public Ethics Law; violations that are within the jurisdiction of the Joint Committee. It was alleged that he failed to accurately file required financial disclosures and that he had a conflict of interest regarding a consulting agreement with a private company.

In accordance with the provisions of § 2-706(5) and Title 15, Subtitle 5 of the State Government Article, the Joint Committee commenced its review and proceedings "to make recommendations concerning matters referred to the Committee". Under this authority, the Joint Committee established a tentative schedule for review and investigation of the allegations and for its report to the President of the Senate.

The Joint Committee met in closed executive session on January 12, 2012, to review a list of allegations proposed by counsel to the Joint Committee. Each allegation in the list contained alleged facts of the specific activity, and the specific statutory provisions of the Maryland Public Ethics Laws that may have been violated as a result of the activity. To provide Senator Currie with a fair opportunity to respond to the allegations made against him, the Joint Committee voted to send a list of enumerated allegations to Senator Currie along with a request for relevant documentation or other evidence relating to the allegations. The list of allegations and request for documentation was hand-delivered to Senator Currie in his Senate office on January 13, 2012.

In its correspondence that accompanied the list of allegations, the Joint Committee requested that Senator Currie provide written responses to the allegations and the relevant written documentation by January 20, 2012. Counsel for Senator Currie submitted a timely response to the allegations, including a transcript of the defense's closing statement in the federal criminal trial.

Once the list of allegations of potential violations of the ethics laws was established, counsel to the Joint Committee proceeded to gather information relating to the allegations. Sources of information reviewed by the Joint Committee include the federal indictment in the case of *United States of America v. Ulysses S. Currie, William J. White, and R. Kevin Small*, filed in the United States District Court for the District of Maryland on September 1, 2011, accounts of witness testimony from the federal criminal trial, the transcript of the closing statement of Joseph Evans, confidential meeting notes of the Ethics Advisor, and other relevant information.

On February 6, 2012, the Joint Committee met in a closed session to interview Senator Currie and to review evidence relating to the allegations. Senator Currie was represented by counsel at the hearing and was interviewed by counsel to the Joint Committee and by members of the Joint Committee. The Joint Committee also heard testimony from the Ethics Advisor, William Somerville. Senator Currie called one other witness, Joseph Evans. The hearing was recorded and transcribed.

On February 7, 2012, the Joint Committee met again in closed session to review evidence relating to the allegations and to make a determination on certain issues. On February 15, 2012, the Joint Committee voted on the adoption of a written report.

FINDINGS OF THE JOINT COMMITTEE

The Joint Committee, after gathering and thoroughly reviewing all available evidence relating to various activities of Senator Currie in connection with the Maryland Public Ethics Law, issues the following findings of ethical violations. These violations include filing inaccurate and incomplete financial disclosure statements, failing to disclose various conflicts of interest, failing to abstain from voting in a matter involving a conflict of interest, abusing the prestige of office, and improperly representing a person in a matter before or involving various State and local government units.

FAILURE TO DISCLOSE A CONTRACTUAL RELATIONSHIP ON FINANCIAL DISCLOSURE STATEMENTS

Factual Findings

In late 2002, Senator Currie had lunch with William J. White, the president of Shoppers Food Warehouse, Corp. (SFW), during which they discussed the company's very low rate of minority representation in company leadership positions. According to Senator Currie, he and Mr. White agreed that Senator Currie could help SFW increase awareness of SFW in minority communities and recruit minority candidates for jobs and leadership roles in SFW.

After this meeting, Senator Currie asked Timothy Maloney, an attorney and former member of the House of Delegates, to draft a letter to Mr. White proposing terms