

**OFFICIAL OPINION  
ETHICS BOARD  
CITY OF TANEYTOWN, MARYLAND**

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**OPINION 23-1**

Chapter 18 – Campaign Finance

Sitting for the Board were Chairman Stephen Marsalek, Richard Ott, and Linda Canfield.

Three (3) related complaints were received from the same Complainant, regarding the First Report Campaign Finance Filing of Daniel Haines for the 2023 Mayoral Election. These Complaints allege violation of the provisions of Chapter 18 Campaign Finance of the Taneytown City Code. The specific issues raised are: (1) that Mr. Haines accepted donations in excess of the permitted limits; (2) that Mr. Haines structured the reporting of donations to avoid permitted limits; (3) that a certain donor of a contribution does not have the capacity to make donations; and (4) that Mr. Haines's conduct in reporting said filings is unethical.

The Ethics Board held a hearing on the matter on March 28, 2023. The hearing began in open session to explain the hearing format, the Complaint, and issues involved, then in compliance with the State Open Meetings Act, the Ethics Board closed the hearing under the Personnel and Legal exemptions of the State Open Meeting Act to examine witnesses, obtain legal advice, deliberate on the issues and reach this Opinion.

The Ethics Board called two (2) witnesses to provide testimony on this matter – Daniel Haines, the filer of the Campaign Finance Form and Mark Stephenson The individual which made the donations that are the subject to the Complaint. The witnesses answered all of the questions posed by the Board. Additional documentation was provided to the Board in the form of invoices and payment checks related to the subject issues.

The Board discussed and deliberated on the issues in light of the information provided in the Complaint, the testimony provided by the witnesses, the documentation provided by the witnesses and independent investigation done by the Board. Based on these deliberations the Board reached the following decisions:

***ISSUE 1 - THAT MR. HAINES ACCEPTED DONATIONS IN EXCESS OF THE PERMITTED LIMITS.***

**NO VIOLATION**

An individual can contribute no more than \$500.00 in value to a candidate. The Code requires that donations can only be made by check or in-kind, thus the Board believes it is reasonable that an individual could write one (1) check for donations that

are from multiple individuals or entities to make a donation. For example a husband could write a \$1,000.00 check for a donation that would be from both him and his wife.

In the present case, the donor testified that it was his intent that the payment of the invoice in question, which is viewed as an in-kind donation to Mr. Haines, be attributed to various individuals and entities under his association and control. He further stated that he gave the entity information to Mr. Haines with the instructions to use this information to account for the donation.

Based on this testimony and information the Board finds NO VIOLATION.

***ISSUE 2 - THAT MR. HAINES STRUCTURED THE REPORTING OF DONATIONS TO AVOID PERMITTED LIMITS***

**NO VIOLATION**

As the candidate is the regulated party under the Campaign Finance Ordinance, it is his responsibility to follow the provisions of the ordinance and inform donors of the limitations and requirements therein. Section 18-16 of the Ordinance defines Contributors. Each entity defined therein is subject to the benefit and restrictions of this Ordinance. Thus there is nothing impermissible in the actions of a candidate and a donor coordinating donations from multiple entities so long as there is still compliance with the other provisions of the Ordinance. Accordingly, the Board finds NO VIOLATION.

***ISSUE 3 - THAT A CERTAIN DONOR OF A CONTRIBUTION DOES NOT HAVE THE CAPACITY TO MAKE DONATIONS***

**NO VIOLATION**

The Complaint indicated that Mr. Haines listed a donation from an individual that was two (2) years of age. The testimony received by the Board supports this statement. Section 18-16 states "Any corporation, business, other legal entity or a natural person shall have the right to make any contribution to or expenditure on behalf of a candidate, and any candidate may accept a contribution from the above-named sources in accordance with the provisions of the City Code."

A two (2) year old child is legally considered a "natural person". The current provisions of the Code do not contain qualifiers as to age or competence levels. The Board does not believe it is proper for it to insert additional provisions into the plain writing and meaning of the current Code. If such restrictive or clarifying language is to be included it is within the authority and responsibility of the legislative body of the City.

While there are provisions under Federal Election Law related to campaign contributions of minor donors, those provisions do not apply to the City Ordinance and



the Board does not believe such provisions should be inferred or guiding in light of the plain and unambiguous language of the current Code.

The Board inquired during the examination of the witness donor as to his awareness of his daughter listed as a donor, to which he responded that he was aware and made the donation in her name. A parent/guardian of a minor routinely makes payments on behalf of the minor in all aspects of life and such payments are permissible under law.

Accordingly, the Board finds NO VIOLATION,

***ISSUE 4 - THAT MR. HAINES'S CONDUCT IN REPORTING SAID FILINGS IS UNETHICAL.***

**NO VIOLATION**

The Board is hopeful that all officials and candidates involved in City business will conduct themselves in an ethical and professional manner for the benefit of the citizens that they serve. However, the Board does not believe it is their role to act as referee or arbitrator of general accusations of unethical behavior which are not regulated or otherwise under the jurisdiction of the Board.

In the current Complaint Mr. Haines owes no duty of candor, openness or disclosure to the Complainant. As such conduct between the parties is beyond the scope and jurisdiction of the Board the Board finds this allegation unfounded.

**FURTHER ORDER OF THE BOARD:**

Based on the information and testimony provided during the Hearing, the Board hereby directs that Daniel Haines revise Schedule 1 of the First Report Campaign Finance Filing to adjust the total amount listed in column 4(a) to \$2,275.00. This is the amount which was shown on the payment check provided to the Board by the donor during his hearing examination. Mr. Haines must also revise line 5 of schedule 1 and section 2 of the Summary Report to reflect this increased amount.

The motion was made by Chairman Marsalek and seconded by Board Member Ott to issue the above-opinion; and upon a vote by the Board, the decision was three (3) in favor of the motion and zero (0) opposed.

3/31/23  
DATE

Stephen Marsalek /CSK  
Stephen Marsalek, Chairman