

City attorney says mayor may vote on Hopkins deals

By Julie Scharper, *The Baltimore Sun*, March 18, 2011

Baltimore's city solicitor says Mayor Stephanie Rawlings-Blake may vote on matters relating to Johns Hopkins, as long as she recuses herself from issues directly related to the division for which her husband works.

Rawlings-Blake has voted to approve more than \$900,000 in deals with Hopkins as a member of the city's Board of Estimates since her husband was hired by a division of the Johns Hopkins Health System late last year.

Kent Blake is an intake coordinator for Johns Hopkins Community Physicians.

According to the city's ethics code, "a public servant may not participate in and must disqualify himself or herself from any matter if" it involves a "business entity in which ... a disqualifying relative is a partner, officer, director, trustee, employee, or agent."

In a memo Thursday, City Solicitor George Nilson wrote that the mayor should abstain from voting on matters that relate directly to Johns Hopkins Community Physicians. But he said she could vote on matters involving other divisions of Hopkins, unless her husband has an "ownership or like financial interest" in them.

A spokesman for Rawlings-Blake did not respond to a request for comment late Friday. No votes involving Johns Hopkins Community Physicians have come before the Board of Estimates during the time Rawlings-Blake's husband has worked there.

Another official on the Board of Estimates, meanwhile, said that he would continue to recuse himself from decisions involving Hopkins because his wife works at Johns Hopkins Hospital.

"To be aboveboard and transparent, I abstain from all votes with Hopkins," City Council President Bernard C. "Jack" Young said Friday.

Nilson's opinion said that Rawlings-Blake did not need to abstain from similar votes.

He wrote that a "narrow and appropriate construction that follows the various legal entities" within Hopkins would require the mayor to abstain only from matters involving "the specific place where her husband works," Johns Hopkins Community Physicians.

"Such a course of conduct would be defensible if someone were to raise an issue over the Mayor voting on a matter involving a cancer research grant administered by the oncology department of the School of Medicine, or a public health grant to the Bloomberg School of Public Health," Nilson wrote.

Nilson did not respond to a request for comment Friday.

The Johns Hopkins University, which includes the Homewood campus and the schools of medicine and public health, is distinct from the Johns Hopkins Health System, which includes the main hospital in East Baltimore and Johns Hopkins Community Physicians, among other units.

The university, with 27,000 workers, is the largest private employer in the state, according to the Maryland Department of Business and Economic Development. The medical system, with 20,273 employees, ranks second.

In his memo, Nilson referred to a three-year-old opinion from the city's director of legislative services that addressed a similar circumstance.

Avery Aisenstark, the executive director of the city's board of ethics, advised in 2008 that a city worker who was married to an employee of Johns Hopkins Community Physicians should recuse himself from matters involving that division. Aisenstark's opinion was issued after the worker asked for guidance from that office in reference to the city's ethics code.

Nilson wrote that he concurred with Aisenstark. Nilson serves at the will of the mayor. Aisenstark is a civil servant.

Young says he disqualifies himself from decisions involving Hopkins because his wife is a referral coordinator at Hopkins Hospital.

Darlene Young schedules patient appointments in the pediatrics department.

Young said that he had not asked the city solicitor or the ethics board for an opinion, but had made the decision himself to avoid the appearance of a conflict of interest. He said that Nilson's opinion would not change his own approach.

"I'm going to continue to abstain from everything dealing with Hopkins," Young said. He did not comment on the mayor's votes.

Nilson began studying the issue at Rawlings-Blake's request after an inquiry from a Baltimore Sun reporter.

Earlier this week, he told The Sun that it appeared acceptable for Rawlings-Blake to participate in decisions involving the university, but it was less clear whether she should be voting on issues involving the health system.

Nilson said Tuesday that "a lawyerly, narrow view" could suggest that she was free to vote on matters involving health system divisions other than the one in which her husband worked, "but a more expansive view" would suggest that she abstain from any such votes.

Councilman William H. Cole IV, one of the mayor's closest allies on the council, said Friday he was pleased with Nilson's opinion.

"I know the mayor has always been extremely careful about these types of issues," Cole said.

Cole sent an email to supporters and media organizations Thursday criticizing the Sun's coverage of Rawlings-Blake's votes and saying that the first story "isn't worth reading."

On Friday, he apologized for the email and told a reporter that it was a "mistake" to send it.