

2009 MARYLAND

book of LOBBYISTS



A supplement to

THE DAILY RECORD

Lobbyists to push for tight state money

By ALAN DESSOFF

Special to The Daily Record

As the 2010 session of the General Assembly approaches, lobbyists for a wide range of industries and causes are preparing to descend on Annapolis to try to influence the outcomes of issues important to their clients and constituencies.

For the state's business and nonprofit sectors alike, a \$2 billion structural budget deficit faced by Maryland underscores the key issues that are likely to draw intense lobbying.

Taxes and regulation top the priority list for the **Maryland Chamber of Commerce**, the principal lobbying arm for the business sector. "Extreme care must be taken," it declared in its 2010 agenda, "to avoid over-regulating or adding taxes to business during these difficult times."

"There already are some legislators who are talking about introducing bills that would change the way corporations in Maryland pay taxes," said Chamber President/CEO Kathleen Snyder, citing a move to adopt a system of mandatory unitary combined reporting. "The issue will be contentious," she declared.

Snyder points out that the **Maryland Business Tax Reform Commission** has been working for a year to review and evaluate the state's current business tax structure and is scheduled to issue an interim report this December. But a final report is not due until December 2010 and "we need to let that process work," she said.

Accordingly, the Chamber's lobbyists will urge that legislators allow the commission to complete its work before considering any changes in business taxes or moving towards combined reporting, Snyder continued.

The Chamber also will lobby against workplace regulation proposals that it views as a "one-size-fits-all" mandate for how employers should act. "We think this will be harmful to the marketplace, particularly for small employers who are trying to come out of the recession. It also will harm Maryland's reputation as a good place to do business," asserted Snyder.

Also in the regulatory arena, an effort to re-regulate Maryland's electricity industry will be "lobbied heavily" because "there's a close divide among legislators as to what they should do," said American Joe Miedusiewski, director of the public affairs and lobbying and government relations practice at the **Semmes, Bowen & Semmes** law firm in Baltimore.

Without identifying his clients, Miedusiewski said he will be involved in the re-regulation battle, which will focus on the



RICH DENNISON

In its upcoming session, Maryland's General Assembly will consider changes to the state's taxes and regulations during a period of budget deficits.

House of Delegates. The State Senate passed a re-regulation bill this year but the House received it too late to act. "It's a contentious issue. The hearing room is filled with lobbyists. You'll have as many experts on one side arguing their case as on the other side," said Miedusiewski.

According to the annual report of the **State Ethics Commission**, Joel Rozner was the highest-paid lobbyist between Nov. 1, 2008 and April 30, 2009, with compensation of \$905,211.

He said the continuing housing foreclosure crisis will present another issue that will involve lobbyists for real estate agents and bankers. "In the first wave of foreclosures, we got people who just overextended themselves. What we're seeing now are people who are still out of work because of the economy and can't make the payments," said Rozner, with the firm of **Rifkin, Livingston, Levitan & Silver LLC** in Annapolis.

"As I understand it," he continued, "if you are going into foreclosure, you can stay in your house for close to a year before you have to move, if you play the whole thing out. Now we're hearing that there may be legislation put in requiring mandatory mediation, to get the lenders to sit down and try to work something out. That will be a big and controversial issue," said Rozner, who represents the **Maryland Association of Realtors**, among other clients.

In the nonprofit sector, meanwhile, "The issue that affects almost all nonprofits

and gets the most attention will be the budget. Our members' greatest concern is the inadequacy of funding for the services they provide," said Henry Bogdan, managing director of public policy and advocacy for the **Maryland Association of Nonprofit Organizations**.

"There is a lot of pain in the budget cuts we have taken already, and there's the big bopper coming up at the 2010 session. I don't think the nonprofits have dealt with this kind of a budget problem in my time there [in Annapolis] and I've been down there since 1980," he said.

Bogdan will advocate "at least balancing the solution with revenues," he continued. "You don't raise taxes just for the sake of raising taxes. You raise taxes as an alternative to making cuts that we find unacceptable, and I think we're at that point," he said.

2010 is an election year for all members of the Legislature, and lobbyists agree that will influence what lawmakers do.

"Generally speaking, they don't like to take on controversial issues involving taxes in an election year," said Rozner. "But the state has this huge structural deficit, so that puts them in a real quandary to try to find issues that respond to voters' needs but don't cost any money. That's not an easy formula."

While lobbyists will be busy on a wide range of issues, "everything is going to evolve and revolve around the budget crisis," Rozner concluded.

It's a short session, but a year-round job

By KAREN NITKIN

Special to The Daily Record

No business or organization, it seems, can afford to be without a lobbyist as bills rush through the State House and tight budgets get carved into ever-smaller pieces. The list includes school boards, county governments, hospitals, nonprofits, unions and much more.

Even organizations and companies that have lobbyists on staff often hire additional assistance during the session. With some 3,000 bills debated each legislative session, the clients rely on lobbyists to keep them informed.

A school board, for example, could have an interest in a wide range of bills, perhaps including changes to curriculum requirements, new laws about school buses and even revised guidelines on the price of milk, noted Steve Proctor, owner of **G.S. Proctor and Associates**.

Lobbyists monitor the pending legislation and meet with lawmakers to present research, perspectives and arguments related to those bills.

Many are lawyers or former lawmakers, but they are not required to have law degrees. Proctor, for example, is not a lawyer, and his firm has about 70 clients, including **Clark Construction Group** in Bethesda, a number of municipalities, **Constellation Energy** and the National Children's Museum in Washington, D.C.

He said clients are recognizing more than ever that lobbyists can be essential to their very survival. "What we're finding right now is that more clients are picking up lobbyists to protect their interests rather than to advance the ball," he said.

Lobbyists, of course, must be registered with the state, and work under strict guidelines that include limits on gifts. But within those parameters, their influence can be enormous.

They work closely with lawmakers, sometimes crafting bills from the start and other times providing information and arguments that can be crucial in shaping, promoting or defeating legislation.

"We sit down and look at it, look at the pros and cons," Proctor said. Members of

his firm will meet with the bill's sponsor and with members of the relevant committee to "help them craft a better bill."

Most lawmakers are grateful for the information, Proctor said. "They can't be experts" on everything, he said, so "generally they are very receptive" to gaining additional perspective on a bill and its ramifications.

So what should organizations look for when choosing a lobbyist? Of course, deep experience and a good reputation are

align with their own mission or because the new client would represent a conflict with an existing client. Sometimes they must remind clients that their legislative or budget goals are not realistic.

Proctor said his firm, which has 18 people working in five offices, has been known to turn down assignments that simply don't sit well. "We're not afraid of controversy, but you have to have integrity," he said. "All you have is your reputation, you don't have a product."

While some people think of lobbyists as back-room glad-handers with undue influence, Proctor said he's proud of his career. "Lobbyists represent a lot of nonprofits and do a lot of good work," he said. "Lobbyists are absolutely very, very necessary." "Even for the legislative stuff, you can't waltz in in January and have a good result," he said. "It's a year-round responsibility."

As lobbyists well know, things don't slow down when Annapolis clears out in April. Alexander, for example, works hard for his clients during the 90-day Maryland legislative session, but the rest of the year, he and his colleagues are arranging events for their clients, creating networking and marketing opportunities, and seeking solutions to business problems.

For one client, **Lockheed Martin**, for example, Alexander & Cleaver helped organize a visit from Gov. Martin O'Malley after the governor's office proclaimed Nov. 12 Cyber Security Awareness Day in Maryland. No legislation was involved and no budget dollars were approved, but the event was valuable for Lockheed anyway, noted Alexander.

"We did the government relations part of that event," Alexander said. "It's a whole effort by a large, experienced team of government relations consultants who are available to the clients for whatever they need all year long."

And that really does mean all year long. Each summer, for example, seven lobbyists from Alexander & Cleaver attend MACO, the meeting of the **Maryland Association of Counties**, said Alexander. It's a chance to help clients form connections and simply network with each other and with lawmakers.



MAXIMILIAN FRANZ

The end result of everyone's efforts: a bill-signing in Annapolis.

important, said Gary Alexander of the lobbying firm **Alexander & Cleaver**. But also consider any specific legislative objectives your organization might have, and ask whether the lobbying firm you are considering has deep knowledge in those areas.

Alexander said his firm has changed in the 15 years since it was founded. At the start, the focus was "pretty much legislative." Now, he said, "It's much bigger than that," with a full complement of client support services.

Lobbyists occasionally turn down clients, either because the objectives do not



MAXIMILIAN FRANZ

Lobbyists work for nonprofit organizations as well as the private sector, and the higher rates from corporate clients sometimes mean discounts for the former.

Nonprofits sometimes get a break on fees

By MARY MEDLAND

Special to The Daily Record

Everyone is feeling the financial pinch of the recession and Maryland lobbyists and their clients are no exception, especially those who represent nonprofit organizations.

"Most people don't understand lobbying today," said Gary Alexander, of **Alexander & Cleaver**, the largest government relations firm in this state. "Our work is not just a matter of working during the legislative session. In the case of our nonprofit clients we have always seen our work with them as part of public and community service. It really broke our hearts when the **Baltimore Opera Company** went bankrupt."

Alexander's nonprofit clients include the **Girl Scouts and Boy Scouts of Central Maryland**, **Abilities Network** and **Best Buddies**, among other organizations. "It is really a wide range of activities that we help with. We represent a dozen charitable organizations, and often they need help getting capital grants or need assistance getting permits from state agen-

cies," he continued.

Not surprisingly, lobbyists representing nonprofits still do so at a reduced hourly rate. "We also represent the private sector, and those higher rates make it possible for us to represent the nonprofits for a discounted fee," said Alexander.

On the other hand, it is infrequent when lobbyists enter into a barter situation with clients.

"I've never heard of any lobbyists working for the trade of services with a client, and I've never been approached to do this," said Eric Gally, of **Gally Public Affairs**, a lobbyist who represents the **American Cancer Society**, **Advocates for Children and Youth** and the **Chesapeake Bay Foundation**, among other clients. "However, those who do this have to be open and above board.

"You have to report the retail value of what you received ... the individual providing the service can give a lobbyist an accurate value."

American Joe Miedusiewski, public affairs director of the government relations practice for **Semmes, Bowen & Semmes**, has heard of barter relation-

ships. "If I am representing the printing industry, who asks me to monitor HB 123, and the total fee is more than the organization is able to pay, we might accept having a member of the organization provide printing services, for example," he said. "But that is very different than working on a pro bono basis."

Miedusiewski has a number of smaller clients whose budgets come mainly from its membership dues. "These are not necessarily nonprofit, but some are," he said. "Most of our clients are weathering their membership fairly well, but some are seeing it dwindle.

"If someone has \$500 annual dues and decides to jettison that expense, a lobbyist might say, 'I understand that your membership is down 12 percent ... let's see if we can negotiate a new fee until the economy recovers.'"

"We try to reach out to organizations that are doing good work," said Alexander. "But doing this is not the result of the economy. We try to do this with all of our clients. No one wants to turn their back on their clients during the recession."

Editor's note

The Daily Record presents its 2009 Book of Lobbyists.

This magazine is intended as a reference guide. In it, we provide the contact information of every lobbyist in Maryland currently registered with the State Ethics Commission. The commission's guidelines indicate that you must register with the state if you lobby on behalf of your for-profit or nonprofit organization and spend \$500 annually in so doing.

Please note that the State Ethics Commission list includes both lobbyists for hire and executives who lobby entirely for their own organizations. As these are not differentiated in the Book of Lobbyists, we ask all readers to please call respective lobbyists to determine whether they are for hire.

If any listing information is missing or inaccurate it is because the lobbyist did not provide that information to the Commission. For more information on each lobbyist, including client lists, please call the State Ethics Commission at 410-260-7770, or visit their Web site, <http://ethics.gov.state.md.us>.

Whether your business is big or small, old or new, we hope this guide helps you find greater representation with your state government.

Please contact the editor directly with any comments at emily.arnold@mddailyrecord.com.

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ADVANCING A CONSERVATION LAW ENFORCEMENT STRATEGY FOR THE 21ST CENTURY

“Wildlife cannot speak for itself...so we must and we will.”

President Theodore Roosevelt

Sportsmen can no longer tolerate a Wild West mentality when it comes to enforcement of Maryland’s conservation laws – laws designed to protect our coveted fisheries and wildlife from the over-consumptive malice of a seemingly insular few. These non-conservation-minded sportsmen need a wake-up call...and that call, *The Conservation Law Enforcement Act of 2010*. This Act, among other things, declares a zero tolerance for violations of our conservation laws. Maryland lawmakers will be asked to give this statutory proposal serious consideration during the 2010 Session – an Act consistent with the conservation spirit of America’s premiere conservationist, President Theodore Roosevelt, and one intended to provide law enforcement with the proper laws and resources necessary to fulfill their statutory mandate.

This stage was set on March 17, 2009 when the Co-Chairs of the bi-partisan Maryland Legislative Sportsmen’s Caucus (Senator John Astle and Delegate Wendell Beitzel) issued an OPEN LETTER TO THE SPORTSMEN’S COMMUNITY OF MARYLAND (accompanied by a “Perspective” prepared by the non-partisan Maryland Legislative Foundation entitled, *Maryland’s Conservation Law Enforcement Dilemma: Perspective – see below*) which concluded as follows:

“As America’s ‘First’ conservationists and a group which contributes in excess of one billion dollars annually to Maryland’s economy, sportsmen represent the first line of defense when it comes to upholding and underwriting our natural resources laws. They are intolerant to those who deliberately and willfully violate the very laws they helped persuade lawmakers to enact. As President Theodore Roosevelt once said, “Wildlife cannot speak for itself...so we must and we will.” Please share with us any related thoughts, ideas and suggestions as we move forward together to develop a 21st Century Conservation Law Enforcement Strategy worthy of national emulation.”

MARYLAND’S CONSERVATION LAW ENFORCEMENT DILEMMA: PERSPECTIVE

THE FOCUS OF THIS PERSPECTIVE IS 3-FOLD:

**Declining Law Enforcement Work Force
Lack of Enforcement Tools
A Purported Complacent Judiciary**

DECLINING CONSERVATION LAW ENFORCEMENT WORK FORCE

Symptomatic of the conservation law enforcement dilemma facing us was expressed in the introduction of Senate Bill 765 during the 2009 Session of the Maryland General Assembly. Honored with the prestigious *2007 Sportsmen’s Best Friend of the Year* by the Maryland Legislative Sportsmen’s Foundation and Caucus Member, Senator Roy Dyson was the sponsor. The bill proposed to address Maryland’s



declining conservation law enforcement workforce by ensuring “the authorized number of natural resources police officer positions may not be reduced below 480.”

The following excerpt from the failed bill’s Preamble delineates its intent:

“WHEREAS, The number of authorized law enforcement positions within the Natural Resources Police Force has been reduced to a level that prevents the Natural Resources Police Force from effectively discharging the responsibilities mandated by the General Assembly.”

The Caucus realizes the State currently lacks sufficient funds to ensure a natural resources police force of 480; but, believes the State should proceed in this direction with due regards to the dictates of fiscal practicality, meaning this is a most worthy goal and fiscal compliance may take time.

Consequences for failure to bolster Maryland’s conservation law enforcement work force? Look no further than today’s front page headlines decrying fish poaching, resulting in federal intervention. The Caucus is not assigning blame...but, noting reality as seen today and calling for a responsive strategy.

From another standpoint, consider the investments made to date in the Chesapeake Bay recovery efforts. Hundreds of millions of taxpayer dollars have been spent and are projected to be spent – via the *Chesapeake 2000 Agreement*, the *2007 Forest Conservation Initiative*, the *Governor’s Commission on Climate Change* – to mitigate the impact of a failing watershed caused by an ever-increasing, pollutant population. The perceived natural resource beneficiary of this historic investment is a healthy, productive and sustainable ecosystem like no other in North America.

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What can we say to those outside the Chesapeake Bay watershed, who financially help underwrite our water quality initiatives, and future generations of Marylanders when – on our watch – we idly witnessed the pillage and decline of our coveted natural resources? It is our duty to reward the law abiding citizenry by prosecuting those who violate the public trust through unbridled poaching of the very resources we are desperately trying to protect. Absent deterrents – the eyes of the law and a punitive court system – how can anyone realistically expect a behavioral transformation?

LACK OF ENFORCEMENT TOOLS

Of particular outrage to the sportsmen's community of Maryland has been the recent grounding of the airborne law enforcement services of the Natural Resources Police. Citing reduced revenues and economy of scale savings, the Executive Branch of Maryland State Government issued a MEMORANDUM OF UNDERSTANDING between the Department of State Police and the Department of Natural Resources/Natural Resources Police on February 18, 2009. The intent of this MOU is to coordinate airborne law enforcement services, among other things, through a combined use of the State's 11 twin engine helicopters, based at eight locations across the State.

Only time will tell whether or not the envisioned MOU strategy will prove effective in combating fisheries and wildlife violations. However, the sportsmen's community is not optimistic and believes conflicting uses of these 11 twin engine helicopters – primarily medical transport related – will render a well-intended airborne law enforcement strategy ineffective and to the detriment of our natural resources laws. Again, the Caucus is not agreeing with this assertion, but is merely citing herein.

Moreover, the Caucus is not promoting a multi-million dollar investment in new helicopters and fixed-winged aircraft to apprehend violators of Maryland's conservation laws; but, the Caucus does believe that accountability – consistent with and responsive to the intent of the MOU – must be ensured through legislative oversight. Specifically, the Caucus recommends that annual reporting by both law enforcement agencies on the effectiveness of this combined airborne law enforcement strategy be made. Ideally, the budget committees could direct such legislative oversight through the annual Budget Bill.

The Caucus also recognizes the Natural Resources Police are in dire need of new and upgraded state-of-the-art equipment – independent of airborne surveillance – to fulfill its statutory mission. It is important for everyone to realize that Maryland has over 3,000 miles of shoreline and its forests encompass 2.6 million acres, equivalent to 44% of Maryland's total land base. How can the public expect the NRP – with statewide statutory police powers equivalent to the Maryland State Police – to patrol such a vast inland/waterway area, meet its Homeland Security responsibilities and assist other State/local law enforcement personnel when basic resources are unavailable to them? It's a scary thought.

Noteworthy is the January 21, 2009 Report from the Task Force on Fishery Management (created by Chapter 217, Acts of 2007) per the section entitled, *Enforcement of Fisheries Laws*. The following findings/recommendations were noted this day before the Senate Education, Health and Environmental Affairs Committee and the House Environmental Matters Committee: (1) the Natural Resources Police (NRP) are understaffed at almost half the recommended positions; (2) set a minimum threshold of Law Enforcement Officer positions at 400, with a target of 435 positions; (3) adjust boating fees to provide the needed funding for NRP equipment; and (4) improve prosecution of natural resources violations, with special training for judges and prosecutors, inclusive of a responsive judicial framework amongst

the counties

Clearly a keener understanding of the dilemma faced by our conservation law enforcement personnel manifests itself whenever observed by outside parties. The Caucus commends the work of the Task Force on Fishery Management.

A PURPORTED COMPLACENT JUDICIARY

Reports are common within the sportsmen's community the court system is lenient on violators of Maryland's conservation laws. Whether or not this is attributable to existing statutory penalties, insufficient evidence or nature of the allegation itself is unknown. And, the Caucus does not want to appear critical of Maryland's court system. However, the Caucus does feel it has an obligation to share the sportsmen's concerns with the officials in all 3 branches of Maryland State Government.

The Caucus respectfully asks the Attorney General and others within the Judicial Branch of Maryland State Government to be sensitive to the concerns of Maryland sportsmen when it comes to violations of our natural resources laws. For all the reasons noted herein – and more – the Caucus is most hopeful that such future allegations about court rulings can be mitigated through alternative strategies inclusive of increased penalties or sentencing guidelines. In short, the penalty for violating Maryland's coveted conservation laws cannot be viewed by perpetrators as less onerous than the profits to be realized by poaching.

IN THE FINAL ANALYSIS, the Caucus stands prepared to work with the Governor, its colleagues within the Maryland General Assembly and representatives of the Judicial Branch of government and Maryland's sportsmen, in developing strategies for (1) bolstering conservation law enforcement's presence afield and on the waterways; (2) securing state-of-the-art technological equipment for surveillance purposes, inclusive of replacing its aging vehicular and watercraft fleet; (3) monitoring the success of the February 18, 2009 Memorandum of Understanding between the Department of State Police and the Natural Resources Police pursuant to airborne law enforcement services; and (4) affording the Judiciary requisite statutory tools necessary to impose proven-deterrent punishment in order to help reduce crimes against nature...crimes against the "public trust" bestowed by the Magna Carta.

On December 5, 2009 the envisioned Conservation Law Enforcement Summit was held. Emanating from the Summit is the **Conservation Law Enforcement Act of 2010**. This Act represents a defining moment in Maryland's history. Will lawmakers agree with Theodore Roosevelt by enacting the bill?

Maryland FOP Lodge 8 is one of four Lodges serving the law enforcement officers of the Maryland Department of Natural Resources (www.mdfop8.com). Md. Lodge 8 represents our Southern region, which encompasses Calvert, St. Mary's, Charles, Anne Arundel and Prince George's Counties (Mike Dyson, President). William R. Miles, author.



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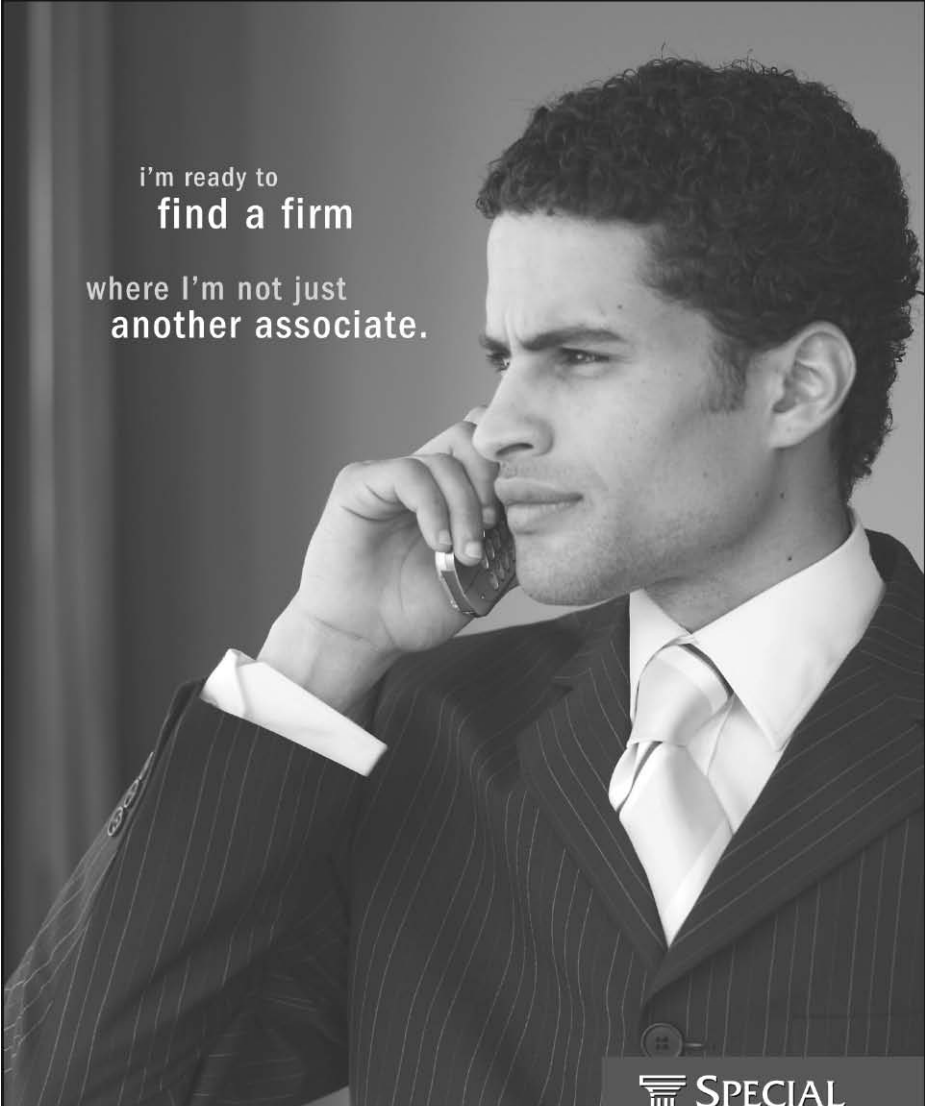
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