COLLEGE PARK -- An ethics review by the university system of regents Chairman David Nevins found that he did not violate the board's policies when he arranged and sat in on meetings between lawmakers and his employer, Constellation Energy.

The University System of Maryland released an internal review of Nevins yesterday after questions arose over whether he improperly helped Constellation executives who met with legislative leaders reviewing the company's proposed merger with a Florida power company.

Some lawmakers had questioned his role in light of a rule that prohibits members of the university system's governing body from lobbying the General Assembly.

Nevins said at the time that he simply made introductions and remained silent throughout most of the February meetings with House Speaker Michael E. Busch, Senate President Thomas V. Mike Miller and state Sens. Thomas M. Middleton and Paula C. Hollinger.

A three-person panel of regents interviewed Nevins, the four legislators, and executives from Constellation and FPL Group. It concluded that no lobbying took place at the meetings and that those involved did not believe any lobbying occurred.

Nevins was there to make introductions and help the group move between meetings but he did not take part in the discussions, the report said. The meetings did not affect legislation and were designed to let lawmakers meet FPL Chief Executive Officer Lewis Hay and learn more about the merger, the report concluded.

Nevins said the findings back his assertions that he did not violate the regents' ethics policies. "I was confident all along that no wrongdoing had been done," he said yesterday.

Busch and Miller could not immediately be reached for comment. Middleton and Hollinger said they did not think Nevins was lobbying. Middleton said Nevins greeted him when he arrived for a breakfast meeting but took no part in it. "He did not engage in the conversation," Middleton said.

The regents' policy, adopted in 1999, states that regents "shall not, for compensation, assist or represent any party in any matter before the General Assembly." The board is also reviewing former Gov. Marvin Mandel, a regent since 2003, for testifying before a Senate committee for an alcoholic beverage association.

The board pledged to review its ethics policies on the advice of the attorney general's office to eliminate any ambiguities.

"Had I thought for a moment it would have raised the questions it did ... I would not have" attended, Nevins said. "Nevertheless, they weren't lobbying meetings.

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Mandel Broke U-Md. System Ethics Rules, Review Finds

By Matthew Mosk and John Wagner
Washington Post Staff Writers
Saturday, May 13, 2006; B01

Former Maryland governor Marvin Mandel has violated the Maryland university system's ethics policy by profiting from work as a lobbyist while serving as a regent, an investigation by the system's board has found.

The violations, announced yesterday, occurred during the past three sessions of the General Assembly, when Mandel was subject to a strict prohibition against lobbying by the university board.

The ruling by an internal investigative panel carries no penalty, and Mandel will keep his membership on the board, which governs 13 public universities.

But the findings have left a fresh blemish on the checkered career of the 86-year-old politician, who left the governor's office in 1977 in disgrace after being indicted on mail fraud and racketeering charges.

"I respect and cherish my membership on the board and I deeply regret that my actions may have cast an undeserving negative light on the valuable work that my colleagues and I perform on behalf of our students and our state," Mandel (D) said in a statement.

The ethics infractions came just as Mandel was enjoying a personal resurgence in Annapolis, where he and Gov. Robert L. Ehrlich Jr. (R) have formed a close political partnership. In a speech last month, Ehrlich called Mandel "my pro bono lobbyist," and this week, the two stood together as they presented a new state tourism commercial that features them both.

Ehrlich's embrace of Mandel seemed to grow tighter after news reports in March about the former governor's questionable lobbying activities.

Mandel had testified before a legislative committee on behalf of an alcoholic beverage association and registered on behalf of an insurance industry group, actions that appeared to be in direct violation of a 1999 university ethics code.

The code says, "A member of the Board of Regents shall not, for compensation, assist or represent any party in any matter before the General Assembly."

Mandel initially defended his behavior: "At the time I became a regent, that [rule] was not told to us."

And his defense -- that he didn't know about the prohibition -- continued as a three-member panel of regents investigated the matter, according to its report. "Mandel's actions, as they relate to the ethics policy, were not willful or intentional," the panel concluded.

The regents said they have no authority to impose sanctions. But R. Michael Gill, chairman of the board's audit committee, said that if Mandel violates the ethics code again, "he would tender his resignation."

Under state law, only Ehrlich could take punitive action. The governor's spokesman, Henry Fawell, said last night, "I'm aware of no action in that regard."

The lack of a sanction for Mandel concerned some state officials, who said they found it difficult to believe the former governor was not familiar with the university system's ethics policy.

"What kind of message does that send?" said House Speaker Pro Tem Adrienne A. Jones (D-Baltimore County). "We put these laws on the books for a reason. I appreciate the service he has given the state of Maryland, but at the same time, this sets a bad precedent for those who follow him."

Mandel's governorship effectively ended when a jury convicted him of mail fraud and racketeering in 1977 for using his influence to help friends who owned the Marlboro racetrack in Prince George's County in exchange for cash and gifts.
He went to federal prison in 1980 when his appeals were exhausted. In November 1987, six years after his release, a federal judge overturned the conviction.
Panel to open ethics probe into Mandel testimony

Regent's appearance before senators on behalf of liquor association at issue

The Associated Press

March 28, 2006, 12:00 PM EST

Former Maryland Gov. Marvin Mandel will be the subject of an ethics investigation because of his appearance before a Senate committee.

At issue is whether Mandel violated ethics laws by testifying to lawmakers on behalf of an alcoholic beverage association. As a member of the state Board of Regents, Mandel is not allowed to act as a lobbyist.

The former governor has said he was testifying on the liquor wholesaling bill not as a lobbyist but because he is a lawyer for a state liquor distributors group.

On Monday, the regents announced that a three-member panel will determine whether Mandel violated the ban. The panel is already reviewing similar allegations against the board chairman, David H. Nevins.

"We take all allegations regarding possible violations of the board's ethics policy very seriously," the board's audit committee chairman, Michael Gill, said in a statement reported by The Washington Post.

The General Assembly passed a law in 1999 explicitly prohibiting regents from lobbying. Mandel was appointed in 2003.

The investigation into Nevins will look at his meetings with legislators on behalf of his employer, Constellation Energy Group, the newspaper reported. Nevins also has been paid consulting fees and been given high-level positions by companies doing business with the university system. He's the subject of another probe by the State Ethics Commission.

Nevins has said his meetings in Annapolis were appropriate because the sessions with lawmakers were not substantive.

After hearing from the panel, the audit committee could recommend a reprimand, a change to board policies, education for the regents, or other suggestions, said Anne Moultrie, associate
chancellor for communications. The full board could then accept, reject or change those recommendations.

Moultrie said that the report on Nevins might be done in the next few weeks and that the Mandel review would begin soon after that.

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