

Law

Councilman pleads guilty to campaign finance violations

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UPDATEDA Baltimore County councilman's guilty plea to campaign finance violations ended his legal proceedings but raised questions about the terms of his sentence and his political future.

Kenneth N. Oliver, a Randallstown Democrat, pleaded guilty to two misdemeanors, one for loaning himself \$2,000 from his campaign account in 2008 and the other for reimbursing himself \$300 for a campaign expense in 2007 without having a receipt as proof.

In exchange, state prosecutors dropped an eight-count indictment filed earlier this year, which included two counts of felony theft. That trial was scheduled to begin Tuesday in Baltimore County Circuit Court.

Judge Thomas J. Bollinger Sr., at the recommendation of Assistant State Prosecutor Tamara M. Gustave, fined Oliver \$2,500 and ordered him to perform 50 hours of community service. Oliver faced a maximum of six years in prison and a \$25,000 fine under state sentencing guidelines.

Bollinger also placed Oliver on six months' probation and specified the community service would have to be with either a certified personal accountant or someone with "campaign finance expertise."

"I don't think anybody, until they run for office, understands the nuances of campaign finance," Bollinger said.

Oliver and his lawyer, Charles G. Byrd of Alston & Byrd in Baltimore, declined to comment following the hearing. Oliver wiped away tears at the conclusion and hugged family and friends, who then formed a protective barrier from reporters as the group walked toward a courthouse elevator.

State Prosecutor Robert A. Rohrbaugh called the outcome a "fair result" and the punishment "appropriate under the circumstances."

Oliver, 64, has an MBA in finance and most recently was a vice president at Baltimore-based Harbor Bank of Maryland. Oliver loaned himself the \$2,000 for a "family emergency," according to court documents. He repaid the money to his campaign less than a month later and admitted his actions to the state Board of Elections in February 2008, according to court documents.

Gustave said Oliver's campaign treasurer would have testified Oliver controlled his campaign's checkbook and petty cash fund in violations of campaign finance laws.

Oliver, during the hearing, said he now has a new accounting system in place.

"There was no criminal intent," he said. "It won't happen again."



Edward Still, a veteran election law lawyer whose blog, Votelaw, tracks politics-related legal issues, said "community service" might be a misnomer for Oliver's punishment. Still, who is based in Alabama, has not previously reported on the case.

"What kind of accountant would let him work with their clients?" he asked. "The guy needs training. He's not going to help anyone."

Andrew M. Levy, an adjunct professor at the University of Maryland School of Law, said Bollinger might have been trying to tailor the punishment to fit the crime, akin to sentencing a drunk driver to Alcoholics Anonymous meetings.

"It would be a waste to have him picking up trash," said Levy, a partner with Brown, Goldstein & Levy LLP in Baltimore. "I think it shows some thought on [Bollinger's] part."

How Oliver's guilty plea affects his re-election chances next year remains to be seen. Oliver ran unopposed for re-election in 2006.

"It all depends on how forgiving his constituency is," said Donald F. Norris, a professor and chairman of the Department of Public Policy at the University of Maryland, Baltimore County.

Norris said in general a guilty plea such as Oliver's would spur challengers, but that voters may not view the crime as too serious because Oliver took responsibility, the amount involved was relatively small and the prosecutors were satisfied with the plea.

Brian S. Bailey, chairman of the Baltimore County Democratic Central Committee, declined to comment on Oliver's political future.

Chris Cavey, Bailey's Republican counterpart and a vice chairman of the state party, called for Oliver's resignation in January after the councilman was first indicted.

"I think it's horrible that a man with an MBA in finance pleaded guilty to crimes involving basic fiduciary responsibility," he said. "He's still allowed to make decisions on how my tax money is spent."

Cavey earlier this week called for the resignation of another Democratic councilman, S.G. Samuel Moxley of Catonsville, who was arrested Friday in Baltimore City for driving under the influence, his second alcohol-related arrest in four years.

"I hope the public sees this as a total affront," Cavey said. "Where is the public trust these men were given?"