

BEFORE THE ETHICS COMMISSION OF THE CITY OF MOUNT RAINIER, MARYLAND

Decision and Order #1 in the Matter of an Ethics Complaint  
against City Councilmember Danielle Carter

This matter involves the complaint of Jarrett Stoltzfus filed May 27, 2025 with the Ethics Commission of the City of Mount Rainier alleging that Councilmember Carter, on nine occasions, misused City resources to campaign for election when she emailed a community listserv (Mount Rainier@groups.io) from her official City email address to promote campaign events for her mayoral election race in May 2025 (“the Complaint”). He alleges that this is in violation of City of Mount Rainier City Code, §1D-5(e) of the Public Ethics Ordinance, and in contravention of State Ethics Commission Opinion 2008.01. The nine emails in question are dated Mar 7, 2025, Mar 22, 2025, Mar 26, 2025, April 10, 2025, April 16, 2025, April 21, 2025, Apr 25, 2025, May 1, 2025, and May 5, 2025.<sup>1</sup>

**A. City Attorney Review.**

As required by Rule 14C(2) of the Ethics Commission’s Rules of Procedure, the City Attorney reviewed the Complaint (and subsequent Amended Complaint, hereinafter both referred to as “the Complaint”) for legal sufficiency. The City Attorney reviewed the Complaint and found that the Complaint was legally sufficient to support a reasonable belief that Councilmember Carter had violated the City’s Ethics Ordinance. Accordingly, the Ethics Commission conducted a hearing.<sup>2</sup>

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<sup>1</sup> Copies of all emails and attached graphics were marked and admitted into evidence at a contested hearing before the Ethics Commission on August 28, 2025. The Complaint and resubmitted Complaint, Councilmember Carter’s written response, the Motion and Renewed Motion to Dismiss, as hereafter referenced, were also made a part of the record.

§1D-4(k)(3), (4), and (5) of the City’s Ethics Ordinance state that if there is a reasonable basis, after investigation and review by the City Attorney, for believing a violation has occurred, the Ethics Commission shall conduct a hearing.

**B. Councilmember Carter's Pre-Hearing Response.**

Councilmember Carter admitted to inadvertently using her official City email address in each instance cited by Mr. Stoltzfus to post to the privately operated listserv, but said the use was inadvertent each time. More specifically, she stated that, with respect to each use, it occurred out of habit after resubscribing to the listserv with her official City email address in 2023 following advice from Mr. Stoltzfus to do so to avoid subjecting her personal emails to FOIA requests. She stated that had the issue been raised at the time the emails were sent, she would have promptly remedied it by creating a separate campaign subscription and notifying relevant parties and issuing a public apology if requested.<sup>3</sup>

**C. Findings of Fact and Conclusions of Law**

Section 14G(1) and (2) of the Ethics Commission's Rules state that a complainant has the burden to prove a violation by clear and convincing evidence, and that upon failure to do so, the Ethics Commission shall dismiss a complaint. The Ethics Commission understands that clear and convincing evidence is a higher standard than applicable to most other civil proceedings, where the standard of proof is known as a preponderance of the evidence, which requires that the person with the burden of proof demonstrate that every fact that must be proven is more likely than not true. In criminal cases, the Ethics Commission notes that the standard of proof is beyond a reasonable doubt, which is the highest standard of proof but less than absolute proof. Thus, clear and convincing evidence is more than a preponderance of the evidence and less than evidence considered beyond a reasonable doubt. The Ethics Commission acknowledges that clear and convincing evidence requires a significant level of certainty.

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<sup>3</sup> FOIA refers to the Federal Freedom of Information Act. The Maryland State equivalent is the Maryland Public Information Act.

**1. Use of Prestige of Office for Private Gain.**

§1D-5(e)(1)(i) of the Ethics Ordinance, under the title “Use of Prestige of Office,” states that an official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

The City Code does not define “prestige of office.” However, the Cambridge Dictionary notes that “prestige” is associated with “respect and admiration given to someone or something, usually because of a reputation for high quality, success, or social influence.”<sup>4</sup> The Ethics Commission accepts this definition as the ordinary meaning of “prestige.”

The City Code also does not define “private gain.” However, the Cambridge Dictionary notes that “private gain” refers to any benefit or advantage that is accepted or received by a public servant or is perceived to be accepted or received by the public servant, often as remuneration for improperly influencing actions or refraining from performing certain actions.<sup>5</sup> The Ethics Commission accepts this definition as the ordinary meaning of “private gain.”

Councilmember Carter, being in an elected office, has both the inherent prestige of that office and her public position to accomplish the performance of usual and customary constituent services, without additional compensation, as is permitted by §1D-5(e)(3). However, §1D-5(e)(1)(ii) does not permit her to intentionally use such prestige or her public position for purposes that exceed usual and customary constituent services, such as for private gain, except as part of official duties or for her usual and customary constituent services, without additional compensation, regarding awards of state or local contacts to a specific person.

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<sup>4</sup> Cambridge Dictionary Online. Cambridge University Press.

<sup>5</sup> Cambridge Dictionary Online. Cambridge University Press.

In both her written response to the Complaint and in her testimony before the Ethics Commission, Councilmember Carter states that, in early 2023, she began using her official City email address, [dcarter@mountrainiermd.org](mailto:dcarter@mountrainiermd.org), to post public communications to a privately operated listserv, [MountRainier@groups.io](mailto:MountRainier@groups.io). Previously, she had used her private email address to do so, but Mr. Stoltzfus himself advised her against doing so since, as he said, it would expose her private email to FOIA (presumably he was referring to the State equivalent, the Maryland Public Information Act) requests. She took his advice as trustworthy and well-intended and began using her official City email for the listserv.

Councilmember Carter also created a campaign email address, [Carter4Mayor2025@gmail.com](mailto:Carter4Mayor2025@gmail.com), at some point close in time. Even though she had established this campaign email address, she continued to use her official City email address to post to the listserv to notify the public about her campaign, as is evidenced by a review of the eight emails in question. Even though Councilmember Carter claims that she did not intend to use her official City email for campaign purposes, and that it was inadvertent, objectively it is very clear that the intent in these emails was to promote her campaign for Mayor. Councilmember Carter sent each of these emails using the email address “Danielle Carter via groups.io ([dcarter@mountrainiermd.org@groups.io](mailto:dcarter@mountrainiermd.org@groups.io)). The reply address indicated in each email was [dcarter@mountrainiermd.org](mailto:dcarter@mountrainiermd.org), Councilmember Carter’s official City email address. In these emails, Councilmember Carter referred to her mayoral campaign in the following ways:

1. March 7, 2025 email. Councilmember Carter announced her candidacy for Mayor and platform and urged people to vote on election day and attached a graphic which reflected “Danielle Carter for Mayor” and messages on community issues, her mayoral email address, [Carter4Mayor2025@gmail.com](mailto:Carter4Mayor2025@gmail.com), and her website [www.Carter4Mayor.com](http://www.Carter4Mayor.com).

2. March 22, 2025 email. Councilmember Carter again announced she was running for Mayor, referenced her candidacy website and a statement of her platform on the website, referring to it as Carter4Mayor.com.

3. March 26, 2025 email. Councilmember Carter promoted a meet and chat event on March 29, 2025 about her run for Mayor and attached a graphic entitled “Meet & Greet with Mayoral Candidate Danielle Carter.

4. April 10, 2025 email. Councilmember Carter referenced hosting her quarterly meeting/campaign meet and greet at the Bunker Hill Fire Station on April 23, 2025, also using her Carter4Mayor2025@gmail address for questions, and attaching a graphic stating “For more information Carter4Mayor2025@gmail.com.

5. April 16, 2025 email. Councilmember Carter announced an endorsement by the Fraternal Order of Police and attached a copy of the written endorsement.

6. April 21, 2025 email. Councilmember Carter issued a reminder about the April 23, 2025 event at the Bunker Hill Fire Station and attached another copy of her graphic about that event.

7. April 25, 2025 email. Councilmember Carter discussed chatting with voters.

8. May 4, 2025 email. Councilmember Carter thanked residents to whom she had spoken during her campaign, asked residents to vote on election day, and advised she would be at the polls early available to chat with voters.

The only email noted by Mr. Stoltzfus in which Councilmember Carter made no reference to her campaign in any manner was the email sent on May 1, 2025 in which she referenced only her Ward 1 newsletter. She used her official City email address to send the email, but there was no express or apparent connection to her campaign stated in the email.

It is clear on the face of the eight emails referenced above, excluding the email of May 1, 2025, that Councilmember Carter, in using her official City email address for campaign purposes, intended to use the prestige of her City Council office, a public position, to promote her candidacy for Mayor and, as a result, obtain a benefit or advantage to her.

The Ethics Commission construes promotion by election to the office of Mayor by the use of prestige of office as an activity which would likely result in private gain, at least in terms of increase in salary and present and future professional success. The Mount Rainier Charter, §304, states that the Mayor and Council shall receive an annual salary which shall be equal for all Councilmembers, except that the salary for the Mayor may be higher and that salaries for the Mayor and Council shall be as specified from time to time by ordinance. On January 3, 2017, pursuant to §304 of the Charter, the Mayor and City Council passed Ordinance No. 09-2016, which establishes the current salaries of the Mayor and Councilmembers. Pursuant thereto, the Mayor's salary is \$10,000 per year and each Councilmember's salary is \$7,500 per year. Therefore, if elected Mayor, Councilmember Carter's salary would have increased from \$7,500 per year to \$10,000 per year and, subject to §304 of the Charter, could possibly have increased further under her mayoral administration. Additionally, election to the office of mayor of a city could realistically be an experience or event which leads to the ability to attempt to or actually achieve higher elective office or a quality position in the private sector. Councilwoman Carter, with mayoral credentials, would be more qualified than others without having served as a mayor for a number of such offices or positions.

State Ethics Commission Opinion 08-01, which Mr. Stoltzfus references in his Complaint and which Councilmember Carter addressed at the hearing on August 28, 2025, is an advisory opinion issued in a case which is not factually comparable to the facts in this case but provides guidance. It states that State employees should not use any State resources, such as State computers, email accounts, or State

time for non-State activities out of concern that a recipient of email or correspondence that uses State office contact information could easily misinterpret it to be State approved. The Ethics Commission notes that the advisory opinion does not apply to elected officials, only state employees, but it reinforces the concept that City resources, such as an official email address, should not be used to achieve a goal of higher elective office.

Under these circumstances, the Ethics Commission finds that there is a high level of certainty and, therefore, clear and convincing evidence, established by the Complaint and exhibits filed by Mr. Stoltzfus, and not sufficiently refuted by the testimony of Councilmember Carter or her witnesses, that by Councilmember Carter's use of her official City email for campaign purposes, she objectively intended to attempt to use the prestige of her office for private gain in violation of §1D-5(e)(1)(i) of the Ethics Ordinance.

## **2. Use of Public Resources to Solicit a Campaign Contribution.**

§1D-5(e)(4)(ii) of the Ethics Ordinance states that an elected official may not use public resources to solicit a campaign contribution. §1D-3(n) defines an official as an elected official.

In none of Councilmember Carter's eight emails at issue did she expressly solicit a campaign contribution. She testified that the emails and graphics were designed to gain support for her candidacy, not to solicit campaign contributions. She introduced a list of her campaign contributions totaling \$2,200.<sup>6</sup> The list reflects that all but three of the contributions were received prior to the date of the first email at issue, March 7, 2025.

However, it is clear to the Ethics Commission that the recipient of any of the eight emails promoting Councilmember Carter's Mayoral campaign in various ways using an official City of Mount

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<sup>6</sup> The list was marked as an exhibit and admitted into evidence.

Rainier email address could reasonably misinterpret the email to be approved by the City of Mount Rainier, or that Councilmember Carter's Mayoral campaign was supported or endorsed by the City of Mount Rainier. Additionally, the recipient could reasonably interpret these emails as a request to consider a campaign contribution to Councilmember Carter's mayoral campaign. It does not matter if Councilmember Carter did not receive any campaign contributions as a result of these emails. The fact remains that a reasonable recipient of these emails could come to a rational conclusion that the purpose of the emails, at least in part, was to solicit campaign contributions. It is just as reasonable to believe that Councilmember Carter would have deposited any campaign contributions received as a result of these emails for use in her Mayoral campaign.

The Ethics Commission is convinced that the violation was not deliberate, but to constitute a violation of §1D-5(e)(4)(ii), *intent* to violate is not required. According to §1D(e), intent is only applicable to subsection (1) regarding the use of prestige of office for private gain. An objective reading of §1D-5(e)(4)(ii), does not lead to the conclusion that a violation only occurs if an elected official intends to engage in the prohibited activity of using public resources to solicit a campaign contribution. Solicitation of campaign contributions using public resources can be inadvertent, as has been admitted by Councilmember Carter. However, an evaluation of the emails in question could lead a reasonable person to believe that, at least in part, Councilmember Carter's emails were meant not just to be informative about the mayoral campaign but also to solicit a campaign contribution. Furthermore, the Commission notes that Councilmember Carter had a campaign email address that was promoted in the various emails referenced above and could have been used instead of her official city email address to send these communications.

Under these circumstances, the Ethics Commission finds that there is a high and significant level of certainty and, therefore, clear and convincing evidence, established by the Complaint and exhibits

filed by Mr. Stoltzfus, and not refuted by the testimony of Councilmember Carter or her witnesses, that Councilmember Carter objectively used a public resource, that is, her official City email address, to solicit campaign contributions in violation of §1D-5(e)(4)(ii) of the Ethics Ordinance.

The Commission notes and accepts in mitigation that in each of the eight instances cited above, Councilmember Carter feels that the use of her City email address was inadvertent, that the use was a result of habit after resubscribing to the listserv with her City Council email in 2023, following advice from Mr. Stoltzfus. She also noted that she was overly distracted by her mother's difficult medical condition at the time and was traveling back and forth between Maryland and North Carolina to care for her. She testified that as soon as she received and read the Complaint, when she first realized what she had done, she discontinued using the official City email address and created a separate campaign email subscription to the listserv. Also, she testified that if she would ever run for elected office again, she would have a campaign email address separate from her City email address used for constituent services. Councilmember Carter did testify credibly about her remorse for her failure to realize that she had engaged in a violation of the Ethics Ordinance. She stated she was ashamed of herself. She immediately corrected the violation once she became aware of it and she expressed a willingness to make a public apology in her newsletter for this oversight, which the Commission endorses.

#### **D. Discipline and Penalties.**

There is no active ongoing violation. Councilmember Carter's actions clearly were not malicious. She expressed remorse and shame for her misuse of her official City email address. She explained credibly the reasons that it occurred, her corrective action, and her intention to make a public apology in her newsletter to her constituents, which the Commission endorses and believes would be a proper way to conclude this matter. The Commission fully believes that this has been a difficult experience for Councilmember Carter and that it is highly unlikely that she would ever engage in violations of the Ethics

Ordinance again. For all these reasons, the Commission imposes no discipline or penalties on Councilmember Carter under §1D-9 of the Ethics Ordinance for violation of §1D-5(e)1(i) and §1D-5(e)4(ii).

**E. Order.**

Having considered the allegations of the Complaint and the response thereto, and upon a motion and seconded, and a vote of 2-0, the Ethics Commission of the City of Mount Rainier, this 2<sup>nd</sup> day of December, 2025,

ORDERS:

1. Councilmember Carter is found by clear and convincing evidence to have violated §1D-5(e)1(i) and §1D-5(e)4(ii) of the Ethics Ordinance by misusing the prestige of her office in the manner stated hereinabove;
2. This Decision and Order shall be retained among the records of the City of Mount Rainier and shall be published to the general public on the Ethics Commission webpage on the website of the City of Mount Rainier.
3. A copy of this Decision and Order shall be made available to the Complainant and Respondent.

  
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Emerson Lajoie, Chairperson  
Ethics Commission of the City of Mount Rainier

Date: 12/1/2025

  
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Morgan Pinnell, Member  
Ethics Commission of the City of Mount Rainier

Date: 12/2/2025