



COMMISSION MEMBERS:
CRAIG D. ROSWELL, *Chair*
BONNIE A. KIRKLAND
MARIELA OLIVARES
JAMES N. ROBEY, JR.
GENEAU M. THAMES

STATE ETHICS COMMISSION

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JENNIFER K. ALLGAIR
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KATHERINE P. THOMPSON
Staff Counsel
ANA L. HENRY
Assistant General Counsel
PANSY S. WATSON
Assistant Counsel

May 29, 2024

MEETING NOTICE

The next meeting of the State Ethics Commission will be held on June 6, 2024, at its office at 45 Calvert Street, 3rd Floor, Annapolis, Maryland. Reasonable accommodations will be provided for people with disabilities upon request prior to the day of the meeting.

TENTATIVE PUBLIC AGENDA

9:00 Call to Order

9:00 General Business & Administrative Matters

Review of Agenda

Review of Minutes from April 4, 2024 Meeting

Election of Commission Chair for 7/1/24-6/30/25 Term

Financial Disclosure Additions & Deletions

Executive Unit Determinations & Preliminary Financial Disclosure Exemptions

9:15 Local Government

24-0265 Washington County

24-0333 Town of Walkersville

24-0137 City of Pocomoke

24-0332 Dorchester County Board of Education

24-0102 Maryland-National Capital Parks and Planning Commission

24-0266 Washington Suburban Transit Commission

9:30 Executive Director's Report

10:00 Closed Session - Informal Matters and Pending Advice

10:30 Closed Session – Legislative Update

10:45 Closed Session - Enforcement Matters

11:45 Closed Session - Discussion of Enforcement Matters

FINANCIAL DISCLOSURE ADDITIONS & DELETIONS

Pin #	Agency Code	Last Name	First Name	Position	Salary	Grade	Comments	Decision
Department of Health								
015832	320101000	Frost	Keisha	Admin I		16	Salary & Duties	Add
023348	321205000	Thalheimer	Lori	RICA Principal	PRNC 0002 (\$164,535.00)		Salary & Duties	Add
088424	321701004	Reid-Trogdon	Letta	Admin III		18	Salary & Duties	Add
051172	321701004	Reed III	Wayne	Admin V		20	Salary & Duties	Add
019156	321205000	Bachani	Usha	Psychiatrist Clinical Graduate, MDH	PSYC 0001 (\$115,200.00)		Duties Not Applicable	Do Not Add
053320	321201000	Kenny	Kyle	Prgm Mgr IV		22	Salary & Duties	Add
027195	321701005	Zahalka	Aktam (Tom)	Accountant Manager II		21	Salary & Duties	Add
024953	320602000	Ruby	Kenneth	Program Manager II		20	Salary & Duties	Add
027050	321301001	Gabor	Nicholas	Prgm Mgr Senior II		24	Salary & Duties	Add
086463	320201000	Vacant		Physician Clinical Specialist	PHY 0006 (\$89,836.00)		Salary & Duties	Add
427962	321201000	Davis	Eric	Prgm Admin III Mental Hlth		18	Salary & Duties	Add
021417	320101000	Platt	Gerald	Prgm Mgr Sr III		25	Salary & Duties	Add
018584	321201000	Yoe	James	Admin V		20	Salary & Duties	Add
088000	321701009	Shaw	Kesha	Prgm Mgr IV		22	Salary & Duties	Add
049479	321701001	Kasameyer	Elizabeth	Admin V		20	Salary & Duties	Add
015425	321201000	McConkey	Kimberly	HR Administrator III		20	Salary & Duties	Add
083796	321701004	Rodriguez	Lucas	Administrator IV		19	Salary & Duties	Add
016070	321710002	French	Sherri	Administrator V		20	Salary & Duties	Add
016229	321701004	Saber	Eric	Program Manager IV		22	Salary & Duties	Add
023683	321201000	Hager	Andrea	Program Manager II		20	Salary & Duties	Add
088321	320603004	Lee	Ernest	Administrator III		18	Salary & Duties	Add
015943	320603004	Vacant		Nutritionist V		18	Salary & Duties	Add
062152	320603004	Bush	Shelly	Computer Network Specialist Supervisor		19	Salary & Duties	Add
049532	320603004	Ward	Mario	Computer Network Spec Lead		18	Salary & Duties	Add
026453	320603004	Valencia-Carunungan	Maria	Nutritionist V		18	Salary & Duties	Add
015928	320603000	Resnik	Amy	Nutritionist V		18	Salary & Duties	Add
225430	320603004	Thomas	Heather	Administrator II		17	Salary & Duties	Add
058826		Ducker	Tracy	Administrator IV		19	Salary & Duties	Add
423320	320602055	Trice	Holly	Comm Hlth Dir. Of Nursing I		23	Salary & Duties	Add
096724	320602000	Campbell	Judith	Social Work Sup HealthServices		18	Salary & Duties	Add
023857	321210000	Edonwonyi	Efehi	HR Officer III		17	Salary & Duties	Add
026795	321305000	Klos	Elizabeth	Physical Therapist Supervisor		20	Duties Not Applicable	Do Not Add
324321	320101000	Nagaraja Sethuraman	Balasubhiksha	HSCRC Analyst I	\$64,168		Duties Not Applicable	Do Not Add

FINANCIAL DISCLOSURE ADDITIONS & DELETIONS

Pin #	Agency Code	Last Name	First Name	Position	Salary	Grade	Comments	Decision
019871	321201000	McGregor	Darren	Program Administrator IV		19	Salary & Duties	Add
455234	321201000	Jhuti	Diya	Prg. Mgr. I		19	Salary & Duties	Add
387566	321701008	Mabaso	Maria	Administrator I		16	Salary & Duties	Add
377941	321701008	Bailey	Melissa	Administrator IV		19	Salary & Duties	Add
075534	321701008	Konstantinov	Vlad	Computer Network Spec Supv.		19	Salary & Duties	Add
455547	320601000	Tyson	Nyrobi	Epidemiologist I		18	Duties Not Applicable	Do Not Add
019200	320601000	Lamers	Vanessa	Prgm Mgr Senior II		24	Salary & Duties	Add
329927	321701008	Hill	Brittney	Hlth Policy Analyst I		17	Salary & Duties	Add
224860	320603000	Osorio-Samo	Patricia	Epidemiologist II		19	Salary & Duties	Add
082871	321002000	Johnson	Breianna	PH Lab Sci General I		18	Duties Not Applicable	Do Not Add
452675	321701008	Arasanmi	Dorcas	Administrator I		16	Salary & Duties	Add
397093	320101000	Grisham	Rachel	HSCRC Chief I	HSCR 0003 (\$102,148)		Salary & Duties	Add
216748	320602000	Haskin	Danielle	Health Planner III		16	Salary & Duties	Add
350484	320601001	Mudrick	Cathryn	Epidemiologist III		20	Duties Not Applicable	Do Not Add
460195	320601000	Lewis	Sharon	Agency Grants Specialist II		16	Salary & Duties	Add
023858	321210000	Adams	Monica	HR Administrator I		18	Salary & Duties	Add
096879	320602056	DiMaggio	Ashley	Community Health Nurse Program Manager		22	Salary & Duties	Add
096234	320602000	Chausky	Jessica	Prg. Admin. IV, Addiction		19	Salary & Duties	Add
480499	321701000	Woodward	Jenine	Nursing Prg. Consultant/Administrator II		23	Salary & Duties	Add
Department of Natural Resources								
014246	300101000	Williams	Kamil	Admin. IV		19	Salary & Duties	Add
014400	300101000	Roane	Schmeka	Admin. II		17	Salary & Duties	Add
075415	300117000	Bateman	Tracy	Admin. I		16	Salary & Duties	Add
088294	300117000	Marker	Casey	Admin. II		17	Salary & Duties	Add
013693	300117000	Harman	Mark	Natural Resources Biologist IV		17	Salary & Duties	Add
088134	300117001	Rinehimer	Matthew	Natural Resources Biologist III		16	Salary & Duties	Add
Frederick Community College								
	999986	Vacant		Vice President of Diversity, Equity, Inclusion and Belonging	\$152,000		Salary & Duties	Add
Department of the Environment								
014503	390101000	Stokes	Jon-Paul	Geologist Lead/Advanced Environmental Program		19	Salary & Duties	Add

FINANCIAL DISCLOSURE ADDITIONS & DELETIONS

Pin #	Agency Code	Last Name	First Name	Position	Salary	Grade	Comments	Decision
West North Avenue Development Authority								
455584	999005	Stephens	Teresa	Administrator II		17	Salary & Duties	Add
454542	999005	Jefferson	Selisa	Administrative Manager III		21	Salary & Duties	Add
454541	999005	Penick	Keyonna	Executive Associate II		15	No Procurement Duties	Do Not Add
454544	999005	Roper	Shaunte	Fiscal Svcs Admin III		21	Salary & Duties	Add
455585	999005	Turner	Christy	Administrator III		18	Salary & Duties	Add
454329	999005	Lange	Erich	Administrator IV		19	Salary & Duties	Add
454568	999005	Sykes	Tiara	Procurement Officer II		18	Salary & Duties	Add
454441	999005	Williams	Randi	Administrator IV		19	Salary & Duties	Add
University of Maryland, College Park								
	999952	Rubin-Traversa	Lynn	Director	\$109,650		Salary & Duties Applicable	Do Not Delete
	999952	Whitman	Cory	Assistant Director, VPR- Research Administration	\$128,000		Salary & Duties	Add
	999952	Wright-Riva	Colleen	Assistant VP, Student Affairs	\$270,711		Salary & Duties	Add
	999952	Rice	Jennifer	Senior Vice President & Provost	\$597,058		Salary & Duties	Add
	999952	Hoots	Jamie	Assistant Dean, UGST- Undergraduate Studies	\$167,715		Salary & Duties	Add
	999952	Britt	Kerry	Manager, VPSA-DS-Central Stores	\$110,000		Salary & Duties	Add
	999952	Pokharel	Ayush	IT Programmer Analyst	\$91,800		Duties Not Applicable	Delete
University System of Maryland								
	999108	Riggin	David	Sr. Mgr, IT Portfolio & Projects	\$180,000		Salary & Duties	Add
	999108	Clark	Owen	Internal Auditor	\$97,000		Salary & Duties	Add
	999108	O'Neill	Nancy	Exec. Dir. Kirwan Center for Academic Innovation	\$192,500		Salary & Duties	Add
	999108	Stamps Spells	Lachelle	Dir. Articulation and Enrollment Services	\$133,301		Salary & Duties	Add
Attorney General's Office								
462672	220300000	Craumer	Davia	Administrative Mgr Sr. I		23	Salary & Duties	Add
Accountability and Implementation Board (AIB)								
429593	999999	Carson	Li Lan	Administrative Mgr Senior III		25	Salary & Duties	Add
429597	999999	Armstrong	Lisa	AIB Education Policy Analyst I		21	Salary & Duties	Add
429600	999999	Smith	Shawanda	Administrator V		20	Salary & Duties	Add
429596	999999	Euzebio	Deborah	AIB Education Policy Analyst I		21	Salary & Duties	Add

FINANCIAL DISCLOSURE ADDITIONS & DELETIONS

Pin #	Agency Code	Last Name	First Name	Position	Salary	Grade	Comments	Decision
429598	999999	Diamond	Elizabeth	AIB Education Policy Analyst I		21	Salary & Duties	Add
<u>Frostburg State University</u>								
201504	360226000	Walsh	Jennifer	Assoc. VP/Regional Initiatives	\$152,164		Salary & Duties	Add
<u>State Retirement Agency</u>								
005360	261001000	Bukola	Amodu	Accountant Advanced		17	Salary & Duties	Add
<u>Montgomery College</u>								
	999991	Tesfa	Hamrawit	Interim Dir. For the East County Education Center	\$110,133- \$192,761		Salary & Duties	Add
<u>Governor's Office of Crime Prevention and Policy</u>								
479995	230121000	Fikes	Xavier	Prg. Mgr. I		19	Salary & Duties	Add
<u>Department of Information Technology</u>								
063884	250204000	Bathras	Eric	Program Mgr. Sr. V		27	Salary & Duties	Add
072654	250204000	Evans Harris	Natalie	DoIT Technology Chief	\$180,426			
<u>Department of Housing and Community Development</u>								
472869	370101000	Harley	Linette	Prg. Mgr. I		19	Salary & Duties	Add
<u>Department of Juvenile Services</u>								
080253	400102000	Bethea	Ida	Procurement Officer III		20	Salary & Duties	Add
080371	400101000	Barnes	Andrea	Administrator IV		19	Salary & Duties	Add
081196	400101000	Freeman	Joshua	Administrator III		18	Salary & Duties	Add
<u>Chesapeake College</u>								
	999984	McGinnis	Amber	Dir. Of Development & Exec. Dir. Of Foundation	\$87,550		Salary & Duties	Add
<u>Department of Transportation Authority</u>								
701226	291005000	Malott	Scott	OSH COMPLIANCE OFFICER LEAD		18	Salary & Duties	Add
712347	291005000	Sampson	Natasha	OSH COMPLIANCE OFFICER III		16	Salary & Duties	Add
<u>Department of Veterans Affairs</u>								
454692	231500000	Pantzer	Peter	Des. Admin. Mgr. Sr. III		17	Salary & Duties	Add
<u>Department of Commerce</u>								
045649	380760000	Ayeni	Peter	Administrator II		17	Salary & Duties	Add
485481	380600000	Gill	Margaret	Administrator I		16	Salary & Duties	Add
<u>State Highway Administration</u>								
007837	290201000	Lloyd	Tamonique	Administrator V		20	Salary & Duties	Add
<u>Morgan State University</u>								
090049	361300000	Westrick	Nicole	AVP and Dean of College of Interdisciplinary & Continuing Studies	\$245,824		Salary & Duties	Add
<u>Prince George's Community College</u>								

FINANCIAL DISCLOSURE ADDITIONS & DELETIONS

Pin #	Agency Code	Last Name	First Name	Position	Salary	Grade	Comments	Decision
	999992	Davis	Audrey	Sr. Dir. for Professional and Organizational Development	\$180,870		Salary & Duties	Add
<u>Executive Department</u>								
031784	230105000	Bolden	Tracie	Administrator III		18	Salary & Duties	Add
454472	230101000	Covey-Brandt	Alexis	Exec Aide X	\$149,106	EPP 0007	Salary & Duties	Add
002057	230101000	Lorjuste	Greg	Exec Aide VII		26	Salary & Duties	Add
453332	230101000	Harrington	Vincent	Exec aide III		22	Salary & Duties	Add
453334	230101000	Flasch	Adam	Executive Senior	\$184,578	EPP 0009	Salary & Duties	Add
<u>Department of Budget and Management</u>								
032068	231500000	Twitty	Charles	Administrator V		20	Salary & Duties	Add
036372	231500000	Akwei	Ronnette	Administrator V		20	Salary & Duties	Add
427010	231500000	Vacant		Administrator V		20	Salary & Duties	Add
316843	231500000	Vacant		Administrator V		20	Salary & Duties	Add
<u>University System of Maryland</u>								
	999108	Tyson	Dionna	Internal Auditor	\$97,000		Salary & Duties	Add
<u>Harford Community College</u>								
	999989	Rines	Olivia	Associate Vice President, Academic Affairs	\$117,000		Salary & Duties	Add
<u>Department of Planning</u>								
045697	232301000	Swaim	Caitlin	Agency Grants Spec. II		16	Salary & Duties	Add
<u>University of Maryland, Baltimore</u>								
042789	999953	Sandul	Alyson	AGO Sr. Counsel, Advice	\$155,249		Salary & Duties	Add
042857	999953	Cativo	Fulvio	Assoc. Dean, External Relations	\$185,000		Salary & Duties	Add
<u>Department of Labor</u>								
456703	340901000	Jefferson	Stacey	Prg. Mgr. IV		22	Salary & Duties	Add
<u>Commission on African American History and Culture</u>								
083286	230122000	Holland	Shelly	Fiscal Services Admin. II		20	Salary & Duties	Add
456445	230122000	Cropper	Tahja	Administrator I		16	Duties Not Applicable	Do Not Add
456444	230122000	Akintola	Olufikayo	Administrator I		16	Duties Not Applicable	Do Not Add
456443	230122000	Dodd	Martina	Administrator II		17	Salary & Duties	Add
<u>Treasurer's Office</u>								
061841	240201000	Malkinski	Jackie	Treasury Professional Expert		20	Salary & Duties	Add

MEMORANDUM

TO: State Ethics Commission

FROM: Jennifer Allgair, Executive Director
Maryland State Ethics Commission

DATE: May 29, 2024

SUBJECT: Executive Unit Determinations & Preliminary Financial Disclosure Exemptions for
Boards and Commissions - June 6, 2024 Meeting

During the 2024 Legislative Session, several new State boards were created. The Commission must determine if each of these newly created entities are executive units of the State government. For a board or commission to be subject to the Public Ethics Law, it must satisfy the definition of “executive unit” in the law. The definition of “executive unit” is in §5-101(m) and reads in part as follows:

(m) Executive unit. -- (1) “Executive unit” means a department, agency, commission, board, council, or other body of State government that:

- (i) is established by law; and*
- (ii) is not in the Legislative Branch or the Judicial Branch of State government.*

It follows that an entity that is not established by law is not an executive unit.

In determining whether a board or commission is not in the Legislative or Judicial Branch of government, the Commission has typically looked at such factors as: 1) who has responsibility for staffing the board or commission (e.g., an executive branch department or agency or the Department of Legislative Services); 2) who appoints the majority of members of the board or commission; and 3) whether the board or commission reports to the Governor, an executive agency or the legislature. The Commission also considers whether a board or commission is focused on a local jurisdiction, with local government appointments and reporting requirements, rather than a State unit.

Additionally, the Commission may also consider making the determination that the members of a State board or commission will exempt from the requirement to file an annual financial disclosure statement based on a determination that the board is purely advisory, established for a short duration or that such a determination will not adversely affect the administration of the Public Ethics Law.

If the Commission determines that an entity is an executive unit, the entity is notified that its members are subject to the Public Ethics Law. New boards that receive a preliminary exemption from the requirement to have members file a financial disclosure statement will be notified of this determination. New boards that are determined to be executive units, but do not receive a preliminary

financial disclosure exemption from the Commission will be advised that the entity may request an exemption from the financial disclosure filing pursuant to the Commission's regulations. This exemption request will be considered at a later meeting.

1. **Maryland Commission on Veterans and Military Families:** (SB 88/HB 55, CH 9 & 10)
2. **Commission to Study African American Civil War Soldiers in Maryland:** (SB 448)
3. **Police Recruitment and Retention Workgroup:** (SB 380)
4. **Workgroup on Growing Engagement in the Law Enforcement and Corrections Workforce:** (SB 470/HB 597)
5. **Prison Education Delivery Reform Commission:** (SB 623/HB 209)
6. **9-1-1 Specialist Recruitment and Retention Workgroup:** (SB 1034/HB 1162)
7. **Task Force on the Creation of a Division of Returning Citizens and Expanded Reentry Services:** (SB 1036/HB 1037)
8. **Workgroup on Home Detention Monitoring:** (SB 1095)
9. **Workgroup to Develop Fire Safety Best Practices for Pre-1974 High-Rise Apartment Buildings:** (SB 689/HB 823)
10. **Baltimore Convention and Tourism Redevelopment and Operating Authority Task Force:** (SB 896/HB 897)10.
11. **Workgroup on Establishing a Science and Technology Best Practices and Innovation Network:** (HB 999)
12. **Maryland-Ireland Trade Commission:** (HB1206)
13. **Police Recruitment and Retention Workgroup:** (SB 380/HB 618)
14. **Workgroup on Growing Engagement in the Law Enforcement and Corrections Workforce:** (SB 470/HB 597)
15. **Workgroup on Home Detention Monitoring:** (SB 1095)
16. **Arts Incubator Workgroup:** (SB 764/HB 1451)
17. **Workgroup to Study Funding for the Westernport Wastewater Treatment Facility:** (SB 135)
18. **Program Review Process Advisory Council:** (SB 1022/HB 1244)
19. **Maryland Pathway to Nursing Advisory Committee:** (SB 718)
20. **Urban Agriculture Advisory Committee:** (2023 legislation – not previously reviewed)
21. **Commission to Advance Lithium-Ion Battery Safety in Maryland:** (SB532 HB 468, CH 949 & 950)
22. **Workgroup on Curb Space Management:** (SB 943, CH 751)
23. **Workgroup to Study Issuance of Alcoholic Beverages Licenses to Tobacconists:** (SB 244/ HB238, CH 754 & 755)
24. **Government Efficiency Commission:** (SB 472/ HB 581)
25. **Maryland Aerospace and Technology Commission:** (SB 516/ HB 685)
26. **Maryland Community Investment Corporation:** (SB 483/HB 599, CH 8 & 9)
27. **Pediatric Cancer Research Commission:** (SB 13/HB 51)

28. **Maryland Emergency Department Wait Time Reduction Commission:** (HB 1143)
29. **Allegheny Regional Recreational Economic Development Authority:** (SB 1134/HB 787)
30. **Frederick County School Construction Master Plan Workgroup:** (SB 1152/HB 1016)
31. **Workgroup on the Assessment and Funding of School Facilities:** (HB 1390, CH354)
32. **Howard County Task Force to Study Revenue Options for School Capital Needs:** (SB 1156/HB 1450)
33. **Workgroup to Study the Fiscal and Operational Viability of Public-Private Partnerships for Calvert County Public Schools:** (SB 114/CH 515 – CH 236 & 237)
34. **Baltimore Regional Water Governance Model Workgroup:** (HB 1509/SB 1174)
35. **Workgroup on Health and Wellness in Prince George’s County:** (SB 151/HB 358)
36. **Workgroup on Independent Innovation in Prince George’s County:** (HB 306)
37. **Task Force to Ensure the Safety of Judicial Facilities:** (SB 575/HB 664)
38. **Gwynn’s Falls State Park Stakeholder Advisory Group:** (HB 1358, CH 965)

24-0265 Washington County – Proposed Changes to Ethics Law – Staff Recommends Approval

Proposed changes: Washington County proposes to include the changes required by HB 363 and HB 1058 (2021). Washington County has also updated their ordinance to include the changes required by House Bill 879 (2017).

House Bills 363 and 1058 (2021) Checklist

Jurisdiction: Washington County

Required Changes	Compliance?	
	YES	NO
<p>1. Definition for “Quasi-governmental entity” (Md. Code Ann., Gen’l. Prov. Art. § 5-101(gg-1)).</p> <p><i>“Quasi-governmental entity” means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.</i></p>	X	
<p>(e) “Quasi-governmental entity” means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.</p>		
<p>2. Prohibit gift acceptance from associations engaged in representing counties or municipal corporations. (Md. Code Ann., Gen’l. Prov. Art. § 5-505(b)(2)(v)).</p> <p><i>Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</i></p>	X	
<p>(v) Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</p>		
<p>3. Prohibit disclosure of confidential information by former official or employee. (Md. Code Ann., Gen’l. Prov. Art. § 5-507).</p> <p><i>Disclosure of confidential information. Other than in the discharge of official duties, an official or former official may not disclose or use confidential information, that the official acquired by reason of the individual’s public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.</i></p>	X	
<p>(i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the individual’s public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.</p>		
<p>4. Prohibit retaliation against individual for reporting ethics violation or participating in ethics investigation. (Md. Code Ann., Gen’l. Prov. Art. § 5-509).</p> <p><i>An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics policy.</i></p>	X	
<p>(j) An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.</p>		
<p>5. Prohibit disclosure of amount of consideration received from: UMMS, State or local governmental entities and quasi-governmental entities. (Md. Code Ann., Gen’l. Prov. Art. § 5-606(a)(3)(ii)).</p>	X	

<p><i>The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:</i></p> <p><i>(i) The University of Maryland Medical System;</i></p> <p><i>(ii) A governmental entity of the State or a local government in the State; or</i></p> <p><i>(iii) A quasi-governmental entity of the State or local government in the State.</i></p>		
<p>(6) The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:</p> <p>(i) The University of Maryland Medical System;</p> <p>(ii) A governmental entity of the State or a local government in the State; or</p> <p>(iii) A quasi-governmental entity of the State or local government in the State.</p>		
<p>6. Disclosure of name business trades as or does business under. (Md. Code Ann., Gen'l. Prov. Art. § 5-507(a-1)).</p> <p><i>An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.</i></p>	<p>X</p>	
<p>(e) An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.</p>		
<p>7. Disclosure of gifts from association engaged in only representing counties or municipal corporations. (Md. Code Ann., Gen'l. Prov. Art § 5-509).</p> <p><i>A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the [County, City, or Town] or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</i></p>	<p>X</p>	
<p>A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the County, or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</p>		
<p>8. Disclosure of relationships with UMMS, State or local government or quasi-governmental entity. (Md. Code Ann., Gen'l. Prov. Art. § 5-607(j)(1-2)).</p> <p><i>Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.</i></p> <p><i>(i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:</i></p> <p><i>(A) The University of Maryland Medical System;</i></p> <p><i>(B) A governmental entity of the State or a local government in the State; or</i></p>	<p>X</p>	

<p><i>(C) A quasi-governmental entity of the State or local government in the State.</i></p> <p><i>(ii) For each financial or contractual relationship reported, the schedule shall include:</i></p> <p><i>(A) A description of the relationship;</i></p> <p><i>(B) The subject matter of the relationship; and</i></p> <p><i>(C) The consideration.</i></p>		
<p>(9) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.</p> <p>(i) An individual shall disclose the information specified in General Provisions Article §5-607(k)(1), Annotated Code of Maryland, for any financial or contractual relationship with:</p> <p>(A) The University of Maryland Medical System;</p> <p>(B) A governmental entity of the State or a local government in the State; or</p> <p>(C) A quasi-governmental entity of the State or local government in the State.</p> <p>(ii) For each financial or contractual relationship reported, the schedule shall include:</p> <p>(A) A description of the relationship;</p> <p>(B) The subject matter of the relationship; and</p> <p>(C) The consideration.</p>		
<p>9. Attributable interests in business entities that must be disclosed. (Md. Code Ann., Gen'l. Prov. Art. § 5-608(a)(2)(i-iv)).</p> <p><i>For the purposes of . . . of this chapter, the following interests are considered to be the interests of the individual making the statement:</i></p> <p><i>(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.</i></p> <p><i>(2) An interest held, at any time during the applicable period, by:</i></p> <p><i>(i) A business entity in which the individual held a (10)% or greater interest;</i></p> <p><i>(ii) A business entity described in section (i) of this subsection in which the business entity held a 25% or greater interest;</i></p> <p><i>(iii) A business entity described in section (ii) of this subsection in which the business entity held a 50% or greater interest; and</i></p> <p><i>(iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.</i></p> <p><i>(3) An interest held by a trust or an estate in which, at any time during the reporting period:</i></p> <p><i>(i) The individual held a reversionary interest or was a beneficiary; or</i></p>	<p>X</p>	

(ii) *If a revocable trust, the individual was a settlor.*

(g) For the purposes of § 5(f)(1), (2), and (3) of this ordinance, the following interests are considered to be the interests of the individual making the statement:

(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

(2) An interest held, at any time during the applicable period, by:

(i) A business entity in which the individual held a (10)% or greater interest;

(ii) A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;

(iii) A business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and

(iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

(i) The individual held a reversionary interest or was a beneficiary; or

(ii) If a revocable trust, the individual was a settlor.

ORDINANCE NO. ORD-2024-21

AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED "ETHICS ORDINANCE," ADOPTED ON MAY 1, 1982, REVISED ON SEPTEMBER 27, 2011, AND TO ENACT A NEW ORDINANCE ENTITLED "WASHINGTON COUNTY, MARYLAND ETHICS ORDINANCE"

The Board of County Commissioners of Washington County, Maryland, adopted Ordinance No. ORD-2024-18 on March 26, 2024, which was recorded at Liber 17, Folio 0016, among the Acts, Ordinances, and Resolutions in the Office of the Clerk of the Circuit Court, Washington County, Maryland. It has been since discovered that the text of the recorded Ethics Ordinance (specifically page ten, section b) was erroneous and did not accurately reflect the correct number of reporting days. Therefore, to cure the discrepancy and evidence the County's true intention, this Curative Ordinance is adopted.

RECITALS

Subtitle 8 of the Public Ethics Law or COMAR 19A.04, requires that each county of the State of Maryland, *inter alia*, enact provisions to govern the public ethics of local officials; requires local ethics commissions to certify to the State Ethics Commission compliance with specified provisions of law relating to elected local officials on or before a specified date each year; and requires conflict of interest and financial disclosure provisions for elected local officials to be equivalent to or exceed certain requirements under certain provisions of law.

The Board of County Commissioners of Washington County, Maryland (the *Board*) adopted an ordinance entitled "Ethics Ordinance" on May 1, 1982.

On September 27, 2011, by Ordinance No. ORD-2011-20, the Board adopted a revised "Ethics Ordinance".

The Board desires to repeal the existing ordinance and enact a new ordinance entitled "Washington County, Maryland Ethics Ordinance" (the *Ordinance*). The new Ordinance shall include language which will bring it into

compliance with the changes made to the Public Ethics Law of the State of Maryland.

NOW, THEREFORE, BE IT ENACTED by the Board of County Commissioners of Washington County, Maryland, that the ordinance entitled "Ethics Ordinance" adopted on September 27, 2011, is hereby repealed and the attached Ordinance entitled "Washington County, Maryland Ethics Ordinance" is hereby enacted in its place.

Adopted the 7th day of May, 2024.

Effective the 26th day of March, 2024.

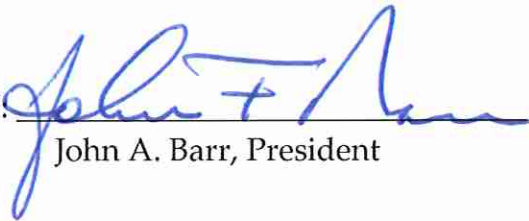
ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND



Dawn L. Marcus, Clerk

BY:



John A. Barr, President

Approved as to form and
legal sufficiency:



Zachary J. Kieffer
County Attorney

WASHINGTON COUNTY, MARYLAND

ETHICS ORDINANCE

Adopted and Effective: March 26, 2024

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Section 1. Short title.

This Ordinance may be cited as the Washington County, Maryland Ethics Ordinance.

Section 2. Applicability and Definitions.

(a) The provisions of this ordinance apply to all Washington County elected officials, employees, and appointees to boards and commissions of Washington County.

(b) "Designated second home" means:

(1) If an individual owns one second home, the individual's second home; or

(2) If an individual owns more than one second home, any one second home the individual identifies to the Commission as the individual's designated second home.

(c) "Home address" means the address of an individual's:

(1) Principal home; and

(2) Designated second home, if any.

(d) "Principal home" means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

(e) "Quasi-governmental entity" means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.

(f) "Second home" means a residential property that:

(1) An individual occupies for some portion of the filing year; and

(2) Is not a rental property or a time share.

Section 3. Ethics Commission.

- (a) There is a Washington County Ethics Commission that consists of 5 members appointed by the Board of County Commissioners.
- (b) The Commission shall:
 - (1) Devise, receive, and maintain all forms required by this ordinance;
 - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this ordinance regarding the applicability of the provisions of this ordinance to them;
 - (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this ordinance; and
 - (4) Conduct a public information program regarding the purposes and application of this ordinance.
- (c) The County Attorney shall advise the Commission.
- (d) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the County is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.
- (e) The Commission shall determine if changes to this ordinance are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Board of County Commissioners for enactment.
- (f) The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this ordinance.

Section 4. Conflicts of interest.

- (a) In this section, “qualified relative” means a spouse, parent, child, or sibling.
- (b) All County elected officials, officials appointed to County boards and commissions subject to this ordinance, and employees are subject to this section.
- (c) Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:
 - (1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.
 - (2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
 - (i) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
 - (ii) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 - (iii) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;
 - (iv) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

- (v) An entity, doing business with the County, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or
- (vi) A business entity that:
 - (A) The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
 - (B) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(3) A person who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

- (i) The disqualification leaves a body with less than a quorum capable of acting;
- (ii) The disqualified official or employee is required by law to act; or
- (iii) The disqualified official or employee is the only person authorized to act.

(4) The prohibitions of paragraph 1 and 2 of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

(d) Employment and financial interest restrictions.

(1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

- (i) Be employed by or have a financial interest in any entity:

- (A) Subject to the authority of the official or employee or the County agency, board, commission with which the official or employee is affiliated; or
 - (B) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
 - (ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
- (2) This prohibition does not apply to:
- (i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
 - (ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;
 - (iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or
 - (iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

(e) Post-employment limitations and restrictions.

- (1) A former official or employee may not assist or represent any party other than the County for compensation in a case, contract, or other specific matter involving the County if that

matter is one in which the former official or employee significantly participated as an official or employee.

(2) For one calendar year after the date of leaving office, a former member of the Board of County Commissioners may not assist or represent another party for compensation in a matter that is the subject of legislative action.

(f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the County.

(g) Use of prestige of office.

(1) An official or employee may not intentionally use the prestige of office or public position:

(i) for that official's or employee's private gain or that of another; or

(ii) to influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a State or local contract to a specific person.

(2) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

(3) An official or employee may not use public resources or the title of the public official or employee to solicit a political contribution that is regulated in accordance with the Election Law Article.

(h) Solicitation and acceptance of gifts.

(1) An official or employee may not solicit any gift.

(2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

- (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
- (i) Is doing business with or seeking to do business with the County office, agency, board, or commission with which the official or employee is affiliated;
 - (ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - (iii) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
 - (iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
 - (v) Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
- (4) Paragraph (5) of this subsection does not apply to a gift:
- (i) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - (ii) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - (iii) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- (5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:
- (i) Meals and beverages consumed in the presence of the donor or sponsoring entity;

- (ii) Ceremonial gifts or awards that have insignificant monetary value;
 - (iii) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
 - (iv) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
 - (v) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - (vi) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature;
 - (vii) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
 - (viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.
- (i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the individual's public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

- (j) An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

Section 5. Financial disclosure -local elected officials and candidates to be local elected officials.

- (a) (1) This section applies to all local elected officials and candidates to be local elected officials.
- (2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
 - (i) On a form provided by the Commission;
 - (ii) Under oath or affirmation; and
 - (iii) With the Commission.
- (3) Deadlines for filing statements.
 - (i) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
 - (ii) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
 - (iii) (A) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.
 - (B) The statement shall cover:
 - 1. The calendar year immediately preceding the year in which the individual left office, unless a

statement covering that year has already been filed by the individual; and

2. The portion of the current calendar year during which the individual held the office.

(b) Candidates to be local elected officials.

- (1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file under a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- (2) A candidate to be an elected local official shall file a statement required under this section:
 - (i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - (ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - (iii) In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be an elected official:
 - (i) May file the statement required under § 5(b)(2)(i) of this ordinance with the County Clerk or Board of Elections with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and
 - (ii) Shall file the statements required under § 5(b)(2)(ii) and (iii) with the Commission.
- (4) If a candidate fails to file a statement required by this section after written notice is provided by the County Clerk or Board of Elections at least 8 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

- (5) The County Clerk or Board of Election may not accept any certificate of candidacy unless a statement has been filed in proper form.
- (6) Within 30 days of the receipt of a statement required under this section, the County Clerk or Board of Elections shall forward the statement to the Commission or the office designated by the Commission.

(c) Public record.

- (1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.
- (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission. If the Commission has the logistical ability to record the information required by paragraph (3) of this subsection through an online registration program, the Commission shall make the financial disclosure statements available on the Internet. Provided however, that the Commission may not provide any public access to a portion of a statement that includes an individual's home address that the individual has identified as the individual's home address.
- (3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:
 - (i) The name and home address of the individual reviewing or copying the statement; and
 - (ii) The name of the person whose financial disclosure statement was examined or copied.
- (4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the

official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

- (5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address.
 - (6) The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:
 - (i) The University of Maryland Medical System;
 - (ii) A governmental entity of the State or a local government in the State; or
 - (iii) A quasi-governmental entity of the State or local government in the State.
- (d) Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.
- (e) An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.
- (f) Contents of statement.
- (1) Interests in real property.
 - (i) A statement filed under this section shall include a schedule of all interests in real property wherever located.
 - (ii) For each interest in real property, the schedule shall include:
 - (A) The nature of the property and the location by street address, mailing address, or legal description of the property;
 - (B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

- (C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
- (D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
- (E) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
- (F) The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

- (i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the County. Provided however, that for purposes of this subsection, "interest" shall not include a mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by Washington County government.
- (ii) For each interest reported under this paragraph, the schedule shall include:
 - (A) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 - (B) The nature and amount of the interest held, including any conditions and encumbrances on the interest;

- (C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - (D) With respect to any interest acquired during the reporting period:
 - 1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - 2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (iii) An individual may satisfy the requirement to report the amount of the interest held under item (B)(2) of this paragraph by reporting, instead of a dollar amount:
- (A) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - (B) For an equity interest in a partnership, the percentage of equity interest held.
- (3) Interests in business entities doing business with County.
- (i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the County, other than interests reported under paragraph (2) of this subsection.
 - (ii) For each interest reported under this paragraph, the schedule shall include:
 - (A) The name and address of the principal office of the business entity;

- (B) The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
- (C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
- (D) With respect to any interest acquired during the reporting period:
 1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts.

- (i) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the County, or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
- (ii) For each gift reported, the schedule shall include:
 - (A) A description of the nature and value of the gift; and
 - (B) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(5) Employment with or interests in entities doing business with County.

- (i) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the County.
 - (ii) For each position reported under this paragraph, the schedule shall include:
 - (A) The name and address of the principal office of the business entity;
 - (B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - (C) The name of each County agency with which the entity is involved.
- (6) Indebtedness to entities doing business with the County.
- (i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the County owed at any time during the reporting period:
 - (A) By the individual; or
 - (B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
 - (ii) For each liability reported under this paragraph, the schedule shall include:
 - (A) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - (B) The amount of the liability owed as of the end of the reporting period;
 - (C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

- (D)The security given, if any, for the liability.
- (7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the County in any capacity at any time during the reporting period.
- (8) Sources of earned income.
- (i) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
- (ii) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
- (iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the County, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
- (9) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.
- (i) An individual shall disclose the information specified in General Provisions Article §5-607(k)(l), Annotated Code of Maryland, for any financial or contractual relationship with:
- (A)The University of Maryland Medical System;
- (B) A governmental entity of the State or a local government in the State; or
- (C) A quasi-governmental entity of the State or local government in the State.

(ii) For each financial or contractual relationship reported, the schedule shall include:

- (A) A description of the relationship;
- (B) The subject matter of the relationship; and
- (C) The consideration.

(10) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

(g) For the purposes of § 5(f)(1), (2), and (3) of this ordinance, the following interests are considered to be the interests of the individual making the statement:

(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

(2) An interest held, at any time during the applicable period, by:

(i) A business entity in which the individual held a (10)% or greater interest;

(ii) A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;

(iii) A business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and

(iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

(i) The individual held a reversionary interest or was a beneficiary; or

(ii) If a revocable trust, the individual was a settlor.

(g)(1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this

section and shall notify an individual submitting the statement of any omissions or deficiencies.

- (2) The County Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

Section 6. Financial disclosure -employees and appointed officials.

- (a) This section only applies to the following appointed officials and employees:
 - (1) County Administrator;
 - (2) County Clerk;
 - (3) Director of Budget and Finance;
 - (4) County Attorney;
 - (5) All division directors and departmental heads;
 - (6) Members of all boards, commissions, and committees appointed by the Board of County Commissioners; and
 - (7) Members of all boards, commissions, and committees appointed by the Governor of the State of Maryland where such boards, commissions, and committees are declared by the State Ethics Commission not to be executive agencies of the state government.
- (b) A statement filed under this section shall be filed with the Commission under oath or affirmation.
- (c) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by County, including the name of the donor of the gift and the approximate retail value at the time or receipt.
- (d) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

- (e) The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 5(c) and (d) of this ordinance.

Section 7. Lobbying.

- (a) A person shall file a lobbying registration statement with the Commission if the person:
 - (1) Personally appears before a County official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
 - (2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$100 on food, entertainment, or other gifts for officials or employees of County.
- (b) A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within 5 days after first performing an act that requires registration in the calendar year.
- (c)(1) The registration statement shall identify:
 - (i) The registrant;
 - (ii) Any other person on whose behalf the registrant acts; and
 - (iii) The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.
- (2) The registration statement shall cover a defined registration period not to exceed one calendar year.
- (d) Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:
 - (1) The value, date, and nature of any food, entertainment, or other gift provided to a County official or employee; and

- (2) If a gift or series of gifts to a single official or employee exceeds \$25 in value, the identity of the official or employee.
- (e) The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Commission.
- (f) A former regulated lobbyist who is or becomes subject to regulation under this Ordinance as a public official or employee may not participate in a case, contract, or other specific matter as a public official or employee for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter. Provided however, that this subsection does not apply to an individual who is a public official only as a member of a board and who receives no compensation or annual compensation that is less than 25% of the lowest annual compensation of Maryland State employees at grade level 16.
- (g) In the event a regulated lobbyist is appointed to serve on a board or commission, or in the event that a board or commission member becomes subject to the lobbying regulations, the regulated lobbyist shall, within five (5) calendar days of the dual status, file a report under penalty of perjury with the Commission, with a copy sent to the appointing authority, providing the following information:
- (1) For any current representation of a person for compensation before County government, except in a judicial or quasi-judicial proceeding:
- i. The name of the regulated lobbyist;
 - ii. The person or entity represented for compensation;
 - iii. The name of the State agency;
 - iv. The services performed; and
 - v. The monetary consideration;

(2) For any current representation of a State agency for compensation, any contractual relationship with State government, or any transaction with State government for monetary consideration:

i. The name of the regulated lobbyist;

ii. The name of the agency or governmental unit with which the regulated lobbyist has a financial relationship; and

iii. The services performed or details of any contractual relationship or the transaction entered into;

(3) For any current interest held by the regulated lobbyist, the regulated lobbyist's spouse or dependent children, together or separately having either 10 percent or more of the capital stock, or stock worth \$35,000 or more, in a corporation subject to regulation by or doing business with the County, or any interest in a partnership, limited liability partnership, or limited liability company subject to regulation by or doing business with the County:

i. The name of the regulated lobbyist;

ii. The name of the immediate family member and relationship for any interest held together or separately;

iii. The name of the corporation, partnership, limited liability partnership, or limited liability company; and

iv. The nature of the interest held;

(4) The primary employer of the spouse of the regulated lobbyist; and

(5) The name of any business entity from which the regulated lobbyist or the spouse of the regulated lobbyist receives earned income as a result of an ownership interest in the business.

(h) The regulated lobbyist shall update the information required by subsection (g) of this regulation as required to reflect the regulated lobbyist's current registrations throughout each reporting period.

(i) Whenever an issue arises within the board or commission related to the information disclosed in accordance with subsection (g) of this Section, the regulated lobbyist member shall submit a statement of recusal

from discussion of, voting on, or any other action required by the circumstances concerning the issue:

- (1) On a form provided by the Commission;
- (2) To the board or commission for inclusion in the minutes of the meeting;
- (3) Under oath or affirmation;
- (4) Which includes:
 - i. The name of the regulated lobbyist;
 - ii. The subject area of the conflict; and
 - iii. The reason for the recusal.

Section 8. Exemptions and modifications.

The Commission may grant exemptions and modifications to the provisions of Sections 4 and 6 of this ordinance to employees and to appointed members of County Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this ordinance, and the application of this ordinance would:

- (a) Constitute an unreasonable invasion of privacy; and
- (b) Significantly reduce the availability of qualified persons for public service.

Section 9. Enforcement.

- (a) The Commission may:
 - (1) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under §§ 5 or 6 of this ordinance;
 - (2) Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to file a timely lobbyist registration or lobbyist report required under § 7 of this ordinance; and

- (3) Issue a cease and desist order against any person found to be in violation of this ordinance.
- (b)(1) Upon a finding of a violation of any provision of this ordinance, the Commission may:
- (i) Issue an order of compliance directing the respondent to cease and desist from the violation;
 - (ii) Issue a reprimand; or
 - (iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- (2) If the Commission finds that a respondent has violated § 7 of this ordinance, the Commission may:
- (i) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under § 7 of this ordinance;
 - (ii) Impose a fine not exceeding \$5,000 for each violation; and
 - (iii) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated § 7 of this ordinance or has been convicted of a criminal offense arising from lobbying activities.
- (c)(1) Upon request of by the Commission, the County Attorney may file a petition for injunctive or other relief in the Circuit Court of Washington County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this ordinance.
- (2)(i) The court may:
- (A) Issue an order to cease and desist from the violation;
 - (B) Except as provided in subparagraph (ii) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by

this ordinance when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(C) Impose a fine of up to \$5,000 for any willful violation of the provisions of this ordinance, with each day upon which the violation occurs constituting a separate offense.

(ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(d) In addition to any other enforcement provisions in this ordinance, a person who the Commission or a court finds has violated this ordinance:

(1) Is subject to termination or other disciplinary action; and

(2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

(e) A County official or employee found to have violated this ordinance is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

(f) Violation of § 7 of this ordinance shall be a misdemeanor subject to a fine of up to \$10,000 or imprisonment of up to one year.

(g) A finding of a violation of this ordinance by the Commission is public information.

24-0333 Town of Walkersville - Proposed Changes to Ethics Law – Staff Recommends Approval

Proposed Changes: The Town of Walkersville proposes to include the changes required by House Bill 363 and House Bill 1058 (2021). Walkersville has also updated their policy to include the changes required by House Bill 879 (2017).

House Bills 363 and 1058 (2021) Checklist

Jurisdiction: Town of Walkersville

Required Changes	Compliance?	
	YES	NO
<p>1. Definition for “Quasi-governmental entity” (Md. Code Ann., Gen’l. Prov. Art. § 5-101(gg-1)).</p> <p><i>“Quasi-governmental entity” means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.</i></p>	<p>X</p>	
<p>In this section, “<i>Quasi-governmental entity</i>” means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.</p>		
<p>2. Prohibit gift acceptance from associations engaged in representing counties or municipal corporations. (Md. Code Ann., Gen’l. Prov. Art. § 5-505(b)(2)(v)).</p> <p><i>Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</i></p>	<p>X</p>	
<p>Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</p>		
<p>3. Prohibit disclosure of confidential information by former official or employee. (Md. Code Ann., Gen’l. Prov. Art. § 5-507).</p> <p><i>Disclosure of confidential information. Other than in the discharge of official duties, an official or former official may not disclose or use confidential information, that the official acquired by reason of the individual’s public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.</i></p>	<p>X</p>	
<p>Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position or former public position and that is not available to the public, for economic benefit of the official or employee or that of another person.</p>		
<p>4. Prohibit retaliation against individual for reporting ethics violation or participating in ethics investigation. (Md. Code Ann., Gen’l. Prov. Art. § 5-509).</p> <p><i>An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics policy.</i></p>	<p>X</p>	

An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

<p>5. Prohibit disclosure of amount of consideration received from: UMMS, State or local governmental entities and quasi-governmental entities. (Md. Code Ann., Gen'l. Prov. Art. § 5-606(a)(3)(ii)).</p> <p><i>The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:</i></p> <p><i>(i) The University of Maryland Medical System;</i></p> <p><i>(ii) A governmental entity of the State or a local government in the State; or</i></p> <p><i>(iii) A quasi-governmental entity of the State or local government in the State.</i></p>	<p>X</p>	
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(6) The Ethics Commission or office designated by the Commission shall not provide public access to information related to consideration received from:

The University of Maryland Medical System;

A governmental entity of the State or a local government in the State; or

A quasi-governmental entity of the State or local government in the State.

<p>6. Disclosure of name business trades as or does business under. (Md. Code Ann., Gen'l. Prov. Art. § 5-507(a-1)).</p> <p><i>An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.</i></p>	<p>X</p>	
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An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.

<p>7. Disclosure of gifts from association engaged in only representing counties or municipal corporations. (Md. Code Ann., Gen'l. Prov. Art § 5-509).</p> <p><i>A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the [County, City, or Town] or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</i></p>	<p>X</p>	
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A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the Town, **or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.**

<p>8. Disclosure of relationships with UMMS, State or local government or quasi-governmental entity. (Md. Code Ann., Gen'l. Prov. Art. § 5-607(j)(1-2)).</p> <p><i>Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.</i></p> <p><i>(i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:</i></p> <p><i>(A) The University of Maryland Medical System;</i></p> <p><i>(B) A governmental entity of the State or a local government in the State; or</i></p> <p><i>(C) A quasi-governmental entity of the State or local government in the State.</i></p> <p><i>(ii) For each financial or contractual relationship reported, the schedule shall include:</i></p> <p><i>(A) A description of the relationship;</i></p> <p><i>(B) The subject matter of the relationship; and</i></p> <p><i>(C) The consideration.</i></p>	<p>X</p>	
<p>(11) relationship with University of Maryland Medical System, State or Local Government, or Quasi-governmental entity.</p> <p>An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland for any financial or contractual relationship with:</p> <p style="padding-left: 40px;">The University of Maryland Medical System</p> <p style="padding-left: 40px;">A governmental entity of the State or local government in the State; or</p> <p style="padding-left: 40px;">A quasi-governmental entity of the State or local government in the State.</p> <p>For each financial or contractual relationship reported, the schedule shall include:</p> <p style="padding-left: 40px;">A description of the relationship</p> <p style="padding-left: 40px;">The subject matter of the relationship; and</p> <p style="padding-left: 40px;">The consideration.</p>		
<p>9. Attributable interests in business entities that must be disclosed. (Md. Code Ann., Gen'l. Prov. Art. § 5-608(a)(2)(i-iv)).</p> <p><i>For the purposes of . . . of this chapter, the following interests are considered to be the interests of the individual making the statement:</i></p> <p><i>(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.</i></p>	<p>X</p>	

(2) An interest held, at any time during the applicable period, by:

(i) A business entity in which the individual held a (10)% or greater interest;

(ii) A business entity described in section (i) of this subsection in which the business entity held a 25% or greater interest;

(iii) A business entity described in section (ii) of this subsection in which the business entity held a 50% or greater interest; and

(iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

(i) The individual held a reversionary interest or was a beneficiary; or

(ii) If a revocable trust, the individual was a settlor.

(2) An interest held, at any time during the applicable period, by: A business entity in which the individual held a 10% or greater interest;

A business entity described in item (a) of this subsection in which the business entity held a 25% or greater interest;

A business entity described in item (b) of this subsection in which the business entity held a 50% or greater interest;

A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities holds a 10% or greater interest.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

The individual held a reversionary interest or was a beneficiary; or

If a revocable trust, the individual was a settlor.

TOWN OF WALKERSVILLE
ORDINANCE NO. 2024-02

AN ORDINANCE TO AMEND CHAPTER 26 Code of Ethics,
updating parts of Chapter 26 to comply with changes
required by the State of Maryland.

BE IT ENACTED AND ORDAINED by the Burgess and Commissioners of the Town of Walkersville that the Town Code shall be amended as follows. New provisions are indicated by being in **bold font**.

Chapter 26

ETHICS, CODE OF

§ 26-1. Short title.

This chapter may be cited as the "Town of Walkersville Public Ethics Ordinance."

§ 26-2. Applicability.

- A. The provisions of this chapter apply to all Town of Walkersville elected officials, employees, and appointees to boards and commissions of the Town of Walkersville.
- B. Complaints filed under this chapter must be done within one year from the date of the alleged violation.

§ 26-3. Ethics Commission.

- A. Qualifications for office; appointment of Commission members; terms of office; compensation. **[Added 5-22-2013 by Ord. No. 2013-05 ; amended 2-26-2020 by Ord. No. 2020-01 ; 9-23-2020 by Ord. No. 2020-10]**
 - (1) The Ethics Commission shall consist of three members and one alternate.
 - (2) The Burgess shall appoint members subject to confirmation by the Town Commissioners. Commission members shall serve terms of office of two years or until the appointment and qualification of their successor. The terms shall be staggered. The Burgess may designate a temporary alternate when the alternate is absent.
 - (3) Members shall meet and maintain the following qualifications to hold membership in this body:
 - (a) Members shall be at least 18 years of age.
 - (b) Members shall reside and maintain their primary abode within the incorporated limits of the Town of Walkersville.
 - (4) The Ethics Commission shall meet at least one time per year, and shall serve as volunteers with no monetary compensation.

- (5) The Town Commissioners may remove a member of the Ethics Commission for incompetence, misconduct, failure to attend meetings, inefficiency, neglect of duty, or malfeasance in office.
 - (a) If the Town Commissioners remove a member of the Ethics Commission, they shall file a written statement of the reasons for removal.
 - (6) If a vacancy occurs during the term of an appointed member, the vacancy shall be filled for the unexpired term in the same manner as is required for appointment.
- B. The Ethics Commission shall:
- (1) Devise, receive, and maintain all forms required by this chapter;
 - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them; and
 - (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter.
- C. The Town Attorney shall advise the Ethics Commission and prepare a transcript, if needed, and the minutes of its proceedings and submit for the records maintained at the Town office.
- D. The Ethics Commission shall certify to the State Ethics Commission on or before October 1 of each year that the Town of Walkersville is in compliance with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, for elected local officials. **[Amended 4-27-2022 by Ord. No. 2022-01]**
- E. The Ethics Commission shall determine if changes to this chapter are required to be in compliance with the requirements of General Provision Article, Title 5, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Town Commissioners for enactment. **[Amended 4-27-2022 by Ord. No. 2022-01]**
- F. The Ethics Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this chapter.

§ 26-4. Conflicts of interest.

- A. In this section, "qualified relative" means a spouse, parent, child, or sibling.
- B. All Town elected officials, officials appointed to Town boards and commissions subject to this chapter and employees are subject to this section.
- C. Participation prohibitions. Except as permitted by Ethics Commission regulation or opinion, an official or employee may not participate in:
 - (1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee, has an interest.
 - (2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
 - (a) A business entity in which the official or employee has a direct financial interest of which

the official or employee may reasonably be expected to know;

- (b) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 - (c) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;
 - (d) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
 - (e) An entity, doing business with the Town, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or
 - (f) A business entity that:
 - [1] The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
 - [2] As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.
- (3) A person who is disqualified from participating under Subsection C(1) or (2) of this section shall disclose the nature and circumstance of the conflict and may participate or act if:
- (a) The disqualification leaves a body with less than a quorum capable of acting;
 - (b) The disqualified official or employee is required by law to act; or
 - (c) The disqualified official or employee is the only person authorized to act.
- (4) The prohibitions of Subsection C(1) and (2) of this section do not apply if participation is allowed by regulation or opinion of the Ethics Commission.
- (5) Any individual who was required to file a lobbying registration statement and becomes a Town official or employee may not participate in a case, contract or other specific matter for one calendar year after the date of resignation **if they previously assisted or represented another party in the matter.** [Added 10-14-2020 by Ord. No. 2020-11 ; amended 4-27-2022 by Ord. No. 2022-01]

D. Employment and financial interest restrictions.

- (1) Except as permitted by regulation of the Ethics Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:
 - (a) Be employed by or have a financial interest in any entity:
 - [1] Subject to the authority of the official or employee or the Town agency, board, or commission with which the official or employee is affiliated; or

- [2] That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
- (b) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
- (2) This prohibition does not apply to:
- (a) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
- (b) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Ethics Commission;
- (c) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Ethics Commission; or
- (d) Employment or financial interests allowed by regulation of the Ethics Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.
- E. Post-employment limitations and restrictions.
- (1) A former official or employee may not assist or represent any party other than the Town for compensation in a case, contract, or other specific matter involving the Town if that matter is one in which the former official or employee significantly participated as an official or employee.
- (2) Until the conclusion of the next regular session that begins after the elected official leaves office, a former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action. **[Amended 4-27-2022 by Ord. No. 2022-01]**
- F. Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town.
- G. Use of prestige of office.
- (1) 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.
- (2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.
- H. Solicitation and acceptance of gifts.
- (1) An official or employee may not solicit any gift.
- (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf

of another person, from an individual regulated lobbyist.

- (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has reason to know:
 - (a) Is doing business with or seeking to do business with the Town office, agency, board, or commission with which the official or employee is affiliated;
 - (b) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - (c) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
 - (d) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
 - (e) Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.**
- (4) Subsection H(5) of this section does not apply to a gift:
 - (a) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - (b) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - (c) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- (5) Notwithstanding Subsection H(3) of this section, an official or employee may accept the following:
 - (a) Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - (b) Ceremonial gifts or awards that have insignificant monetary value;
 - (c) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
 - (d) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
 - (e) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - (f) A specific gift or class of gifts that the Ethics Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the Town and that the gift is purely personal and private in nature;
 - (g) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

- (h) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.
- I. Disclosure of confidential information. Other than in the discharge of official duties, an official or employee **or former official or employee** may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position **or former public position** and that is not available to the public, for economic benefit of the official or employee or that of another person.
- J. Participation in procurement.
 - (1) An individual or a person that employs an individual who assists a Town agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
 - (2) The Ethics Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.
- K. An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.**

§ 26-5. Financial disclosure for local elected officials and candidates to be local elected officials.

- A. In this section, “Quasi-governmental entity” means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.**
- B. Applicability; filing; deadlines.
 - (1) This section applies to all local elected officials and candidates to be local elected officials.
 - (2) Except as provided in Subsection B of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
 - (a) On a form provided by the Ethics Commission;
 - (b) Under oath or affirmation; and
 - (c) With the Ethics Commission.
 - (3) Deadlines for filing statements.
 - (a) An incumbent local elected official shall file a financial disclosure statement annually no later than March 30 of each year for the preceding calendar year.
 - (b) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
 - (c) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover:

[1] The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

[2] The portion of the current calendar year during which the individual held the office.

C. Candidates to be local elected officials.

- (1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement with the certificate of candidacy for the year of the election.
- (2) A candidate to be an elected local official shall file a statement required under this section:
 - (a) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy.
- (3) If a statement required by a candidate is overdue and not filed within eight days after receiving written notice from the Town Clerk or Board of Election Supervisors, the candidate is deemed to have withdrawn the candidacy. **[Amended 10-14-2020 by Ord. No. 2020-11]**
- (4) The Town Clerk or Board of Election Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.
- (5) Within 30 days of the receipt of a statement required under this section, the Town Clerk or Board of Election Supervisors shall forward the statement to the Ethics Commission or the office designated by the Ethics Commission.

D. Public record.

- (1) The Ethics Commission or office designated by the Ethics Commission shall maintain all financial disclosure statements filed under this section.
- (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Ethics Commission.
- (3) If an individual examines or copies a financial disclosure statement, the Ethics Commission or the office designated by the Ethics Commission shall record:
 - (a) The name and home address of the individual reviewing or copying the statement; and
 - (b) The name of the person whose financial disclosure statement was examined or copied.
- (4) Upon written request, the Ethics Commission or the office designated by the Ethics Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
- (5) For statements filed after January 1, 2019, the Ethics Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address. Thus, home addresses on filed statements are redacted from public view. **[Added 10-14-2020 by Ord. No. 2020-11]**
- (6) **The Ethics Commission or office designated by the Commission shall not provide public access to information related to consideration received from:**
 - (a) **The University of Maryland Medical System;**
 - (b) **A governmental entity of the State or a local government in the State; or**
 - (c) **A quasi-governmental entity of the State or local government in the State.**

E. Retention requirements. The Ethics Commission or the office designated by the Ethics Commission shall retain financial disclosure statements for four years from the date of receipt.

F. Contents of statement.

(1) Interests in real property.

(a) A statement filed under this section shall include a schedule of all interests in real property wherever located.

- (b) For each interest in real property, the schedule shall include:
- [1] The nature of the property and the location by street address, mailing address, or legal description of the property;
 - [2] The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - [3] The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - [4] The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - [5] If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - [6] The identity of any other person with an interest in the property.
- (2) Interest in corporations and partnerships.
- (a) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited-liability partnership, or limited-liability corporation, regardless of whether the corporation or partnership does business with the Town.
- (b) For each interest reported under this subsection, the schedule shall include:
- [1] The name and address of the principal office of the corporation, partnership, limited-liability partnership, or limited-liability corporation;
 - [2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - [3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - [4] With respect to any interest acquired during the reporting period:
 - [a] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - [b] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (c) An individual may satisfy the requirement to report the amount of the interest held under Subsection E(2)(b)[2] of this section by reporting, instead of a dollar amount:
- [1] For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

- [2] For an equity interest in a partnership, the percentage of equity interest held.
- (3) Interests in business entities doing business with the Town.
- (a) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the Town, other than interests reported under Subsection E(2) of this section.
- (b) For each interest reported under this subsection, the schedule shall include:
- [1] The name and address of the principal office of the business entity;
- [2] The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
- [3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if know, the identity of the person to whom the interest was transferred; and
- [4] With respect to any interest acquired during the reporting period:
- [a] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
- [b] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (4) Gifts.
- (a) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the Town, **or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.**
- (b) For each gift reported, the schedule shall include:
- [1] A description of the nature and value of the gift; and
- [2] The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- (5) Employment with or interests in entities doing business with the Town.
- (a) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the Town.
- (b) For each position reported under this subsection, the schedule shall include:
- [1] The name and address of the principal office of the business entity;
- [2] The title and nature of the office, directorship, or salaried employment held and the

date it commenced; and

- [3] The name of each Town agency with which the entity is involved.
- (6) Indebtedness to entities doing business with the Town.
- (a) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit account, to persons doing business with the Town owed at any time during the reporting period:
- [1] By the individual; or
- [2] By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
- (b) For each liability reported under this subsection, the schedule shall include:
- [1] The identity of the person to whom the liability was owed and the date the liability was incurred;
- [2] The amount of the liability owed as of the end of the reporting period;
- [3] The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
- [4] The security given, if any, for the liability.
- (7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.
- (8) Sources of earned income.
- (a) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
- (b) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
- (9) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
- (10) If an individual's spouse is a lobbyist regulated by the Town, the individual shall disclose the entity that has engaged the spouse for lobbying purposes. **[Added 10-14-2020 by Ord. No. 2020-11]**
- (11) relationship with University of Maryland Medical System, State or Local Government, or Quasi-governmental entity.**
- (a) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland for any financial or contractual relationship with:**
- The University of Maryland Medical System**

- A governmental entity of the State or local government in the State; or
- A quasi-governmental entity of the State or local government in the State.

(b) For each financial or contractual relationship reported, the schedule shall include:

- A description of the relationship
- The subject matter of the relationship; and
- The consideration.

G. For the purposes of § 26-5E(1), (2), and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

- (2) An interest held, at any time during the applicable period, by:
 - (a) **A business entity in which the individual held a 10% or greater interest;**
 - (b) **A business entity described in item (a) of this subsection in which the business entity held a 25% or greater interest;**
 - (c) **A business entity described in item (b) of this subsection in which the business entity held a 50% or greater interest;**
 - (d) **A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities holds a 10% or greater interest.**
- (3) An interest held by a trust or an estate in which, at any time during the reporting period:
 - (a) The individual held a reversionary interest or was a beneficiary; or
 - (b) If a revocable trust, the individual was a settlor.

H. Review by Ethics Commission.

- (1) The Ethics Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
- (2) The Town Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

I. **An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.**

§ 26-6. Financial disclosure for employees and appointed officials.

- A. This section only applies to the following appointed officials and employees: Town Manager, employees of the Town of Walkersville, members of the Planning Commission, members of the Board of Appeals, members of the Parks Commission, members of the Library Board, members of the Ethics Commission, and other Town groups as may be appointed. [Amended 8-10-2023 by Ord. No. 2023-03]
- B. A statement filed under this section shall be filed with the Ethics Commission under oath or affirmation.
- C. On or before March 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the Town, including the name of the donor of the gift and the approximate retail value at the time of receipt.
- D. An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
- E. The Ethics Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 26-5C and D of this chapter.

§ 26-7. Lobbying.

- A. A person shall file a lobbying registration statement with the Ethics Commission if the person:
 - (1) Personally appears before a Town official or employee with the intent to influence that person

in performance of the official duties of the official or employee; and

- (2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$500 on food, entertainment, or other gifts for officials or employees of the Town.
- B. A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within five days after first performing an act that requires registration in

the calendar year.

- C. Contents of registration statement.
- (1) The registration statement shall identify:
 - (a) The registrant;
 - (b) Any other person on whose behalf the registrant acts; and
 - (c) The subject matter on which the registrant proposes to make appearances specified in Subsection A of this section.
 - (2) The registration statement shall cover a defined registration period not to exceed one calendar year.
- D. Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Ethics Commission disclosing:
- (1) The value, date, and nature of any food, entertainment, or other gift provided to a Town official or employee; and
 - (2) If a gift or series of gifts to a single official or employee exceeds \$100 in value, the identity of the official or employee.
- E. The Ethics Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Ethics Commission.

§ 26-8. Exemptions and modifications.

The Ethics Commission may grant exemptions and modifications to the provisions of §§ 26-4 and 26-6 of this chapter to employees and to appointed members of the Town boards and commissions, when the Ethics Commission finds that an exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:

- A. Constitute an unreasonable invasion of privacy; and
- B. Significantly reduce the availability of qualified persons for public service.


§ 26-9. Enforcement.

- A. The Ethics Commission may:
- (1) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under § 26-5 or 26-6 of this chapter;
 - (2) Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to file a timely lobbyist registration or lobbyist report required under § 26-7 of this chapter; and
 - (3) Issue a cease-and-desist order against any person found to be in violation of this chapter.
- B. Violations and penalties.
- (1) Upon a finding of a violation of any provision of this chapter, the Ethics Commission may:

- (a) Issue an order of compliance directing the respondent to cease and desist from the violation;
 - (b) Issue a reprimand; or
 - (c) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
 - (2) If the Ethics Commission finds that a respondent has violated § 26-7 of this chapter, the Ethics Commission may:
 - (a) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under § 26-7 of this chapter;
 - (b) Impose a fine not exceeding \$5,000 for each violation; and
 - (c) Suspend the registration of an individual registered lobbyist if the Ethics Commission finds that the lobbyist has knowingly and willfully violated § 26-7 of this chapter or has been convicted of a criminal offense arising from lobbying activities.
- C. Upon request by the Ethics Commission, the Town Attorney may file a petition for injunctive or other relief in the Circuit Court of Frederick County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.
 - (1) The Court may:
 - (a) Issue an order to cease and desist from the violation;
 - (b) Except as provided in Subsection C(2) of this section, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
 - (c) Impose a fine of up to \$5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.
 - (2) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
- D. In addition to any other enforcement provisions in this chapter, a person who the Ethics Commission or a court finds has violated this chapter:
 - (1) Is subject to termination or other disciplinary action; and
 - (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Ethics Commission or a court.
- E. A Town official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
- F. Violation of § 26-7 of this chapter shall be a misdemeanor subject to a fine of up to \$10,000 or imprisonment of up to one year.

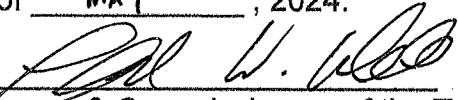
G. A finding of a violation of this chapter by the Ethics Commission is public information.

Introduced this 8th day of May, 2024.



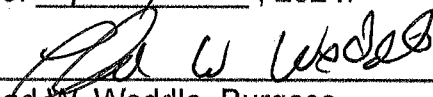
Burgess & Commissioners of the Town of Walkersville
Chad W. Weddle, President

Passed this 22nd day of MAY, 2024.



Burgess & Commissioners of the Town of Walkersville
Chad W. Weddle, President

Approved this 25th day of May, 2024.



Chad W. Weddle, Burgess

24-0137 City of Pocomoke – Proposed Changes to Ethics Law – Staff Recommends Approval

Proposed Changes: The City of Pocomoke proposes to include the changes required by House Bill 363 and House Bill 1058 (2021). Pocomoke has also updated their policy to include the changes required by House Bill 879 (2017). The City of Pocomoke is not required to have lobbying provisions.

House Bills 363 and 1058 (2021) County City Town Checklist

Jurisdiction: City of Pocomoke

Required Changes

Compliance?

YES **NO**

1. Definition for “Quasi-governmental entity” (Md. Code Ann., Gen’l. Prov. Art. § 5-101(gg-1)).

X

“Quasi-governmental entity” means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.

(s) “Quasi-governmental entity” means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately

2. Prohibit gift acceptance from associations engaged in representing counties or municipal corporations. (Md. Code Ann., Gen’l. Prov. Art. § 5-505(b)(2)(v)).

X

Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

(e) Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations

3. Prohibit disclosure of confidential information by former official or employee. (Md. Code Ann., Gen’l. Prov. Art. § 5-507).

X

Disclosure of confidential information. Other than in the discharge of official duties, an official or former official may not disclose or use confidential information, that the official acquired by reason of the individual’s public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

I. Disclosure of confidential information. Other than in the discharge of official duties, an official, former official, or employee, or former employee may not disclose or use confidential information, that the official , former official, or employee, or former employee acquired by reason of the official's or employee's public or former public position and that is not available to the public, for the economic benefit of the , former official, or employee, former employee, or that of another person.

4. Prohibit retaliation against individual for reporting ethics violation or participating in ethics investigation. (Md. Code Ann., Gen’l. Prov. Art. § 5-509).

X

An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics policy.

An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

<p>5. Prohibit disclosure of amount of consideration received from: UMMS, State or local governmental entities and quasi-governmental entities. (Md. Code Ann., Gen'l. Prov. Art. § 5-606(a)(3)(ii)).</p> <p><i>The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:</i></p> <p><i>(i) The University of Maryland Medical System;</i></p> <p><i>(ii) A governmental entity of the State or a local government in the State; or</i></p> <p><i>(iii) A quasi-governmental entity of the State or local government in the State.</i></p>	<p>X</p>	
<p>The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:</p> <p>(i) The University of Maryland Medical System;</p> <p>(ii) A governmental entity of the State or a local government in the State; or</p> <p>(iii) A quasi-governmental entity of the State or local government in the State.</p>		
<p>6. Disclosure of name business trades as or does business under. (Md. Code Ann., Gen'l. Prov. Art. § 5-507(a-1)).</p> <p><i>An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.</i></p>	<p>X</p>	
<p>G. An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as. (in financial disclosure, as well as contents of statements)</p>		
<p>7. Disclosure of gifts from association engaged in only representing counties or municipal corporations. (Md. Code Ann., Gen'l. Prov. Art § 5-509).</p> <p><i>A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the [County, City, or Town] or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</i></p>	<p>X</p>	
<p>(a) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the City or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</p>		
<p>8. Disclosure of relationships with UMMS, State or local government or quasi-governmental entity. (Md. Code Ann., Gen'l. Prov. Art. § 5-607(j)(1-2)).</p> <p><i>Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.</i></p> <p><i>(i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:</i></p> <p><i>(A) The University of Maryland Medical System;</i></p> <p><i>(B) A governmental entity of the State or a local government in the State; or</i></p>	<p>X</p>	

<p>(C) A quasi-governmental entity of the State or local government in the State.</p> <p>(ii) For each financial or contractual relationship reported, the schedule shall include:</p> <p>(A) A description of the relationship;</p> <p>(B) The subject matter of the relationship; and</p> <p>(C) The consideration.</p>		
<p>Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity. (From Model Ethics Law B, Section 5(h)(9))</p> <p>(i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:</p> <p>(A) The University of Maryland Medical System;</p> <p>(B) A governmental entity of the State or a local government in the State; or</p> <p>(C) A quasi-governmental entity of the State or local government in the State.</p> <p>(ii) For each financial or contractual relationship reported, the schedule shall include:</p> <p>(A) A description of the relationship;</p> <p>(B) The subject matter of the relationship; and</p> <p>(C) The consideration.</p>		
<p>9. Attributable interests in business entities that must be disclosed. (Md. Code Ann., Gen'l. Prov. Art. § 5-608(a)(2)(i-iv)).</p> <p><i>For the purposes of . . . of this chapter, the following interests are considered to be the interests of the individual making the statement:</i></p> <p>(1) <i>An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.</i></p> <p>(2) <i>An interest held, at any time during the applicable period, by:</i></p> <p>(i) <i>A business entity in which the individual held a (10)% or greater interest;</i></p> <p>(ii) <i>A business entity described in section (i) of this subsection in which the business entity held a 25% or greater interest;</i></p> <p>(iii) <i>A business entity described in section (ii) of this subsection in which the business entity held a 50% or greater interest; and</i></p> <p>(iv) <i>A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.</i></p> <p>(3) <i>An interest held by a trust or an estate in which, at any time during the reporting period:</i></p> <p>(i) <i>The individual held a reversionary interest or was a beneficiary; or</i></p> <p>(ii) <i>If a revocable trust, the individual was a settlor.</i></p>	<p>X</p>	
<p>For the purposes of Subsection (H)(1), (H)(2), and (H)(3) of this section, the following interests are considered to be the interests of the individual making the statement:</p>		

- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
- (2) An interest held, at any time during the applicable period, by a business entity in which the individual held a (10)% or greater interest.
- (3) A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;
- (4) A business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and
- (5) An interest held, at any time during the applicable period, a business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.
- (6) An interest held by a trust or an estate in which, at any time during the reporting period:
 - (a) The individual held a reversionary interest or was a beneficiary; or
 - (b) If a revocable trust, the individual was a settlor.

Key:

Additions to the Code appear in yellow highlight.

Deletions from the Code appear in strikethrough.

§37-1 Short title.

This chapter may be cited as the "Pocomoke Public Ethics Ordinance."

§ 37-2 Applicability & Definitions.

A. Applicability.

The various provisions of this chapter apply to elected officials, employees, and appointees to boards and commissions of Pocomoke City, as indicated in the various sections.

B. Definitions. (This comes from Model Ethics Law A, Section 3)

In this chapter, the following terms have the meanings indicated.

(a)(1) "Business entity" means a corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.

(2) Business entity does not include a governmental entity.

(b) "Commission" means the Pocomoke City Ethics Commission established under § 4(a) of this chapter.

(c)(1) "Compensation" means any money or thing of value, regardless of form, received or to be received by any individual covered by this chapter from an employer for service rendered.

(2) For the purposes of § 7 of this chapter, if lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.

(d) "Designated second home" means:

(1) If an individual owns one second home, the individual's second home; or

(2) If an individual owns more than one second home, any one second home the individual identifies to the Commission as the individual's designated second home.

(e) "Doing business with" means:

(1) Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$5,000 or more of Pocomoke City controlled funds;

(2) Being regulated by or otherwise subject to the authority of Pocomoke City; or

(3) Being registered as a lobbyist under § 7 of this chapter.

(f)(1) "Elected official" means any individual who holds an elective office of Pocomoke City.

(2) "Elected official" does not include the Sheriff, State's Attorney, Register of Wills, or Clerk of the Court.

(g)(1) "Employee" means an individual who is employed by Pocomoke City.

(2) "Employee" does not include an employee of:

(i) The office of the Sheriff, State's Attorney, Register of Wills, or Clerk of the Court;

(ii) The County Health Department; or

(iii) The County Department of Social Services.

(h) "Financial interest" means:

(1) Ownership of any interest as the result of which the owner has received, within the past three (3) years, or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, or more than three (3) percent of a business entity by a Pocomoke City official or employee, or the spouse of an official or employee.

(i) (1) "Gift" means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.

(2) "Gift" does not include a contribution as defined in Election law Article, Annotated Code of Maryland.

(j) "Home address" means the address of an individual's:

(1) Principal home; and

(3) Designated second home, if any.

(k) "Immediate family" means a spouse and dependent children.

(l) (1) "Interest" means a legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.

(2) For purposes of § 5 and § 6 of this chapter, "interest" includes any interest held at any time during the reporting period.

(3) "Interest" does not include:

(i) An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;

(ii) An interest in a time or demand deposit in a financial institution;

(iii) An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;

(iv) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;

(v) A college savings plan under the Internal Revenue Code; or

(vi) A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

(m) "Lobbyist" means a person required to register and report expenses related to lobbying under § 7 of this chapter.

(n) "Lobbying" means:

(1) Communicating in the presence of a Pocomoke City official or employee with the intent to influence any official action of that official or employee; or

(2) Engaging in activities with the express purpose of soliciting others to communicate with a Pocomoke City official or employee with the intent to influence that official or employee.

(o) "Official" means an elected official, an employee of Pocomoke City, or a person appointed to or employed by the City or any City agency, board, commission, or similar entity:

(1) Whether or not paid in whole or in part with Pocomoke City funds; and

(2) Whether or not compensated.

(p) "Person" includes an individual or business entity.

(q) "Principal home" means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

(r) "Qualified relative" means a spouse, parent, child, brother, or sister.

(s) "Quasi-governmental entity" means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.

(t) "Second home" means a residential property that:

(1) An individual occupies for some portion of the filing year; and

(2) Is not a rental property or a time share.

§ 37-3 Ethics Commission.

A. (1) There is a Pocomoke City Ethics Commission that consists of ~~three~~ five (5) members appointed by the Mayor with ~~the~~ a majority approval of the Council. **(At Council's request)**

(2) The Commission members shall serve a two (2) year term. A commission member may serve unlimited consecutive terms. **(This comes from Model Ethics Law, Section 4(a))**

(3) A Commission member may serve until a successor is appointed and qualifies.

(4) The Commission shall elect a chairman from among its members. The term of the chairman is one (1) year and the chairman may be reelected.

B. The Commission shall:

(1) Devise, receive, and maintain all forms required by this chapter;

(2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;

(3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; and

(4) Conduct a public information program regarding the purposes and application of this chapter.

C. The City Attorney shall advise the Commission.

D. The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the City is in compliance with the requirements of State Government Article, Title ~~15~~ 5, Subtitle 8, Annotated Code of Maryland, for elected local officials.

E. The Commission shall determine if changes to this chapter are required to be in compliance with the requirements of State Government Article, Title 15 5, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the City Council for enactment.

F. The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this chapter.

§ 37-4 Conflicts of interest.

A. In this section, "qualified relative" means a spouse, parent, child, or sibling.

B. All Town elected officials, officials appointed to City boards and commissions subject to this chapter, and employees are subject to this section.

C. Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.

(2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

(a) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

(b) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

(c) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment.

(d) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the

official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

(e) An entity, doing business with the City, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

(f) A business entity that:

[1] The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

[2] As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(3) A person who is disqualified from participating under Subsection C(1) or (2) of this section shall disclose the nature and circumstances of the conflict and may participate or act if:

(a) The disqualification leaves a body with less than a quorum capable of acting;

(b) The disqualified official or employee is required by law to act; or

(c) The disqualified official or employee is the only person authorized to act.

(4) The prohibitions of Subsection C(1) and (2) of this section do not apply if participation is allowed by regulation or opinion of the Commission.

(5) A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter. **(From Model Ethics Law A, Section 5(a)(4))**

D. Employment and financial interest restrictions.

(1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(a) Be employed by or have a financial interest in any entity:

[1] Subject to the authority of the official or employee or the City agency, board, commission with which the official or employee is affiliated; or

[2] That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

(b) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

(a) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(b) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;

(c) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or

(d) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

E. Post-employment limitations and restrictions.

(1) A former official or employee may not assist or represent any party other than the City for compensation in a case, contract, or other specific matter involving the City if that matter is one in which the former official or employee significantly participated as an official or employee.

~~(2) Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the City Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.~~

(2) A former elected official may not assist or represent another party for compensation in a matter that is subject of legislative action for one (1) calendar year after the elected official leaves office. **(From Model Ethics Law A, Section 5(c)(2))**

F. Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the City.

G. Use of prestige of office. **(From Model Ethics Law B, Section 4(G))**

~~(1) 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.~~

~~(2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.~~

~~H. Solicitation and acceptance of gifts.~~

(1) An official or employee may not intentionally use the prestige of office or public position:

(a) For the private gain of that official or employee or the private gain of another; or

(b) To influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.

(2) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

(3) This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.

(4) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.

(5) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

H. Solicitation and acceptance of gifts.

- (1) An official or employee may not solicit any gift.
- (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
- (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
 - (a) Is doing business with or seeking to do business with the City office, agency, board, or commission with which the official or employee is affiliated;
 - (b) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - (c) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
 - (d) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
 - (e) Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

(4) Subsection (H)(5) of this section does not apply to a gift:

- (a) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
- (b) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
- (c) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

(5) Notwithstanding Subsection (H)(3) of this section, an official or employee may accept the following:

(a) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(b) Ceremonial gifts or awards that have insignificant monetary value;

(c) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;

(d) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

(e) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(f) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City and that the gift is purely personal and private in nature;

(g) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(h) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

I. Disclosure of confidential information. Other than in the discharge of official duties, an official, former official, ~~or~~ employee, or former employee may not disclose or use confidential information, that the official, former official, ~~or~~ employee, or former employee acquired by reason of the official's or employee's public or former public position and that is not available to the public, for the economic benefit of the, former official, ~~or~~ employee, former employee, or that of another person.

J. Participation in procurement.

(1) An individual or a person that employs an individual who assists a City agency in the drafting of specifications, an invitation for bids, or a request for proposals for a

procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

K. An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance. (From Model Ethics Law B, Section 4(j))

§ 37-5 Financial disclosure — local elected officials and candidates to be local elected officials.

A. This section applies to all local elected officials and candidates to be local elected officials.

B. Except as provided in Subsection D of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:

(1) On a form provided by the Commission;

(2) Under oath or affirmation; and

(3) With the Commission.

C. Deadlines for filing statements.

(1) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(2) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

(3) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover:

(a) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

(b) The portion of the current calendar year during which the individual held the office.

D. Candidates to be local elected officials.

(1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file under a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

(2) A candidate to be an elected local official shall file a statement required under this section:

(a) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

(b) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and

(c) In all other years for which a statement is required, on or before April 30.

(3) A candidate to be an elected official:

(a) May file the statement required under Subsection D(2)(a) of this section with the City Clerk or Board of Election Supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and

(b) Shall file the statements required under Subsection D(2)(b) and (c) with the Commission.

~~(4) If a candidate fails to file a statement required by this section after written notice is provided by the City Clerk or Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.~~

(4) If a statement required by a candidate is overdue and not filed within 8 days after written notice of the failure to file is provided by the City Clerk or Board of Election

Supervisors, the candidate is deemed to have withdrawn the candidacy. (From Model Ethics Law B, Section 5(b)(4))

(5) The City Clerk or Board of Election Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.

(6) Within 30 days of the receipt of a statement required under this section, the City Clerk or Board of Election Supervisors shall forward the statement to the Commission or the office designated by the Commission.

E. Public record.

(1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.

(2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.

(3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:

(a) The name and home address of the individual reviewing or copying the statement; and

(b) The name of the person whose financial disclosure statement was examined or copied.

(4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

(5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address. (From Model Ethics Law B, Section 5(c)(5))

(6) The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:

(i) The University of Maryland Medical System;

(ii) A governmental entity of the State or a local government in the State; or

(iii) A quasi-governmental entity of the State or local government in the State.

F. Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.

G. An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.

(From Model Ethics Law B, Section 5(c)(6))

H. Contents of statement.

(1) Interests in real property.

(a) A statement filed under this section shall include a schedule of all interests in real property wherever located.

(b) For each interest in real property, the schedule shall include:

[1] The nature of the property and the location by street address, mailing address, or legal description of the property;

[2] The nature and extent of the interest held, including any conditions and encumbrances on the interest;

[3] The date when, the manner in which, and the identity of the person from whom the interest was acquired;

[4] The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

[5] If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

[6] The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

(a) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City.

(b) For each interest reported under this subsection, the schedule shall include:

[1] The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

[2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;

[3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

[4] With respect to any interest acquired during the reporting period:

[a] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

[b] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(c) An individual may satisfy the requirement to report the amount of the interest held under Subsection G(3)(b) of this section by reporting, instead of a dollar amount:

[1] For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

[2] For an equity interest in a partnership, the percentage of equity interest held.

(3) Interests in business entities doing business with City.

(a) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the City, other than interests reported under Subsection G(2) of this section.

(b) For each interest reported under this subsection, the schedule shall include:

[1] The name and address of the principal office of the business entity;

[2] The nature and amount of the interest held, including any conditions to and encumbrances in the interest;

[3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and

[4] With respect to any interest acquired during the reporting period:

[a] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

[b] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts.

(a) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the City or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

(b) For each gift reported, the schedule shall include:

[1] A description of the nature and value of the gift; and

[2] The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(5) Employment with or interests in entities doing business with City.

(a) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the City.

(b) For each position reported under this subsection, the schedule shall include:

[1] The name and address of the principal office of the business entity;

[2] The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

[3] The name of each City agency with which the entity is involved.

(6) Indebtedness to entities doing business with City.

(a) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the City owed at any time during the reporting period:

[1] By the individual; or

[2] By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(b) For each liability reported under this subsection, the schedule shall include:

[1] The identity of the person to whom the liability was owed and the date the liability was incurred;

[2] The amount of the liability owed as of the end of the reporting period;

[3] The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

[4] The security given, if any, for the liability.

(7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the City in any capacity at any time during the reporting period.

(8) Sources of earned income.

(a) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

(b) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(9) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity. **(From Model Ethics Law B, Section 5(h)(9))**

(i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:

(A) The University of Maryland Medical System;

(B) A governmental entity of the State or a local government in the State; or

(C) A quasi-governmental entity of the State or local government in the State.

(ii) For each financial or contractual relationship reported, the schedule shall include:

(A) A description of the relationship;

(B) The subject matter of the relationship; and

(C) The consideration.

(10) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

I. For the purposes of Subsection (H)(1), (H)(2), and (H)(3) of this section, the following interests are considered to be the interests of the individual making the statement:

(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

~~(2) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.~~

(2) An interest held, at any time during the applicable period, by a business entity in which the individual held a (10)% or greater interest.

(3) A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;

(4) A business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and

(5) An interest held, at any time during the applicable period, a business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.

(6) An interest held by a trust or an estate in which, at any time during the reporting period:

(a) The individual held a reversionary interest or was a beneficiary; or

(b) If a revocable trust, the individual was a settlor.

J. The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

K. The City Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

§ 37-6 Financial disclosure — employees and appointed officials.

A. This section only applies to the following appointed officials and employees:

- (1) City Manager.
- (2) City Clerk.
- (3) Assistant City Clerk.
- (4) Department heads.
- (5) Members of the Board of Zoning Appeals.
- (6) Members of the Planning and Zoning Commission.
- (7) Members of the City Fair Board.
- (8) Members of the Housing Authority.
- (9) Members of the Board of Housing Review.
- (10) Members of the Board of Election Supervisors.

B. A statement filed under this section shall be filed with the Commission under oath or affirmation.

~~C. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by City, including the name of the donor of the gift and the approximate retail value at the time of receipt.~~

C. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by Pocomoke City, including the name of a business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a

10% or greater interest. The donor of the gift and the approximate retail value at the time or receipt. **(From Model Ethics Law B, Section 6(c))**

D. An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

E. An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as. **(From Model Ethics Law B, Section 6(e))**

F. Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity. **(From Model Ethics Law B, Section 6(f))**

(1) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:

(i) The University of Maryland Medical System;

(ii) A governmental entity of the State or a local government in the State; or

(iii) A quasi-governmental entity of the State or local government in the State.

(2) For each financial or contractual relationship reported, the schedule shall include:

(i) A description of the relationship;

(ii) The subject matter of the relationship; and

(iii) The consideration.

G. The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §5(c) and (d) of this chapter.

~~E. The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 37-5E and F of this chapter.~~

§ 37-7 (Reserved) Lobbying (From Model Ethics Law B, Section 7)

A. A person shall file a lobbying registration statement with the Commission if the person:

(1) Personally appears before a City official or employee with the intent to influence that person in performance of the official duties of the official or employee; and

(2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$50.00 on food, entertainment, or other gifts for officials or employees of Pocomoke City.

B. A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within 5 days after first performing an act that requires registration in the calendar year.

C. (1) The registration statement shall identify:

(i) The registrant;

(ii) Any other person on whose behalf the registrant acts; and

(iii) The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.

(2) The registration statement shall cover a defined registration period not to exceed one calendar year.

D. Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:

(1) The value, date, and nature of any food, entertainment, or other gift provided to a *County, City, or Town* official or employee; and

(2) If a gift or series of gifts to a single official or employee exceeds \$50.00 in value, the identity of the official or employee.

E. The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Commission.

§ 37-8 Exemptions and modifications.

The Commission may grant exemptions and modifications to the provisions of §§ 37-4 and 37-6 of this chapter to employees and to appointed members of Pocomoke City Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:

- A. Constitute an unreasonable invasion of privacy; and
- B. Significantly reduce the availability of qualified persons for public service.

§ 37-9 Enforcement.

A. The Commission may:

(1) Assess a late fee of \$25 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under § 5 or 6 of this chapter;

(2) Assess a late fee of \$10 per day up to a maximum of \$1,000 for a failure to file a timely lobbyist registration or lobbyist report required under § 7 of this chapter; and **(From Model Ethics Law B, Section 9(a)(2))**

(3) Issue a cease-and-desist order against any person found to be in violation of this chapter.

B. (1) Upon a finding of a violation of any provision of this chapter, the Commission may:

~~(1)~~(i) Issue an order of compliance directing the respondent to cease and desist from the violation;

~~(2)~~(ii) Issue a reprimand; or

~~(3)~~(iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(2) If the Commission finds that a respondent has violated §7 of this chapter, the Commission may: **(From Model Ethics Law B, Section 9 (b)(2))**

(i) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably relates to the information that is required under §7 of this chapter;

(ii) Impose a fine not exceeding \$5,000 for each violation; and

(iii) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated § 7 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

C. Upon request of by the Commission, the City Attorney may file a petition for injunctive or other relief in the Circuit Court of Worcester County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.

(1) The court may:

(a) Issue an order to cease and desist from the violation;

(b) Except as provided in Subsection C(2) of this section, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

Impose a fine of up to \$5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.

(2) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

D. In addition to any other enforcement provisions in this chapter, a person who the Commission or a court finds has violated this chapter:

(1) Is subject to termination or other disciplinary action; and

(2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

E. A City official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

F. Violation of § 7 of this chapter shall be a misdemeanor subject to a fine of up to \$10,000 or imprisonment of up to one year. **(From Model Ethics Law B, Section 9(f))**

G. A finding of a violation of this chapter by the Commission is public information.

**24-0332 Dorchester County Board of Education – Changes to Ethics Policy – Staff
Recommends Approval**

Proposed changes: The Dorchester County Board of Education previously made updates to its Ethics Policy that conform to the 2017 and 2021 changes. The Commission approved those changes.

The current proposed changes are administrative. The changes clarify the term lengths for Ethics Panel members and how the Board of Education will recommend appointees. The Commission has 60 days after receipt to reject the proposed changes. If not, they become effective. Md. Code Ann., Gen. Prov. Art. § 5-819(b).

Book	Policy Manual
Section	110 - Board of Education: Board Ethics
Title	School System Ethics Panel
Code	110.02
Status	Active
Legal	Annotated Code of Maryland, General Provisions Article, §5-815 through §5-820
Adopted	June 11, 2003
Last Revised	November 21, 2019 June 20, 2024
Last Reviewed	November 21, 2019 June 20, 2024

Membership Specifications

1. The Ethics panel shall consist of five (5) members who serve for a four-year term. Each Board member shall notify the Board Secretary in writing of his/her recommendation for an ethics panel appointee **to be put on the agenda of the next Board meeting.**

2. ~~Each Board member will recommend an appointee by February 1. The terms for the members of the Ethics Panel will then be staggered as follows: One member appointed by the Board members from councilmanic districts 1, 3 and 5 by January 1, 2009, and every four years thereafter. One member appointed by Board members from councilmanic districts 2 and 4 by January 1, 2010, and every four years thereafter. All recommendations for appointments shall be voted on by the full Board at the regular December meeting of the Board. They shall be installed at the regular January meeting of the Board.~~

The DCPS Ethics Panel will consists of five (5) members appointed by the Board of Education for a four (4) year term. There shall be one (1) Ethics Panel member for each one (1) of the five (5) councilmanic districts. The term of each Ethics Panel member shall correspond to the term of the Board member from whose councilmanic district the Ethics Panel member resides and remain active until replaced. Each Board member will recommend an appointee by the January Board meeting after their installation and will be voted on by the full Board at the February Board meeting. If an Ethic Panel member is unable to fulfill their term, the Board member in that councilmanic district will recommend a new member and they will be voted on by the full Board at the next Board meeting.

The Ethics Panel shall:

- (1) Devise, receive, and maintain all forms required by this chapter;
- (2) Provide advisory opinions to persons subject to this chapter regarding the applicability of these provisions to them;
- (3) Process and make determinations regarding complaints alleging violations of this chapter;
- (4) Refer findings regarding complaints and other enforcement matters to the Board of Education for action, and;

(5) Conduct an information program regarding the purposes and application of this chapter.

3. Members of the Ethics Panel will receive no compensation for their services.

4. Qualifications of a Panel Member:

- At least eighteen (18) years of age
- U.S. Citizen
- Does not hold, and is not a candidate, for any elected or appointed office
- Is not an incumbent member of the Board of Education, employed by the Board of Education, employed by an entity subject to the authority of the Board of Education, or the spouse or dependent of such person
- Is not a registered lobbyist for any business entity in the State that may create a conflict of interest
- Does not hold any outside employment relations that would impair their impartiality or dependence of judgement

5. The Board of Education may remove a Panel member if during the member's term the member becomes disqualified for any of the reason listed in 4 (above) or, in the sole opinion of the Board, circumstances that create a conflict of interest. Upon removal, the Board member from the councilmanic district no longer represented on the Panel shall make a recommendation for an appointee to the Board Secretary to be put on the agenda of the next Board meeting.

6. A majority (3) of the authorized membership of the Ethics Panel is a quorum, and the Ethics Panel may act only on the affirmative vote of at least a majority of its authorized membership.

7. The Panel may request that the Board's attorney assist the Panel in carrying out its responsibilities. In cases where the Ethics Panel concludes that assistance by the Board's attorney may create a conflict of interest or the appearance of a conflict of interest, the Ethics Panel may request permission from the Board to retain a different attorney to provide legal advice to the Panel. The Board shall pay any associated legal fees.

8. The Superintendent shall provide administrative support to the Ethics Panel.

9. The members of the Panel shall be insulated by the defense of sovereign immunity as provided by the laws of the State of Maryland. The Board shall provide, in accordance with Maryland law, inclusion for the Panel and each of its member's comprehensive liability insurance coverage from any personal or joint civil liability action arising out of and in the course of the performance of their duties.

Responsibilities of the Ethics Panel

1. To elect a chairperson from its members.
2. To develop, receive, and maintain all forms required by the policy.
3. To provide a report to the Board of Education outlining formal actions taken by the panel as needed. Such reports shall be available to the public; however, the identity of the individual(s) will be removed.
4. To review, by April 1, all annual financial disclosure forms submitted pursuant to Board policy.
5. To be the advisory body responsible for interpreting this policy and advising persons subject to it, in writing, as to its applications.
6. To be responsible for hearing and deciding any complaint that is forwarded by the Board regarding an alleged violation of the Ethics Policies by any person.

Policy Review

Maryland-National Capital Parks and Planning Commission

Purpose of Commission’s Review:

The Maryland-National Capital Parks and Planning Commission (“MNCPPC”) has updated its Administrative Practice 2-24 (“The Practice”). The changes primarily concern Conflicts of Interest and Financial Disclosures. Section 5-823(b) of the Public Ethics Law requires that at a minimum, the conflict of interest standards applicable to public officials under Subtitle 5 shall apply to the employees of each bi-county commission. Section 5-829(b)(1) requires the financial disclosure provisions for bi-county commission employees to be substantially similar to the Public Ethics Law.

Discussion:

The Practice replaces several separate sections in the earlier versions, thereby creating a singular comprehensive policy.

Key points:

The Practice refers to controlled donors as Restricted External Parties and defines them similarly to how the Public Ethics Law defines controlled donors. The Practice now includes a reference to associations that represent counties or municipal corporations. The financial disclosure requirements and related forms also now include disclosing relationships with the University of Maryland Medical System or other quasi-governmental entities.

The Practice creates an exception for post-employment:

“A former employee may assist or represent a governmental entity on a specific matter or contract in which the former employee significantly participated as a Commission employee, for compensation, provided an actual or perceived conflict of interest is not created.”

The MNCPPC states that this is necessary because a significant number of their employees move on to jobs in the county, a post-employment exception was necessary.

Summary:

The post-employment exception, while unique, may be reasonable for their organization. The Practice remains otherwise similar to the Public Ethics Law.



No. 2-24

Initially issued: 6/19/1991

Last amended: 4/17/2024


William Spencer, Acting Executive Director

CODE OF ETHICS

- AUTHORITY** Pursuant to Maryland Public Ethics Law, Article 40A, Annotated Code of Maryland 1957, 1990 replacement volume, and Division II of the Land Use Article of the Annotated Code of Maryland, the Commission last approved amendments to this Practice on April 17, 2024.
- APPLICATION** This Administrative Practice applies to all employees, including Commissioners, Merit System employees, contract employees, and appointed officials. As to volunteers, only Section I(A) (Standard of Conduct) applies. To the extent an employee is a member of a collective bargaining unit, and any provision of this Code of Ethics directly conflicts with an applicable collective bargaining agreement, the collective bargaining agreement will control with respect to the area of conflict. To the extent other documentation of the employment relationship of an officer, director, or deputy director legally supersedes any provisions referenced herein, that superseding document would control in the event of a conflict. As to Commissioners, to the extent that any provision of this Code of Ethics conflicts with the General Provisions Article of the Maryland Code, Title 5 (Maryland Public Ethics Law), or Section 15-120 of Division II of the Land Use Article of the Maryland Code, the Maryland Code shall prevail.
- RESCISSION** Practice 2-14 and accompanying Procedures 03-05, *Non-Commission Employment and Non-Commission Business*; Practice 2-15, *Employee Use of Commission Property*; Practice 2-72, *Conditions for Acceptance of Awards from Outside the Commission*; Practice 2-90, *Solicitations on Commission Property*; and Practice 5-70, *Financial Disclosure* are rescinded and replaced by this Practice.
- CONTACT** General questions regarding this policy can be directed to the Policy Office by calling 301-454-1736 or by emailing policyreview@mncppc.org. For questions regarding interpretations and applicability, as well as reporting concerns, contact the Ethics Officer in the Office of the Office of General Counsel at 301-454-1671 (See Section V, Inquiries and Concerns).

**PURPOSE/
BACKGROUND**

The Commission initially approved Practice 2-24, Code of Ethics on June 16, 1991, to create a comprehensive Practice governing the M-NCPPC’s rules and regulations pertaining to conflicts of interest and ethical conduct. Employees of the Commission must maintain high professional and ethical standards in the performance of their official duties. This Code of Ethics establishes the framework for promoting ethical compliance.

This Code of Ethics addresses the ethical standards applicable to employees. Other Commission Administrative Practices and policies specifically address ethical responsibilities uniquely applicable to particular third parties, including but not limited to lobbyists (Practice 5-61, *Lobbying Disclosure*), volunteers, vendors, and others seeking to do business with the Commission (Practice 4-10 and the Commission’s *Procurement Manual*, including Section 2 (Ethics and Sanctions in Purchasing)).

Since its initial adoption, this Practice has been amended, as follows:

- January 9, 2023: Amended to reflect that nominal value is defined by the Executive Director, subject to consultation with the Chair and Vice Chair of the Commission, and in consideration of those amounts set by Prince George’s County, Montgomery County, and the State of Maryland.
- November 15, 2023: Amended to update Practice 2-24 and create a single, comprehensive, Code of Conduct, consistent with Maryland Public Ethics Act, Section 5-823 and 5-829 requiring the Commission to adopt conflict of interest and financial disclosure regulations substantially similar to those provisions found in Subtitles 5 and 6 of the Act.
- January 17, 2024: Amended to clarify a former employee may represent or assist a governmental entity on a specific matter or contract in which the former employee significantly participated as a Commission employee, for compensation, provided an actual or perceived conflict of interest is not created.
- April 17, 2024: Amended to update the definition of “restricted external party” and the required contents of annual Financial Disclosure Statements.

REFERENCES

- Maryland Public Ethics Law, Article 40A, Annotated Code of Maryland 1957, 1990 replacement volume
- Section 15-120 of Division II of the Land Use Article of the Code of Maryland
- Administrative Practice 1-31, *Organization and Functions of the Audit Committee and Office of the Inspector General*

- Administrative Practice 2-28, *Composition, Privacy, and Disposition of Employment Records*
- Administrative Practice 2-16, *Seasonal/Intermittent, Term and Temporary Employment* and its accompanying Procedures 00-02
- Administrative Practice 3-31, *Fraud, Waste & Abuse*
- Administrative Practice 4-10, *Purchasing Policy, and accompanying Procedures 05-02, Procurement Manual*
- Administrative Practice 5-61, *Lobbying Disclosure*
- Administrative Practice 5-81, *Maryland Public Information Act Policy, and accompanying Procedures 22-01, MPIA Procedures Manual*
- Administrative Practice 6-10, *Vehicle Use Program*
- Administrative Practice 6-13, *Electronic Communications Policy*
- Administrative Procedures 21-01, *Business and Personal Use of Social Media*
- Administrative Procedures, 99-04, *Time and Attendance*
- Merit System Rules and Regulations

DEFINITIONS

Business means any for-profit or not-for-profit enterprise, including a corporation, general or limited partnership, sole proprietorship, joint venture, association, firm, institute, trust, or foundation. Business does not include a governmental entity.

Ceremonial gift means an item of customary and reasonable value normally given at functions such as dedications, inaugurations, initiations, awards, tributes, and retirements, but not limited to such events, where food, beverages, entertainment, and mementos (souvenirs) may be provided.

Ceremonial occasions mean functions such as dedications, inaugurations, initiations, awards, tributes, and retirements, but not limited to such events, where food, beverages, entertainment, and mementos (souvenirs) may be provided.

The Commission means: (a) the Maryland National Capital Park and Planning Commission which is the organizational entity referred to in this Practice, or (b) the 10-member voting body of the Maryland-National Capital Park and Planning Commission.

Commissioner means a member of the ten-member voting body of the Maryland-National Capital Park and Planning Commission, and a member of the respective five-member Planning Board for Montgomery County or Prince George's County.

Commission resources mean any service, asset, or property, whether physical, digital, electronic, virtual, or intellectual, owned, purchased, leased, or under contract with the Commission. Commission resources include, but are not limited

to cash (currency, checks, money orders, credit card receipts); facilities; general equipment and tools; natural items (*e.g.*, plants, trees, mulch, compost, and firewood); vehicles and machinery; office equipment and supplies, including Commission stationery; computer hardware, software, and other electronic equipment; printers and copiers; telecommunication services such as telephones, mobile devices, facsimile machines, internet/intranet, electronic mail; data stored on, received by, or transmitted by the agency's operating systems or servers; Commission issued uniforms, and staff services delivered by Commission employees, contractors, or volunteers; and rights under any license or other agreement relating to intellectual property, know-how, and information of commercial value, whether or not protected by patent, trademark, copyright, or other legal entitlement.

Compensation means any money or thing of value, regardless of form, including the sale or delivery of tangible or intangible property, that an employer pays or agrees to pay for services rendered.

Conflict of interest means any circumstance or set of circumstances which interfere with, appear to interfere with, or have the potential to interfere with, the impartiality and independent judgment of an employee, inclusive of a Commissioner, Appointed Officer, and Department Head. (See also: Maryland Code, Land Use Art., § 15-120, *et seq.*; and Maryland Code, General Provisions Art., §§ 5-501 and 5-502).

Employee, for the purposes of this Practice, means any person employed by the Commission, whether employed on a full-time or part-time basis, as a Merit System employee; Seasonal/Intermittent, Temporary, or Term contract employee; Appointed Officer; Department Head; or, Commissioner, regardless of the manner of entry into Commission service.

Employer means any person who pays or agrees to pay compensation for services rendered.

Employment or **employ** means engaging in an activity for compensation.

Ethics Officers means employees who are trained and designated to provide advice regarding compliance with the Code of Ethics and recommend appropriate actions.

Family member (Employee's relative) means any individual who is related by blood, marriage, adoption, domestic partnership, or guardianship, including but not limited to a spouse, domestic partner (as qualified under the Commission's Health and Benefits Program), parent or step-parent, spouse's parents, grandparent, or

spouse's parents, child or step-child, legal guardian, brother or step-brother, sister or step-sister, the siblings of one's parents and those siblings' children.

Fiduciary duty means a legal obligation that results from a position of trust with respect to a third party's business and assets.

Financial interest means:

1. Ownership of any interest as the result of which the owner has received within the past three years, or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or
2. Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity by:
 - a. An official;
 - b. An employee; or
 - c. The spouse of an official or employee;

Gift means the transfer of anything of economic value regardless of the form without adequate and lawful exchange of consideration of at least equal value.

Gratuity means anything of value that is presented or promised in anticipation of receiving a consideration, whether the consideration is less than, equal to, or greater than the value presented or promised.

Honorarium means the payment of money or anything of value for:

1. Speaking to, participating in, or attending a meeting, conference, or other function; or
2. Writing an article, other than a book, which has been or is intended to be published.

Interest means any source of income or any other legal or equitable economic interest, whether subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, directly, or indirectly. Interest does not include:

1. An interest in a time deposit or demand deposit in a financial institution;
2. An interest in an insurance policy, endowment policy, or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period;
3. An interest in a mutual fund or exchange-traded fund (ETF);
4. An interest held in the capacity of an agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter; or
5. An interest in a deferred compensation plan that:
 - a. Has more than 25 participants, and

- b. The Internal Revenue Service has determined qualified as a trust under Sections 401, 507, and 501 of the Internal Revenue Code.

Maryland Public Ethics Law means the general Provisions Article, Title 5, of the Maryland Annotated Code.

Non-Commission Business means activities performed while on duty and which are unrelated to the business of the Commission as further described in this Practice.

Non-Commission Employment means work activities performed for oneself or a third party unrelated to the business of the Commission as further described in this Practice.

On-duty means being engaged in or responsible for an assigned task or duty either on Commission or non-Commission property. An employee is not considered on duty when attending lectures, meetings, training programs, and similar activities if the following four criteria are all met: (a) attendance is outside of the ‘employee’s regular working hours; (b) attendance is in fact voluntary; (c) the course, lecture, or meeting is not directly related to the employee’s job; and (d) the employee does not perform any productive work during such attendance.

Person means an individual, receiver, trustee, guardian, personal representative, fiduciary, corporation, company, association, firm, partnership, joint stock company, or any other organization, institution, or entity.

Procurement means all acts and functions that pertain to the responsibility of the acquisition of any goods, services, equipment, supplies, insurance, construction, or intellectual property, including but not limited to the description of requirements, selection, and solicitation of sources, preparation, and award of contract, or purchase order, and all phases of contract administration.

Quasi-governmental entity means an entity that is created by State statute, which performs a public function, and that is supported in whole or in part by the State but is managed privately.

Regulatory Matters means matters that come before the respective Planning Boards that involve the Planning Board’s exercise of planning and zoning authority as described in the Land Use Article.

Vendor means a party obligated by contract or subcontract to provide goods, services, or property to the Commission for consideration, including contracts and subcontracts for construction and professional services related to construction.

POLICY

Commission employees must maintain high professional and ethical standards in the performance of their official duties. This Code of Ethics establishes the framework for promoting compliance.

Consistent with the Maryland Public Ethics Law and the Commission's commitment to public accountability, the Commission recognizes that (i) our system of representative government is dependent in part upon the public maintaining the highest trust in their public officials and employees; and (ii) the public has a right to know and be assured that the impartiality and independent judgment of public officials and employees shall be maintained.

To help ensure accountability and awareness of conflicts of interest, this Practice outlines requirements for employees to avoid actual as well as perceived conflicts of interest. This includes those related to solicitation and acceptance of gifts, non-Commission business and employment, use of Commission resources, use of prestige of office, use of confidential information, post-employment restrictions, political activities, and nepotism. This Practice also outlines the requirements for the completion of Financial Disclosure Statements by individuals whose employment or office puts them in a position of influencing decisions that might benefit parties seeking to do business with, doing business with, or regulated by, the Commission. Furthermore, employees are prohibited from aiding, facilitating, or colluding with third parties in violation of this Code of Ethics.

The Commission intends for this Practice to be liberally construed, to accomplish its purpose.

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- A. Request for Participation in Non-Commission Employment Form
- B. Financial Disclosure Statement Instructions & Form

I. CONFLICTS OF INTEREST

A. Standard of Conduct

1. An employee must avoid any action, whether or not it is expressly prohibited, that might result in, or create the appearance of a conflict of interest, including, but not limited to:
 - a. Using public office for the private gain of the employee or another.
 - b. Giving preferential treatment to an external party, e.g., vendor, or person seeking to do business with the agency, except in conjunction with the Commission's supplier diversity program.
 - c. Participating in any matter that involves:
 - i. A business in which the employee or a family member has an economic interest.
 - ii. A business in which the employee or a family member is an officer, director, trustee, partner, or employee;
 - iii. A property in which the employee or a family member has an economic interest.
 - iv. Negotiating or seeking prospective employment for the employee or a family member or any arrangement with a business or entity about employment.
 - v. A business or individual that is a party to an existing contract with the employee or a family member, if the contract could reasonably result in a conflict between private interests and official duties;
 - vi. An entity doing business with the Commission in which a direct financial interest is owned by another entity in which the employee has a direct financial interest, if they may be reasonably expected to know of both direct financial interests; or
 - vii. A creditor or debtor of the employee or their family member if the creditor or debtor can directly and substantially affect an economic interest of the employee or their family member;
 - viii. A case, contract, or other specific matter affecting a party for whom, in the prior year, the employee was required to register to engage in lobbying activity under Practice 5-61, *Lobbying Disclosure*.

2. Exceptions:

- a. An employee who otherwise would be disqualified from participation under Section I(A)(1) shall disclose the nature and circumstances of the conflict and may participate or act, if:
 - i. The disqualification would leave a body with less than a quorum capable of acting;
 - ii. The disqualified employee is required by law to act; or
 - iii. The disqualified employee is the only individual authorized to act.

All disclosures must be filed with the Ethics Officer.

- b. Section I(A)(1) does not apply to an administrative or ministerial duty that does not affect an agency's decision on a matter.
- c. Section I(A)(1) does not apply to a police officer who is exercising the employee's official duties in an emergency affecting a business or property in which the employee or a relative of the employee has an economic interest.

(See also: Section 2 (Ethics & Standards in Purchasing) of Administrative Procedures 05-02, *Purchasing Manual*.)

B. **Gifts**

1. **Gifts from External Parties**

- a. Soliciting Gifts from External Parties. An employee shall not solicit, directly or indirectly, a gift from an external party, except when an exception is authorized by the respective Department Head. The respective Department Head may authorize an exception for an employee to solicit a gift from an external party for a Commission program or initiative, in support of the mission of the M-NCPPC. When an exception is authorized, each of the following conditions must be met:
 - i. The solicitation for a gift shall be broad and not be directed at restricted external parties, as defined in Section I(B)(1)(c)(i), below;
 - ii. Employees involved in regulatory, or procurement matters may not solicit a gift on behalf of the Commission;
 - iii. The solicitation shall not confer any special access or benefit to the external party in dealings with the Commission;

- iv. The gifts solicited shall not result in personal benefit to the employee; and
- v. All funds and in-kind gifts shall be accounted for in accordance with applicable laws and Commission policy as it relates to fiscal, procurement, or related accounting principles.

All authorized exceptions shall be forwarded to the Executive Director, to ensure consistent application of policy.

- b. Soliciting and Accepting Tips. An employee, including one who interacts with the public (e.g., staff working at snack bars, golf courses, etc.), shall not solicit or accept tips under any circumstances. The use of tip jars is prohibited.

- c. Accepting Gifts from Restricted External Parties

- i. *In General*. An employee shall not accept, directly or indirectly, a gift from a restricted external party. A **restricted external party** is a person or entity that:

- (a) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;
- (b) Is engaged in an activity or operation that is regulated or controlled by the Commission; or
- (c) Is acting in the capacity of a lobbyist with respect to matters on which the Commission has oversight.
- (d) Has interests that may be substantially affected by the performance or non-performance of an employee's official duties.
- (e) Is an association, or an entity acting on behalf of an association, which is engaged only in representing counties or municipal corporations.

- ii. *Exceptions*. Subject to Subsection iii, below, the following are exceptions to the prohibition on accepting gifts from restricted external parties covered in Subsection i, above:

- (a) Receipt of gifts or entertainment because of obvious family or personal relationships from a person related by blood, marriage, or legal guardianship; domestic partner; or financially dependent relative, when it is clear that the relationship, rather than the business of the persons concerned, are the motivating factors.

- (b) Ceremonial gifts or awards of insignificant monetary value.
 - (c) Attendance at an event (e.g., charitable, cultural, political, community, or professional event), as a representative of the Commission.
 - (d) Honoraria for (i) speaking at, or participating in, a meeting, or (ii) writing an article that has been or is intended to be published, when unsolicited, off duty, and not related to the employee's official position.
 - (e) Reasonable expenses for food, travel, lodging, scheduled entertainment, and reasonable and verifiable expenses for the care of a child or dependent adult, which are actually incurred, when these items are provided in return for participation in a meeting, or as a panel member, or as a speaker or participant at a meeting.
 - (f) Loans from banks or other financial institutions on customary terms for usual activities of employees, such as home mortgage loans, and consumer loans; and
 - (g) Prizes and awards from a person through a "lottery" or through another similar activity where the receipt is selected on a random basis (e.g., a raffle or drawing.)
 - (h) Meals/beverages consumed by an employee in the presence of a donor/entity.
 - (i) Unsolicited gifts of nominal value not to exceed \$20. Note: In determining the value of a gift and whether it exceeds nominal value, the value of the gift shall be the fair market value.
 - (j) Trivial gifts of informational value (e.g., writings, recordings, documents, records, or other items intended primarily to communicate information, not including images intended primarily for display or decoration).
 - (k) Any other gifts from external parties that are specifically authorized by the agency.
- iii. *When Exceptions Are Not Allowed*: An employee shall not accept a gift listed in Subsection (ii) (*Exceptions*), above, if:
- (a) The gift would tend to impair the impartiality and independent judgment of the employee;
 - (b) The gift is of significant value, and it would give the appearance of impairing the impartiality and independent judgment of the employee; or

- (c) The gift is of significant value and the employee believes or has reason to believe that the gift is designed to impair the impartiality and independent judgment of the employee.
- iv. *Handling Receipt of Disallowed Gifts:* Excluding gifts described in Subsection (ii)(Exceptions), above, an employee who involuntarily receives a gift from a restricted external party shall:
 - (a) Return the gift;
 - (b) Transfer the gift to an organization that is tax-exempt pursuant to 26 U.S.C. 501(c)(3);
 - (c) Reimburse the party the market value of the gift; or
 - (d) If the gift is perishable and it would not be practical to return it, share it with the office staff, or destroy it.

2. **Gifts Between Employees**

- a. In General. An employee may not solicit a gift from another employee.
- b. Exceptions: The following are exceptions to the prohibition of an employee soliciting gifts from another employee.
 - i. Soliciting voluntary contributions of a reasonable amount for a gift made on a special occasion such as marriage, illness, retirement, or death. Whether a contribution is considered reasonable shall be based on the relevant facts and circumstances. For example, a reasonable contribution for a wedding gift may differ from one for the funeral of a colleague of modest means.
 - ii. Soliciting a voluntary contribution for a charitable drive for an external party that is authorized, in writing, by a Department Head or the Executive Director.

C. **Non-Commission Business and Employment**

1. **Non-Commission Business**

- a. Non-Commission business is prohibited.
- b. Non-Commission business means activities performed while on duty related to:

- i. Personal business;
 - ii. Non-Commission employment;
 - iii. Third-party business; or
 - iv. Work for an association, club, or any other entity as an employee, representative, or volunteer.
- c. Non-Commission business does not include participation in external activities that (i) relate to the business of the Commission, and (ii) are approved in advance, in writing, by an appropriate supervisor and Department Head.
- d. When speaking before a public body, with the media, or with members of the public, an employee may not hold themselves out as representing the agency in their official capacity, unless authorized to do so either explicitly or by the nature of their position.

2. Non-Commission Employment

- a. Non-Commission employment includes the following:
- i. Employment or contractual arrangements structured on a salary, fee, commission basis, or pro bono legal representation.
 - ii. Participation in any business ventures as owner, proprietor, partner, or investor.
 - iii. Participation for pay or as a volunteer in any business or non-profit entity involving fiduciary duties or responsibilities in a position such as an officer, manager, or director.
 - iv. Participation in any business or non-profit entity in which the participant holds 5 percent or more of the outstanding voting interests.
 - v. Other similar activities resulting in, or for the purpose of, remuneration.
- b. Non-Commission employment does not include:
- i. Service in the United States Armed Forces (active or reserve, including the National Guard); and
 - ii. Participation in official activities of a union representing M-NCPPC employees. This participation shall be governed by the respective collective bargaining agreement between the M-NCPPC and the union.

- iii. Serving on the board of the M-NCPPC Credit Union or the Employees' Retirement System.
- c. Non-Commission employment is permitted only when participation is specifically approved, in writing, by the employee's Department Head upon a finding that each of the following conditions is met:
 - 1. Engaging in non-Commission employment does not cause the existence of, potential for, or appearance of, a conflict of interest with respect to Commission duties assigned to the employee, or with any Commission policy, procedures, activities, or actions;
 - 2. Engaging in non-Commission Employment does not diminish, interfere with, or detract from the performance of Commission duties;
 - 3. The employee's performance before engaging in non-Commission employment is at a fully satisfactory level;
 - 4. Non-Commission employment does not increase the risk of liability to the Commission during, or from, the employee's performance of Commission-assigned duties including, but not limited to, increased health and safety concerns;
 - 5. Non-Commission employment does not result in the employee using the prestige of their Commission office, official title, or position for private gain, or the gain of another;
 - 6. Engaging in non-Commission employment does not occur while on duty with the Commission;
 - 7. Non-Commission employment does not result in coercing other Commission employees to buy or use goods, services, or other items of value (including interests in land) sold, or offered, as part of their non-Commission employment;
 - 8. Non-Commission employment does not result in an employee working for (a) a person or entities owned by the employee's Commission subordinate or supervisor, or (b) any business subject to the authority of the Commission or that does business with the Commission when there is an actual or perceived conflict of interest;
 - 9. Confidential information gained through Commission employment is not used for financial gain, or any use other than Commission employment;
 - 10. Non-Commission employment does not result in the solicitation or acceptance of referrals for any non-Commission employment while on duty;

- 11. Non-Commission employment does not result in the unauthorized use of Commission resources;
- d. Approval for Non-Commission employment by Department Heads and appointed officers must be obtained from the Commission’s Chair and Vice Chair.
- e. The Commission retains the right to deny, rescind, revoke, or modify approval of non-Commission employment if the employment violates any of the conditions in Section I(C)(2)(c), above.

3. Review Process for Non-Commission Employment Requests

- a. Employees must request and receive approval for non-Commission employment before engaging in such employment. Employees must also request approval of changes to previously approved non-Commission employment as soon as any changes are known. Requests must be submitted using Appendix A, “*Request to Participate in Non-Commission Employment Form*,” and include:
 - i. Employee name, position title, work schedule (days and work hours), and description of Commission job duties;
 - ii. Name of non-Commission employer;
 - iii. Address where non-Commission employment will be performed;
 - iv. Non-Commission employment work schedule (days and work hours) including start date and end date (if known);
 - v. A description of non-Commission employment duties.
- b. Employees must submit requests to their supervisor. Department heads and appointed officers must submit requests to the Commission Chair and Vice-Chair. In considering a Seasonal/Intermittent Contract employee’s request for non-Commission employment, a reviewer must take into consideration the fact that the Commission may not be the Seasonal/Intermittent Contract employee’s primary employer.
 - i. Supervisors must review the “Request to Participate in Non-Commission Employment Form” and send a recommendation of approval or denial to their Division Chief, with a copy to the employee, within seven (7) calendar days of receiving the written request.
 - ii. If the recommendation is for denial, the supervisor must include the reasoning.

- iii. If a supervisor does not forward the recommendation within seven (7) calendar days of receipt of the employee's written request, the employee may forward the request to the Division Chief.
- iv. The Division Chief will review the employee's requests, and if applicable, the supervisor's recommendation.
 - (a) The Division Chief must review the "*Request for Non-Commission Employment Form*" and forward it with a recommendation for approval or denial to the Department Head, with a copy to the employee, within seven (7) calendar days of receiving the written request, or longer in extenuating circumstances. If the recommendation is for denial, the Division Chief must include the reasoning.
 - (b) If the Division Chief does not forward the recommendation within seven (7) calendar days of receipt of the employee's written request, the employee may forward the request to the Department Head.
- v. The Department Head will review all employee requests along with the supervisor's and Division Chief's recommendations.
 - (a) The Department Head's decision will be made by signing the request form, within seven (7) calendar days of receiving the request from the Division Chief, or longer in extenuating circumstances. An employee's request shall not be considered approved until and unless approved by the Department Head.
 - (b) A copy of the decision shall be maintained in the departmental personnel file and a copy forwarded to the Human Resources Information System (HRIS) Office for filing in the official personnel file of the employee.
 - (c) The Department Head's decision (i.e., to act or not act) is final.
- vi. Approvals are only for the non-Commission employment stated in the request.
 - (a) If any information provided in the request changes at any time, the employee must provide the supervisor with written notice of the change, immediately.
 - (b) Any approval may be suspended or rescinded orally if a conflict of interest arises during the employee's engagement in the non-Commission employment. The Department Head must provide written notice confirming the action within seven (7) calendar days of the oral action.

- (c) If an employee engages in approved non-Commission employment that impairs their ability to perform Commission duties, the employee may be directed to modify or cease participation in the non-Commission employment while employed by the Commission.
- vii. The employee's supervisor shall review the non-Commission employment, annually during the performance review, to determine if the non-Commission employment has not diminished, interfered with, or detracted from the employee's job duties.
- viii. During their Annual Performance Review, an employee must inform their supervisor whether their non-Commission employment status has changed during the past year, and if so, complete or update the "*Request to Participate in non-Commission Employment Form*" (Appendix A).
- ix. An employee who moves to another department is required to complete and file a new request with the new department for any desired participation in non-Commission employment.

D. Use of Commission Resources

1. **In General.** Commission resources may be used only for the official business of the agency. Any use of Commission resources for a reason other than official business is prohibited, unless permitted under the "Allowable Exceptions" set forth in the Section below.
2. **Allowable "*De Minimis*" Exceptions.** Restricted use of Commission resources is permitted as outlined in other agency policies, including:
 - a. Administrative Practice 6-10, *Vehicle Use Program*. Note: Personal use of M-NCPPC vehicles is generally prohibited, however in limited circumstances M-NCPPC may assign a take-home vehicle to an employee, authorizing commuting (between the workplace and home) and *de minimis* personal use of a vehicle, subject to Internal Revenue Service Regulations. Onsite assigned vehicles, take-home vehicles, and pool vehicles may also be used for personal use which is incidental to the business need (i.e., meals and breaks) and temporary overnight use, when approved.
 - b. Administrative Practice 6-13, *Electronic Communications Policy*, and its accompanying Administrative Procedure; 12-01, "Mobile Technology," including but not limited to Section IV(A). Note: Although employees may occasionally and incidentally need to use Commission communication technology for personal reasons, such personal use must be kept to a minimum, must be brief, must not interfere with the performance of the employee's duties and responsibilities, and must be consistent with Commission Practice 6-13, *Electronic Communications* and any other applicable policy directives affecting technology.

3. **Required Oversight by Management**

a. Managers and supervisors must:

- i. Reasonably monitor and enforce the proper use of Commission resources by those they manage and supervise; and
- ii. Report concerns that are related to the inappropriate use of Commission resources to their Department Head, Inspector General, Park Police, or Executive Director in accordance with Commission Practice 3-31, *Fraud, Waste, and Abuse*.

b. Department Heads must:

- i. Ensure that their employees comply with Sections I(D)(1-2);
- ii. Ensure that violations are reported and addressed in a timely and consistent manner; and
- iii. Report concerns that are related to the inappropriate use of Commission resources to the Inspector General, Park Police, or Executive Director as may be required in Commission Practice 3-31, *Fraud, Waste, and Abuse*.

E. **Use of Prestige of Office**

1. An employee must not intentionally use the prestige of office or public position:
 - a. For that employee's private gain or that of another; or
 - b. To influence, except as part of the official duties of the employee, the award of a Commission contract to a specific person.
2. An employee may not directly or indirectly request that a person retain the compensated services of a particular regulated lobbyist or lobbying firm.

F. **Disclosure or Use of Confidential Information**

1. Except in the discharge of an official duty, an employee or former employee may not disclose or use confidential information acquired by reason of the official's or employee's position and not available to the public.
2. An employee or former employee may not use confidential information for:
 - a. Personal economic benefit; or

- b. The economic benefit of another.
- 2. Examples of confidential information include, but are not limited to, privileged documents, documents that are confidential pursuant to Practice 2-28, *Composition, Privacy and Disposition of Employment Records*, and documents that may not be disclosed pursuant to the Maryland Public Information Act (§4-301, *et seq.* of the General Provisions Article of the Maryland Code).

G. Post-Employment Restrictions

- 1. Except as provided in paragraph 2, a former employee may not assist or represent another party on a specific matter or contract for compensation if the matter involves the Commission and the former employee significantly participated in the matter as a Commission employee.
- 2. A former employee may assist or represent a governmental entity on a specific matter or contract in which the former employee significantly participated as a Commission employee, for compensation, provided an actual or perceived conflict of interest is not created.
- 3. “Significant participation” means making a decision, approval, disapproval, recommendation, rendering of advice, investigation, or similar action taken as an officer or employee. Significant participation ordinarily does not include program or legislative oversight, or budget preparation, review, or adoption.

H. Political Activities

1. In General.

- a. Pursuant to §1-303 of the Local Government Article of the Maryland Code, an employee may freely participate in any political activity and express any political opinion and may not be required to provide a political service.
- b. §1-304 of the Local Government Article of the Maryland Code prohibits employees of bi-county agencies from engaging in political activity while on the job during working hours or advocating the overthrow of the government by unconstitutional or violent means. A bi-county employee who violates §1-304 of the Local Government Article of the Maryland Code is guilty of a misdemeanor and is subject to potential fines and imprisonment.
- c. In addition to §§1-303 and 1-304 of the Land Use Article of the Maryland Code, the Commission’s expectations of employee conduct are set forth in Chapter 1800 (*Political Activities*) of the Merit System Rules and Regulations (Merit Rules) and M-NCPPC Notice 22-07, *Employee Conduct With Respect to Political Activities*. The Merit Rules supersede these provisions, which are provided to further elucidate the ethical standards applicable to employees in this area.

2. **Permissible Activities.** Employees have the responsibility to regulate their political activities in such a manner as not to interfere with their employment. Employees may engage in political activities off-duty, off Commission premises, and without the use of Commission resources. (e.g., Employees may retain membership in political parties; participate in political activities, including seeking candidacy for public office; register and vote as they please; and express their personal opinions on political subjects.)

3. **Prohibited Activities.** Political activities of employees that interfere with the performance of their official duties and responsibilities are prohibited, whether done in-person or using social media. The following political activities are specifically prohibited:
 - a. Campaigning, fundraising, or engaging in other partisan political activities on Commission premises while performing duties and responsibilities as an employee;
 - b. Using one's Commission position to engage in political activities or to advance associated goals;
 - c. Using public office or political affiliations for private gain that may result in a conflict of interest;
 - d. Promising, or appearing to promise, employment, a position, compensation, or any other benefit in consideration, favor, or reward for political activity, especially but not limited to, when such action presents a conflict of interest;
 - e. Performing political activities at the direction of a supervisor, appointed officer, Department Head, Commissioner, any other employee, or vendor;
 - f. Engaging in political activity that interferes with the Commission's work or the duties or responsibilities of Commission employees;
 - g. Accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or other item from a restricted external party, in exchange for another's participation in political activity, especially when such action presents a conflict of interest as defined in the Code of Ethics;
 - h. Use of scheduled work hours or unauthorized use of Commission resources for political or partisan activities;
 - i. Participating in political activities while receiving leave not appropriate for such purposes e.g., Union Leave or administrative leave approved to attend Commission-sponsored or -approved programs, training, forums, seminars, or similar career-enhancement functions;
 - j. Using public office or political affiliation for private gain that may result in, or give the appearance of, a conflict of interest with the Commission;

- k. Coercing other Commission employees, including subordinates, to participate in political activities;
- l. Lobbying elected officials during work hours on behalf of candidates for appointed or elected positions;
- m. The appearance of promising, or an actual promise of, employment, promotion, demotion, dismissal, or any other human resources action, based on partisan political activity;
- n. Displaying partisan political signs, banners, posters, or other endorsements, while on duty, on the Commission's premises, or while representing the Commission. Employees also may not place political bumper stickers, logos, signs, or endorsements on any Commission vehicles, property, or facility, or otherwise engage in electioneering while on duty;
- o. Soliciting any person who has business before the Commission, including the employee's office, to engage in political activity;
- p. Engaging in political activities while wearing Commission apparel or uniforms, employee identification, or any other items with badges, insignia, or logos that identify the Commission. Notwithstanding these restrictions, the incidental wearing of Commission uniforms or identification while voting off-duty is permissible. (*e.g.*, while in uniform, stopping to vote before or after scheduled work hours would not be considered a violation of this policy); and
- q. Otherwise in any way participating in political activities that involve, or would reasonably appear to involve, a conflict of interest, as defined in this Code of Ethics or that would violate this Code or other Commission Practices.

Note: Notwithstanding the above, receipt of unsolicited emails of a political nature will not be considered unauthorized use of Commission resources for political activities. If such an email is received, the employee must take every step to unsubscribe from the email list or contact the sender to remove the employee from the email list. If the employee is unsuccessful in unsubscribing, the employee should contact their respective departmental IT division for assistance in blocking messages.

I. **Nepotism**

Consistent with Merit Rules Section 155 (*Nepotism*):

- 1. An employee, including a Department Head, may not appoint, promote, reassign, or participate in any employment action affecting a family member as defined in the "Definitions" section.
- 2. A Department Head must:

- a. Not permit the employment of members of a family where it would result in any person having direct or indirect supervisory responsibility over a family member.
- b. Recuse themselves from employment decisions involving members of their own family and delegate their authority to another such as a Deputy Director.

II. **FINANCIAL DISCLOSURE**

A. **Financial Disclosure Requirements for Designated M-NCPPC Positions**

1. **In General.**

- a. This Section identifies those whose positions require them to complete Financial Disclosure Statements in accordance with the form and instructions which are contained in Appendix B, “*Financial Disclosure Statement Instructions & Form*” Specific requirements for the timing and filing of Financial Disclosure Statements are outlined below.
- b. Financial Disclosure Statements cover the calendar year (January 1st through December 31st) immediately preceding the year of filing and are due by April 30th of each calendar year.

2. **Individuals Required to File a Statement.** The following individuals must complete a Financial Disclosure Statement form:

- a. Appointed Officers. Appointed officers and deputy appointed officers of the Commission including the Executive Director, Secretary-Treasurer, General Counsel, and their deputies.
- b. Department Heads and Identified Positions.
 - i. Department Heads and Deputy Department Heads including:
 - (a) Director of Planning, Montgomery County;
 - (b) Deputy Director(s) of Planning, Montgomery County;
 - (c) Director of Planning, Prince George’s County;
 - (d) Deputy Director(s) of Planning, Prince George’s County;
 - (e) Director of Parks and Recreation, Prince George’s County;

- (f) Deputy Director(s) of Parks and Recreation, Prince George’s County;
 - (g) Director of Parks, Montgomery County; and
 - (h) Deputy Director(s) of Parks, Montgomery County.
- ii. Inspector General and Inspectors within the Office of the Inspector General;
 - iii. Chief Information Officer;
 - iv. Attorneys (as designated by the General Counsel); and
 - v. Division Chiefs/Division Directors.
- c. Other Individuals Whose Positions Require the Filing.
- i. *Positions Designated by Department Heads:* Department Heads shall designate positions for filing Financial Disclosure Statements (outside of those listed above in Section II(A)(2)(b)), that influence Commission matters because of their ability to take actions, make decisions, or recommendations, or advise on:
 - (a) Procurement matters or contracting;
 - (b) Administering grants or subsidies;
 - (c) Planning, zoning, or otherwise regulating land use;
 - (d) Policy or planning decisions that impact the Financial Interest(s) of third parties;
 - (e) Land acquisitions or dispositions, land development, and facility planning of Commission assets, whether owned or managed; or
 - (f) Other decisions with significant economic impact.
 - ii. *Individuals Who are Assigned by Department Heads to Serve on a Board or Foundation:* Department Heads shall identify employees in designated positions who are assigned to serve on a board or foundation in their official capacity as a Commission employee.
3. **Contents of Statements.** The Financial Disclosure Statement for employees must require disclosure of information and interests, if known, for the applicable reporting period pertaining to:

- a. Receipt of any gifts of more than \$20 in value, or a series of gifts from any one person totaling \$100 or more;
- b. Interests in real property;
- c. Interests in corporations and partnerships;
- d. Interests in Business entities doing business with the State, the Commission, Montgomery County, or Prince George's County;
- e. Employment by or interest in business entities doing business with the State, the Commission, Montgomery County, or Prince George's County;
- f. Indebtedness to entity doing business with the State, the Commission, Montgomery County, or Prince George's County;
- g. Family Members Employed by the State, the Commission, Montgomery County, or Prince George's County;
- h. Sources of earned income; and
- i. Any financial or contractual relationship with (i) the University of Maryland Medical System, (ii) a governmental entity of the State or a local government in the State, or (iii) a quasi-governmental entity of the State or local government in the State.

4. Filing Procedures and Deadlines.

- a. No later than 30 days before the filing deadline each year, instructions on filing annual Financial Disclosure Statements must be provided by:
 - i. *The Executive Director* to appointed officers, Department Heads, and identified positions named in Section II(A)(2)(a-b).
 - ii. *Each respective Department Head* to positions they designate as required to file, including individuals assigned to serve on a board or foundation in their official capacity as a Commission employee as covered in Section II(A)(2)(c).
- b. Except as provided in subparagraph (d), positions required to file a financial Disclosure Statement must file a statement by April 30th of each year. See Section II(A)(2) for the list of positions required to file.
 - i. Appointed officers, Department Heads, and identified positions named in Section II(A)(2)(a-b) file with the Executive Director's office.

- ii. Positions designated as required to file by the respective Department Head, including individuals assigned to serve on a board or foundation, as covered by Section II(A)(2)(c) file with the respective Department Head's office.
- c. Each Department Head must submit to the Executive Director within five (5) business days following April 30th of each year a list of employees who have and who have not submitted their completed Financial Disclosure Statement.
- d. Procedures for New Hires or Appointees, for Individuals Serving in Acting Positions, and Upon Termination:
 - i. *Any newly hired or appointed individual holding a Commission position required to file a Financial Disclosure Statement* must file the statement with the appropriate office at the time of hire. This requirement must be included in job advertisements and communicated and monitored by the hiring department.
 - ii. *Individuals placed in an acting role for a Commission position that requires the filing of a Financial Disclosure Statement* must file a statement when their acting assignment is anticipated to last 60 days or longer. The individual must submit the completed statement within 30 days of the acting assignment.
 - iii. *Any individual who leaves a position that requires the filing of a Financial Disclosure Statement* must file the statement with the appropriate office during the close-out process, prior to separation. Failure to file a required disclosure form upon separation may result in the delay or withholding of a final paycheck in appropriate circumstances. This requirement must be communicated and monitored by the hiring department.

B. Entities Doing Business with the Commission.

1. The Executive Director must cause to have published annually, either in print or in electronic format, an alphabetized list of non-governmental entities doing business with the State, Montgomery County, Prince George's County, and the Commission during the preceding year and make it available to individuals for the purpose of filing Financial Disclosure Statements.
2. The list must be available for public inspection by March 1st of each year.

C. Maintenance of Financial Disclosure Records

1. **Availability for Review**

- a. Subject to subparagraph (d), all Financial Disclosure Statements filed pursuant to Section II (A)(2) must be made available for public inspection upon request during normal office hours, subject to such reasonable fees as the Executive Director may establish.
- b. Any person examining or copying these statements shall be required to provide their name, home address, and the name of the person whose disclosure statement was examined or copied.
- c. An employee who has a statement on file is entitled, upon request, to be notified of the name and home address of anyone inspecting their Financial Disclosure Statement.
- d. The above disclosure shall be handled in accordance with Section II(F), "Disclosure or use of confidential information." Namely, an employee's home address must be redacted from a statement that is made available for examination or copying, if the person has identified it as their home address.

2. Retention Requirements

- a. Any person who is required to file a report, statement, or record under this Code of Ethics, must retain each account, bill, receipt, book, paper, or other document necessary to substantiate the filing. Any person who is required to file a report, statement, or record under this Code, must retain each account, bill, receipt, book, paper, or other document necessary to substantiate the filing.
- b. The person must retain the document for three years after:
 - i. The date the report, statement, or record was filed; or
 - ii. If the report, statement, or record is not filed, the date the report, statement, or record was required to be filed.
- c. All Financial Disclosure Statements filed pursuant to Section II(A)(2)(a-b) shall be maintained by the Executive Director, and those filed pursuant to Section II(A)(2)(c) shall be maintained by the respective Department Heads with whom they have filed.
- d. The Executive Director and the Department Heads shall maintain records of the Financial Disclosure for three years, at which time they shall be sent to the Commission's Archives and Records Office for retention, pursuant to the State-Approved Records Retention and Disposition Schedule.

D. Financial Disclosure Requirements for Commissioners

Commissioners and individuals applying to be a Commissioner should refer to §§5-824 and 5-825 of the General Provisions Article of the Code of Maryland for Financial Disclosure requirements.

III. DELEGATION OF AUTHORITY

- A. A Department Head may designate, in writing, a representative to implement any of the provisions of this Practice.
- B. A Department Head may withdraw their designation at any time, which shall also be in writing.

IV. ETHICS OFFICERS AND DIRECTING CONCERNS

There shall be a Commission-wide ethics officer(s) appointed by the General Counsel who is an attorney in the General Counsel's Office, and who shall have the authority to: (i) advise employees confidentially on the requirements of the Code of Ethics; and (ii) if needed, investigate known or suspected violations, and take appropriate action. The Ethics Officer shall:

- A. Serve as a point of contact for employees regarding inquiries and concerns of conflicts of interest. This includes providing advice and preparing verbal and written responses and guidance regarding the Code of Ethics, and related policies, rules, and regulations. Employees are also encouraged to seek advice from their immediate supervisor and chain of command, provided such staff are not the subject of the inquiry or suspected violation. Note: Pursuant to Administrative Practice 3-31, *Fraud, Waste, and Abuse*, employees are required to report any suspected or known fraud, waste, or abuse, and are provided several reporting options, including: (i) the Department Head responsible for the program in which the fraud, waste, or abuse is suspected; (ii) the Office of the Inspector Generals; (iii) Park Police; and (iv) the Executive Director. See: Practice 3-31, for more information.
- B. After consultation with the General Counsel, refer matters to the appropriate internal and/or external authorities, where warranted, including but not limited to the Executive Director, Commission, Park Police, County Police, and state and federal authorities.
- C. Preparation of an annual report on ethics to address the number and types of inquiries, violations, and corrective measures.

V. REQUIRED TRAINING

- A. Subject to Subsection V(B), immediately below, all employees are required to receive ethics training each calendar year to be provided by the agency's Ethics Officer(s). Note: Commissioners who attend the training offered by the State of Maryland Ethics Commission satisfy this requirement and may elect to take the Commission's ethics training.

- B. Seasonal/Intermittent employees may attend the ethics training provided by the Ethics Officer(s) and will receive orientation on the Code of Ethics as part of their onboarding process.
- C. The Ethics Officer(s) is responsible for developing and updating training materials, with input and assistance from the Corporate Policy Office.

VI. VIOLATIONS

- A. Employees who violate Administrative Practice, 2-24, *Code of Ethics*, may be subject to disciplinary action, up to and including termination.
- B. The Commission may refer a violation for criminal investigation and prosecution.
- C. In the case of unauthorized use of Commission resources by an employee, or other loss or damage to the Commission occasioned by the violation, the Commission may recover any loss or damages from the employee through direct repayment by the employee, payroll deduction, or other legal action.
- D. Failure to comply with the requirements of the Code of Ethics due to a lack of knowledge or misinterpretation of the rules and regulations of this Policy or any other applicable Practice(s) cannot be used as an excuse to violate this Code.
- E. An employee shall be provided an opportunity to explain any conflict of interest or appearance of conflict of interest and any other apparent violations of this Practice.

VII. RESPONSIBILITIES

- A. **All Employees** are responsible for:
 - 1. Complying with the Code of Ethics.
 - 2. Avoiding taking any actions that violate or that may give the appearance of violating the Code.
 - 3. Seeking advice, when needed, and reporting any suspected or known ethics violations, pursuant to Section IV(Ethics Officer(s) And Directing Concerns).
 - 4. Seeking approval to engage in any non-Commission employment utilizing the *Request to Participate in Non-Commission Employment Form* (Appendix A).

5. Submitting a Financial Disclosure Statement, if designated to do so by this Practice or the respective Department Head.
6. Completing the required ethics training.
7. Fully cooperating with investigations of potential violations of the Code of Ethics.

B. Supervisors are responsible for:

1. Reviewing the non-Commission employment of employees under their supervision, annually during the performance review, to determine if the non-Commission employment has not diminished, interfered with, or detracted from the employee's job duties.
2. Responding to inquiries on ethics issues they receive from employees they supervise and seeking further guidance and/or assistance from the Ethics Officer(s), as needed.
3. Reporting suspected and known violations of this Code of Ethics, as appropriate, pursuant to Section V(Inquiries and Concerns).
4. Ensuring employees under their supervision complete the annual ethics training course.

C. Department Heads are responsible for:

1. Approving/disapproving non-Commission employment requests, in a timely manner, utilizing the appropriate form submitted by the employee.
2. Ensuring that all employees under their supervision who are required to submit annual Financial Disclosure Statements (FDS) do so, and reporting annually to the Executive Director those employees who submitted as well as those who did not submit an FDS.
3. Ensuring all staff under their authority receive the required ethics training annually.

D. The Ethics Officer(s) is responsible for:

1. Serving as a point of contact for ethics inquiries and complaints; as well as, providing responses and guidance.
2. Referring matters to the appropriate internal and/or external authorities, where warranted, as appropriate.
3. Facilitating the required annual training on ethics for Commission employees. This includes developing training and ancillary material the Ethics Officer(s) determine are necessary to promote compliance with this Code, with the support of the Corporate Policy Office.

4. Preparing an annual report that contains information on conflict of interest issues and regulations during the previous calendar year.

E. **The General Counsel** is responsible for:

1. Appointing one or more Ethics Officers to be the point of contact for inquiries, advice, training, and investigation/resolution of ethics-related issues . The General Counsel may also delegate to others in the Office of the General Counsel certain responsibilities to ensure compliance with the Code of Ethics and to assist the Ethics Officer(s), as necessary.
2. Reviewing and approving the annual ethics report(s) prepared by the Ethics Officer(s).

F. **The Executive Director** is responsible for:

1. Receiving information regarding Department Head authorizations for employees in the respective departments to solicit gifts from external parties.
2. Approving/disapproving, in writing, requests for soliciting voluntary contributions for a charitable drive for an external party.
3. Maintaining records of Financial Disclosure Statements for designated positions required to file with the Executive Director, for three years, and making them available for public inspection in accordance Section I(G)(Disclosure or Use of Confidential Information) by ensuring employees' home addresses are not disclosed, when a property is identified as an employee's home address.

APPENDICES

- A. Request to Participate in Non-Commission Employment Form
- B. Financial Disclosure Statement Instructions & Form

Policy Review

Washington Suburban Transit Commission

Purpose of Commission's Review:

The Washington Suburban Transit Commission ("WSTC") has updated its Ethics Policy ("The Policy"). The WSTC is a bi-county commission comprised of 7 Commissioners from Montgomery County and Prince George's County, as well as 4 employees.

Discussion:

The Policy covers conflicts of interest and the financial disclosure requirements for Commissioners and Commission employees. The Policy must be similar to the Public Ethics Law.

Key points:

The Policy mirrors the Public Ethics Law, detailing the conflict of interest provisions, exceptions, and enforcement by the bi-county commission.

The Policy requires copies of the state financial disclosures to be printed and submitted to the administrative officer of the county they represent, either Montgomery or Prince George's. Montgomery County has additional requirements to submit paper copies to the County Council which are included here. The WSTC director will maintain the copies of the disclosures for current members and applicants.

WSTC has also opted to keep emails and phone numbers private, if they appear on any disclosure forms, in addition to home addresses. The Policy also calls for making training regularly available to its Commissioners and staff.

Summary:

WSTC sent us an earlier draft to review and were receptive to our suggestions. The final draft which was passed by the bi-county commission on April 29, 2024, reflects the changes we suggested and is similar to the Public Ethics Law.



MICHAEL GOLDMAN
CHAIR

DONALD G. DRUMMER
VICE CHAIR

COUNCILMEMBER ERIC OLSON
SECRETARY-TREASURER

**WASHINGTON SUBURBAN TRANSIT COMMISSION
ETHICS POLICY
EFFECTIVE AS OF: APRIL 29, 2024**

Overview

This Ethics Policy governs the conduct of the Commissioners and professional staff of the Washington Suburban Transit Commission ("Commission"). This Policy is submitted annually alongside the required Commissioner ethics filing.

This Policy is designed to be consistent with the conflict of interest, financial disclosure, and lobbying requirements for Bicounty Commissions under the Public Ethics Law. See Sections 5-823, 5-829, and 5-830 of the General Provisions Article, Title 5.

Definitions

"Business entity" means a corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit. Business entity does not include a governmental entity.

"Commission" means the Commissioners and professional staff at the Washington Suburban Transit Commission ("WSTC").

"Compensation" means any money or thing of value, regardless of form, received or to be received by any individual covered by this policy from an employer for service rendered.

"District" means the Washington Suburban Transit District, as defined in Chapter 870, Acts of 1965.

"Financial interest" means:

- (1) Ownership of any interest as the result of which the owner has received, within the past 3 years, or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or
- (2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity by a Commission official or employee, or the spouse of an official or employee.

"Gift" means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include a contribution as defined in Election Law Article, Annotated Code of Maryland.

"Qualifying relative" means a spouse, parent, child, brother, or sister.

"Interest" means a legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.

"Interest" includes any interest held at any time during the reporting period.

"Interest" does not include:

- (1) An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
- (2) An interest in a time or demand deposit in a financial institution;
- (3) An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
- (4) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
- (5) A college savings plan under the Internal Revenue Code; or
- (6) A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

Training

A Commission employee shall complete the training course provided by the Ethics Commission on the requirements of the Maryland Public Ethics Law within 6 months of filling a vacancy.

While training is not required for Commissioners, a training may be made available to Commissioners on a regular basis.

The training requirement does not apply to a Commission employee who has completed a training course provided by the Ethics Commission while service in another public official position or as employee of the State of Maryland.

Annual Certification

The Commission will provide an annual certification to the Maryland State Ethics Commission to confirm that the commission is in compliance with State Ethics Law requirements related to conflict of interest, financial disclosure, and lobbying. The Commission generates annual lobbying and conflict of interests reports that are posted on the Commission website.

Conflict of Interest

The Commission's Conflict of Interest policy is governed by both Subtitle 5, Title 5 of the General Provisions Article and the Commission enabling statute.

Requirements under Commission Statute

1. No Commissioner, nor any other officer, employee, agent or consultant, shall have any interest in any person or company engaged in the business of providing public surface transportation in the Washington Suburban Transit District (encompassing Montgomery and Prince George's Counties in Maryland) or within the metropolitan area in which the District is located, or in the manufacture or sale of surface passenger transportation equipment or facilities.
2. No Commissioner, nor any agent, officer, employee, or consultant thereof, shall contract with the District or be interested in, either directly or indirectly, any contract with the District or in the sale of any property, either real or personal, to the District.
3. Any violation of this provision shall be a misdemeanor and punished as provided by law.
4. All Commissioners are public officials as defined under the Maryland Public Ethics Law and are

subject to the restrictions and requirements set forth in Title 15 of the State Government Article of the Annotated Code of Maryland, as amended and supplemented.

1. [Requirements under Maryland Ethics Law](#). Except as otherwise provided in subsection (4) of this section, a Commissioner or Commission employee may not participate in a matter if:
 - a. The Commissioner or Commission employee or a qualifying relative of the Commissioner or Commission employee has an interest in the matter and the Commissioner or Commission employee knows of the interest; or
 - b. Any of the following is a party to the matter:
 - i. A business entity in which the Commissioner or Commission employee has direct financial interest of which the Commissioner or Commission employee reasonably may be expected to know.
 - ii. A business entity, including a limited liability company or a limited liability partnership, of which the Commissioner or Commission employee or a qualifying relative of the Commissioner or Commission employee is an officer, a director, a trustee, a partner, or an Commissioner or Commission employee:
 - iii. A business entity with the Commissioner or Commission employee or a qualifying relative of the Commissioner or Commission employee is negotiating employment, or has arranged prospective employment:
 - iv. If the contract reasonably could be expected to result in a conflict between a private interest and the official Commission duties of the Commissioner or Commission employee, a business entity that is a party to a contract with the Commissioner or Commission employee or a qualifying relative of the Commissioner or Commission employee.
 - v. A business entity, either engaged in a transaction with the Commission or subject to regulation by the Commission, in which a direct financial interest is owned by another business entity if Commissioner or Commission employee:
 1. Has a direct financial interest in the other business entity; and
 2. Reasonably may be expected to know of both financial interests; or
 - vi. A business entity that:
 1. The Commissioner or Commission employee knows is a creditor or an obligee of the Commissioner or Commission employee, or of a qualifying relative of the Commissioner or Commission employee, with respect to a thing of economic value; and
 2. As a creditor or an obligee, is in a position to affect directly and substantially the interest of the Commissioner or Commission employee qualifying relative of the Commissioner or Commission employee.
2. A former regulated lobbyist who is or becomes a Commissioner or employee of the Commission may not participate in a case, contract, or other specific matter one (1) calendar year after the termination of their registration as a regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.
3. This section does not prohibit participation by a Commissioner or Commission employee that is limited to the exercise of an administrative duty that does not affect the decision or disposition

of the Commission with respect to the matter.

4. A Commissioner or Commission employee who otherwise would be disqualified from participation under subsection (1) of this section shall disclose the nature and circumstances of the conflict, and may participate or act, if:
 - a. The disqualified Commissioner or Commission employee is required by law to act; or
 - b. The disqualified Commissioner or Commission employee is the only individual authorized to act.

5. A Commissioner or Commission employee may not:
 - a. Be employed by or have a financial interest in:
 - i. An entity subject to the authority of the Commission; or
 - ii. An entity that is negotiating or has entered a contract with the Commission or an entity that is a subcontractor on a contract with the Commission; or
 - b. Hold any other employment relationship that would impair the impartiality and independent judgement of the Commissioner or Commission employee.
 - c. Be employed by an entity that is a party to a contract that binds or purports to bind the Commission if:
 - i. The duties of the Commissioner or Commission employee include matters substantially relating to or affecting the subject matter of the contract; and
 - ii. The contract binds or purports to bind the Commission to pay more than \$1,000.

6. A former Commissioner or Commission employee may not assist or represent any party other than the Commission for compensation in a case, contract, or other specific matter involving the Commission if that matter is one in which the Commissioner or Commission employee significantly participated as an official or Commissioner or Commission employee.

7. A Commissioner or Commission employee may not:
 - a. Solicit any gift, nor directly solicit or facilitate the solicitation of a gift on behalf of another person, from an individual regulated lobbyist as described in § 5-702(a)(1) of this General Provisions Article of the Annotated Code of Maryland.
 - b. Knowingly accept a gift, directly or indirectly, from an entity that the Commissioner or Commission employee knows or has reason to know:
 - i. Does, or seeks to do, any business of any kind, regardless of amount, with the Commission;
 - ii. Engages in an activity that is regulated or controlled by the Commission;
 - iii. Has a financial interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or non-performance of the Commissioner or Commission employee's official duties;
 - iv. Is a regulated lobbyist with respect to matters within the jurisdiction of the Commissioner or Commission employee; or
 - v. Is an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.
 - c. Exceptions: Notwithstanding paragraph b. of this section, a Commissioner or Commission employee may accept the following gifts unless the gift would impair the impartiality and independent judgement of the Commissioner or Commission employee:
 - i. Gifts of trivial value of under \$20;
 - ii. Ceremonial gifts or awards;
 - iii. Trivial gifts of informational value;

- iv. Meals and beverages in the presence of the donor;
 - v. Reasonable expenses for food, travel, and lodging given in return for the Commissioner or Commission employee's participation in a panel or speaking at a meeting; or
 - vi. Gifts that the Commission has made an exception for.
- 8. A Commissioner or Commission employee may not intentionally use the prestige of the position:
 - a. For the Commissioner or Commission employee's private gain or that of another; or
 - b. To influence, except as part of the official duties of the Commissioner or Commission employee or as a usual and customer constituent service without additional compensation, the award of a State or local contract to a specific person.
 - c. A Commissioner or Commission employee may not directly or indirectly initiate a solicitation for a person to retain the compensated services of particular regulated lobbyist or lobbying firm.
- 9. The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a) of this section.
- 10. A Commissioner or Commission employee may not use public resources or their title to solicit a political contribution that is regulated in accordance with the Election Law Article.
- 11. Except in the discharge of an official duty, a Commissioner or Commission employee or a former Commissioner or Commission employee does not disclose or use confidential information, acquired by reason of the individual's position or former position and not available to the public;
 - a. For personal economic benefit; or
 - b. For the economic benefit of another
- 12. A Commissioner or Commission employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the provisions;
- 13. A Commissioner or Commission employee may not intentionally use the prestige of the position;
 - a. For the Commissioner or Commission employee's private gain or that of another; or
 - b. To influence, except as part of the official duties of the Commissioner or Commission employee or as a usual and customer constituent service without additional compensation, the award of a State or local contract to a specific person.
 - c. An Commissioner or Commission employee may not directly or indirectly initiate a solicitation for a person to retain the compensated services of particular regulated lobbyist or lobbying firm.
- 14. The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a) of this section.
- 15. A Commissioner or Commission employee may not use public resources or their title to solicit a political contribution that is regulated in accordance with the Election Law Article.
- 16. Except in the discharge of an official duty, a Commissioner or Commission employee or a former Commissioner or Commission employee does not disclose or use confidential information, acquired by reason of the individual's position or former position and not available to the public;
 - a. For personal economic benefit; or
 - b. For the economic benefit of another

17. A Commissioner or Commission employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the provisions;

Conflict of Interest Reports

The Commission shall prepare an annual report by April 30th on its conflict of interest issues and regulations during the previous calendar year, publish this report on its website, and submit the report to the governing body of both Montgomery and Prince George's Counties.

Financial Disclosure

1. Each Commissioner shall file the financial disclosure statement required by § 5-601(a) of the General Provisions Article title, except that:
 - a. References to "business with the State" are deemed to refer to "business with the State, the Commission, Montgomery County, or Prince George's County"; and
 - b. References to "employed by the State" are deemed to refer to "employed by the State, the Commission, Montgomery County, or Prince George's County".
2. Except as otherwise provided in this section, the statement shall be filed as required in § 5-602 of this title.
 - a. Each Commissioner shall file a financial disclosure statement electronically with the Ethics Commission.
 - b. Except as provided in paragraph (c) of this subsection, each Commissioner shall also print a paper copy of the electronically filed financial disclosure statement and submit it to the chief administrative officer of the county from which the commissioner is appointed.
 - c. In Montgomery County, each Commissioner shall also:
 - i. Print a paper copy of the electronically filed financial disclosure statement and submit it to the County Council; or
 - ii. Electronically submit a copy of the financial disclosure to the County Council.
3. -An applicant for appointment to the Washington Suburban Transit Commission shall submit the statement required by this section to the chief administrative officer at least 10 days before the appointment becomes effective.
 - a. The statement shall cover the 12-month period ending not more than 60 days before the day the statement is filed.
4. The Washington Area Transit Director of the Maryland Department of Transportation shall retain financial disclosure statements of Commissioners and applicants received under Section 5-826 of the General Provisions Article.
 - a. The Director shall make the statements available to the public for examination and copying during normal office hours.
 - b. The Director may charge a reasonable fee and adopt reasonable administrative procedures for the examination and copying of a statement.
 - c. The Director shall require that any person examining or copying a statement shall record:
 - i. The person's name and home address
 - ii. The name of the individual whose statement was examined or copied.
 - d. The Director shall make the statements available for the public for examination and copying.
 - i. For statements filed after January 19, 2019, the Washington Area Transit Director of the Maryland Department of Transportation may not provide public access to an individual's home address that the individual has designated as the

individual's home address, nor any other personal information such as telephone numbers and email addresses protected under law.

Suspension of Compensation.

If a mandatory injunction is issued against a Commissioner under Subtitle 9 of the General Ethics Law title, Commission shall suspend payment of any salary or other compensation to the Commissioner until the Commissioner complies fully with the injunction.

Lobbying

1. In this instance, lobbying shall be defined as communicating with an official or Commissioner or Commission employee of the Executive Branch or Legislative Branch of the State of Maryland, in the presence of the official or Commissioner or Commission employee;
 - a. In exchange for compensation outside of their standard salary and benefits as provide by the Washington Suburban Transit Commission; and
 - b. For the purpose of:
 - i. Influencing any legislative action or any executive action relating to the development or adoption of regulations or the development or issuance of an executive order.
 - ii. Influencing executive action on a procurement contract; or
 - iii. Influencing executive action to secure from the State a business grant or loan for a third-party business entity which is not the Commission.
2. Commissioner employees of the Commission shall not:
 - a. Engage in the act of lobbying on issues related to their responsibilities on behalf of the Commission.
 - b. Spend \$2,000 or more, including expenditures for salaries, contractual Commissioner or Commission employees, postage, telecommunications services, electronic services, advertising, printing, and delivery services, for the express purpose of soliciting others to communicate with an official to influence legislative action or executive action; or
 - c. Spend \$2,500 or more to provide compensation to one or more entities required to register as lobbyists per the Maryland State Ethics Commission.
3. This does not apply to employees and commissioners who are performing an official act in the course of their duties, that is not on behalf of any of another person or business.
4. If a regulated lobbyist registered with the Ethics Commission accepts a position of employment with the Washington Suburban Transit Commission, the lobbyist shall immediately terminate their registration prior to the effective start date of the employment.

Lobbying Reports

1. Following the 2020 Regular Session of the Maryland General Assembly, House Bill 370 was enacted on May 8, 2020 as Chapter 185 - Bicounty Commissions – Annual Reports – Conflicts of Interest and Lobbying - PG/MC 102–20 (hereafter Chapter 185, or Ch. 185) under Article II, § 17(c) of the Maryland Constitution. Chapter 185 requires each Maryland bicounty Commission to produce an annual report on lobbying before the bicounty commission and regulation of that lobbying during the previous calendar year, submit the report to the governing body of each county in which the bicounty commission operates, and publish the report on the bicounty Commission's website.

2. The Commissioners and the Commission shall provide information responsive to this requirement by April 30th annually.
3. The Commission staff shall publish the report on the Commission's website by April 30th annually.

Enforcement

The Washington Suburban Transit Commission may enforce this policy consistent with the provisions of the Public Ethics Law.