

**AN ORDINANCE TO REPEAL AND READOPT THE
CALVERT COUNTY ETHICS CODE**

WHEREAS, pursuant to the authority contained in Section 15-803 of the *State Government Article* of the Annotated Code of Maryland, the Board of County Commissioners of Calvert County, Maryland, is mandated to enact provisions to govern the public ethics of local officials relating to conflicts of interest, financial disclosure and lobbying with respect to Calvert County, and has heretofore adopted the Calvert County Code of Ethics by Resolution Number 15-95, enacted May 30, 1995, and amended by Ordinance Number 6-97 on January 28, 1997 as codified as the Calvert County Code of Ethics at Chapter 41 of *Article 5* of the Code of Public Local Laws of Maryland; and,

WHEREAS, the Board of County Commissioners of Calvert County, Maryland desires to make certain changes to the Calvert County Code of Ethics to comply with State legislative requirements; and,

WHEREAS, the Board of County Commissioners of Calvert County, Maryland directed the Calvert County Ethics Commission to make the aforementioned changes to the Calvert County Code of Ethics and present the same to the Board of County Commissioners of Calvert County for review and adoption; and,

WHEREAS, after study and evaluation, changes to the Calvert County Code of Ethics were recommended by the Calvert County Ethics Commission; and,

WHEREAS, in a meeting with the Calvert County Ethics Commission on November 29, 2011, the Board of County Commissioners of Calvert County, Maryland discussed the proposed changes to the Calvert County Code of Ethics and directed staff to

publish notice for a Public Hearing relative to revising the Calvert County Code of Ethics; and,

WHEREAS, notice of the Public Hearing was published on March 2, 2012 and March 9, 2012 in The Calvert County Recorder, a newspaper of general circulation in Calvert County, Maryland, for the purpose of conducting a Public Hearing on the proposed draft of the Calvert County Code of Ethics and staff comments regarding that proposal; and,

WHEREAS, the Board of County Commissioners of Calvert County conducted a Public Hearing on March 13, 2012, at which time the proposed draft was discussed, the Ethic's Commission's and staff's recommendations were considered, and public comment was solicited; and,

WHEREAS, upon considering the testimony which had been presented at the Public Hearing regarding the recommendations of the Ethics Commission and County staff, the Board of County Commissioners of Calvert County voted to approve the amendment of the Calvert County Ethics Code as set forth herein.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the Calvert County Code of Ethics as codified as the Calvert County Code of Ethics at Chapter 41 of *Article 5* of the Code of Public Local Laws of Maryland **BE** and the same **IS** hereby repealed and re-enacted as set forth herein and made effective _____, 2012:

CHAPTER 41. ETHICS

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CHAPTER 41. ETHICS.

[HISTORY: Adopted by the County Commissioners on _____, 2012 by Ordinance No. ____]

ARTICLE I. Definitions

§ 41-1. Short title.

This chapter may be cited as the Calvert County Ethics Code.

§ 41-2. Definitions.

For the Calvert County Ethics Code, the following definitions have the meanings indicated, except where the context clearly indicates otherwise:

- A. Appointed Official. Any individual appointed by the Board of County Commissioners to serve on a local County agency, board, commission or other entity of the County, including *ad hoc* committees, boards and commissions. "Appointed Officials" shall include members of all agencies, boards and commissions established at State law, but appointed by the County Commissioners for Calvert County unless and until the State Ethics Commission determines that the Maryland Public Ethics Law is applicable to those members.
- B. Business Entity. Any corporation (including any parent, subsidiary, or affiliated corporation or business entity), general or limited partnership, limited liability partnership, limited liability limited partnership, sole proprietorship, LLC, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.
- C. Candidate. Any individual who has filed a certificate of candidacy to seek election to become an Elected Official.
- D. Commission. "Commission" shall mean the Calvert County Ethics Commission.
- E. Compensation. Any money or thing of value, regardless of form, received or to be received by any individual covered by this chapter for service rendered. 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.
- F. Complainant. A person who files a complaint with the Commission alleging a violation of the County Ethics Code.
- G. County. County means Calvert County.
- H. Doing business with. Having or negotiating a contract that involves the commitment (either in a single transaction or combination of transactions) of \$5,000.00 or more of funds controlled by Calvert County in a calendar year, being regulated by or otherwise subject to the authority of the County, being registered as lobbyist under § 41-16 of this chapter.

- I. Elected Official. Any individual who holds an elective office of Calvert County. It does not include the Sheriff, State's Attorney, Register of Wills, Clerk of the Court or Board of Education.
- J. Employee. An individual employed by Calvert County. An "Employee" shall not include an elected or appointed official, and employees or officials of an executive agency of the State of Maryland.
- K. Financial Interest. Ownership by an Elected Official, Appointed Official or Employee, or the Immediate Family Member of an Elected Official, Appointed Official or Employee of any interest as the result of which: (1) 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 ownership of the securities of any kind representing or convertible into ownership, of more than 3% of a business entity.
- L. Gift. The transfer of anything of economic value, regardless of form, without adequate and lawful consideration. Gift does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with: (1) the Election Law Article of the Annotated Code of Maryland; or (2) any other State or local law regulating the conduct of elections or the receipt of political campaign contributions.
- M. Immediate Family Member. A spouse and dependent children. This term is used in § 41-15, "Financial Disclosure."
- N. Interest. Any economic interest, either legal or equitable, whether or not subject to an encumbrance or a condition, owned or held, in whole or in part, jointly or severally, directly or indirectly. "Interest" does not include:
1. An interest held in the capacity of agent, representative, custodian, fiduciary, personal representative or trustee, unless the holder has an equitable interest in the subject matter; or
 2. An interest in a time or demand deposit in a financial institution, a money market fund, publicly traded mutual fund, or retirement fund, including any County or State retirement or pension fund; or
 3. An interest in an insurance or endowment policy or annuity contract under which an insurer promises to pay a fixed amount of money, whether in a lump sum or periodically for life or a specified period; or
 4. A common trust fund or a trust fund which forms part of a pension or profit-sharing plan that: (a) has more than Twenty-Five (25) participants; and (b) has been determined by the Internal Revenue Service to be either

(i) a qualified trust under §§ 401 and 501 of the Internal Revenue Code of 1986, as amended; or (ii) a college savings plan.

- O. Lobbying. Communicating with any Elected Official, Appointed Official or Employee, for the purpose of influencing that person in performance of his or her official duties, by a person required to register pursuant to the provisions of § 41-16, "Lobbying Disclosure," of this chapter. Lobbying does not include activities described in § 41-16.D., "Exemptions."
- P. Lobbyist. Any person lobbying, as defined above.
- Q. Qualified Relative. This term is used in § 41 – 13, "Conflict of Interest" and applies to:
1. Employee's spouse, parent, child, grandparent, grandchild, brother, sister, spouse of brother or sister, or child's spouse;
 2. Employee's spouse's parent, child, grandparent, grandchild, brother, or sister; or
 3. Step relationships and legal adoptions are included in the above definitions.
- For the purposes of §41-13.A.1.e of this Chapter the following are not to be considered conflicts of interest in the chain of supervision between an Employee and a "Qualified Relative": (1) the Employee and the Qualified Relative were hired by the Board of County Commissioners of Calvert County, Maryland prior to October 1, 1989; (2) any supervisory relationship between the Employee and Qualified Relative upon the effective date of this Code and any subsequent personnel action including but not limited to promotions, demotions and transfers within that same chain of supervision; or (3) any Qualified Relative of a Department Head (as defined in Chapter 86 of the Calvert County Code), County Administrator or a Commissioner of the Calvert County Board of County Commissioners.
- R. Respondent. A person who is: (1) subject to the provisions of this chapter; and the subject of an ethics investigation pursuant to this chapter.
- S. Subject to the authority. Engaged in any activity that is, as distinguished from the public generally, regulated by, requires approval or supervision by, or otherwise subject to the regulatory, administrative, or other jurisdiction or authority of any department, board, commission, committee, office, agency or other unit of the County.

- T. Supervise. A person shall be deemed to supervise if they are capable of influencing employment, job assignment, promotion, performance evaluation and other personnel actions of another individual.

§ 41-3. Authority.

This chapter is adopted under the authority and in conformance with the provisions of Subtitle 8, § 15-801, *et seq.* of the *State Government Article* of the Maryland Annotated Code, as amended.

§ 41-4. Statement of purpose.

- A. The County, recognizing that our system of representative government is dependent in part upon the people having trust and confidence in their Elected Officials, Appointed Officials and Employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of its Elected Officials, Appointed Officials and Employees will be maintained.
- B. This confidence and trust is eroded when the conduct of County business is subject to improper influence or even the appearance of improper influence.
- C. The people have a right to be assured that the financial interests of Elected Officials, Candidates, Appointed Officials and Employees present no conflict with the public interest.
- D. This chapter establishes ethical standards for Elected Officials, Appointed Officials and Employees, financial disclosure and training requirements for certain Elected Officials, Appointed Officials and Employees and disclosure requirements for Candidates and Lobbyists.
- E. For the purpose of guarding against improper influence and setting minimum standards for the ethical conduct of public business, the Board of County Commissioners of Calvert County enacts this chapter.
- F. It is the intention of the Board of County Commissioners that this chapter, except for its criminal sanctions, be liberally construed.

§ 41-5. Applicability.

- A. The provisions of this chapter shall apply to the following:
1. Elected Officials;
 2. Employees;

3. Appointed Officials; and
 4. Where specified, Candidates.
- B. Insofar as the following are subject to the Maryland Public Ethics Law, Maryland Annotated Code, State Government Article, §15-101, et seq., as amended from time to time, or the County School Ethics enactments, the provisions of this chapter shall not apply to:
- a. State's Attorney;
 - b. Clerk of the Circuit Court;
 - c. Judges of the Circuit Court;
 - d. Judges of the District Court;
 - e. Judges of the Orphans Court;
 - f. Register of Wills;
 - g. Sheriff;
 - h. County Health Department;
 - i. County Department of Social Services;
 - j. Members of the County School Board and all County school teachers;
and
 - k. All employees of the above.

ARTICLE II. Ethics Commission.

§ 41-6. Membership and Terms.

- A. Membership. The Commission shall consist of five members and one alternate member appointed by the County Commissioners, with the advice of the Ethics Commission, each of whom:
1. Is a resident of the County;
 2. Is not a Candidate or Elected Official;
 3. Is not an Employee or Appointed Official;
 4. Is not a Lobbyist.
- B. The Alternate Member shall only serve as a participating member of the Commission when necessary to establish a quorum or when a member has recused himself or herself from participation in an issue before the Commission.

- C. Terms. All members shall serve a term of three years. No more than two terms shall commence in any one year. The alternate shall also be appointed for a three year term and sit when any member is unavailable for any reason. A member or alternate shall serve until a successor has been appointed.
- D. Vacancies. If a vacancy occurs on the Commission, the Board of County Commissioners, with the advice of the Ethics Commission, shall appoint a qualified individual to serve the remainder of that term.
- E. Removal. A member or alternate may not be removed from office except for good cause shown and upon notice and an opportunity to be heard by the County Commissioners. The Commission may initiate a recommendation for removal or comment on a recommendation.

§ 41-7. Meetings.

- A. Public meeting. The Commission shall meet monthly. Commission meetings are open to the public in accordance with the Maryland Open Meetings Act, Maryland Annotated Code, State Government Article, §10-501, et seq.
- B. Executive session. This section does not prohibit the Commission from meeting and entering into executive sessions in accordance with the Maryland Open Meetings Act, Maryland Annotated Code, State Government Article, §10-501, et seq. Executive sessions are not open to the public.
- C. A quorum shall consist of three Commission members or two Commission members and an Alternate Member.
- D. Voting. While the Commission strives to make decisions by consensus, where a vote is required to pass upon any matter before the Commission, a vote affirming the motion requires three or more votes in favor of the motion, regardless of the number of members seated at any single meeting.
- E. Records.
 - 1. The Commission shall keep a formal record of its public proceedings.
 - 2. The Commission shall keep a formal record of its executive sessions which shall remain confidential.
 - 3. Evidence and determinations shall be retained by the Commission for four years, then destroyed, except the Commission shall retain in its archives, evidence and determinations of violations, litigation of matters that are still pending.

4. Written reports of investigations shall be maintained as confidential records.
5. All findings of violations of this chapter are public findings.

§ 41-8. Counsel.

The Commission shall be advised and represented by an attorney of its choice.

§ 41-9. Administration, powers and duties.

- A. The Commission shall select its Chairman, Vice Chairman and Secretary annually by majority vote.
- B. The Commission shall be the County's advisory authority responsible for interpreting this chapter and advising persons as to its application.
- C. The Commission shall be responsible for considering and making a determination on any complaint filed regarding an alleged violation of this chapter. Allegations of violations and requests for advice may initially be made verbally to be followed by written submission, except where the Commission may act on its own accord upon information presented to the Commission in an open meeting or during sworn testimony, whereupon, a written submission is not required.
- D. The Commission may adopt rules of procedure regarding its operations in conformance with this chapter.
- E. The Commission shall be the custodian of all statements, registrations, reports and complaints submitted in accordance with this chapter.
- F. The Commission shall be responsible for conducting informational, educational and training programs regarding the purpose and implementation of this chapter.
- G. The Commission is required to certify to the State Ethics Commission on or before October 1 of each year that the County is in compliance with the State requirements for local elected officials.
- H. A member shall recuse himself or herself from participation in a specific complaint or issue if a personal interest presents a conflict of interest or an appearance of a conflict of interest.

§ 41-10. Training.

Persons covered by this Code shall be required to take ethics training, approved by the Commission, within one year of initial appointment or employment and every two years thereafter.

§ 41-11. Advisory opinions.

- A. Any person may make a request to the Commission for an advisory opinion concerning application of this chapter.
- B. The Commission shall respond within a reasonable time to the persons governed by this chapter, provided that the requestor furnishes the facts or they are reasonably available to the Commission.
- C. Copies of the responses shall be made available to the public, subject to any applicable State or County law regarding access to public records. Information which may identify the person who is the subject of the opinion shall be deleted to the fullest extent possible from advisory opinions.

§ 41-12. Complaints.

- A. Any person may file a written, signed complaint with the Commission alleging a violation of any of the provisions of this chapter. The complaint shall set forth sufficient facts to support the alleged violation.
- B. The Commission may initiate an alleged ethics violation inquiry if four or more Members of the Commission agree.
- C. The Commission:
 - 1. Shall conduct an inquiry into the allegations of the complaint. As a result of the inquiry:
 - a. May dismiss the complaint if it is deemed frivolous, lacks supporting evidence support, is repetitive, the facts alleged do not indicate a violation of this chapter or if the Commission believes that probable cause of a violation of this chapter does not exist.
 - b. May appoint a member or members to conduct a formal investigation into the allegations of the complaint, which may include investigative interviews, and shall notify the Respondent in writing of the allegations to be investigated. If after receiving an investigative report, the Commission determines that there are insufficient facts upon which to base a determination of a violation, it may dismiss the complaint.

2. Conduct hearings.
 - a. The Commission may conduct hearings. Hearings are not open to the public.
 - b. The Respondent may be represented by counsel and may present evidence and witnesses.
 - c. All hearings are administrative hearings and are not subject to the strict rules of evidence. Latitude is available to the Commission in order to determine the true circumstances of the case and arrive at appropriate conclusions. Testimony may be limited to reasonable duration as determined by the Commission in its discretion. Unnecessarily duplicative or repetitive evidence may be limited, as may too evidence the Commission determines irrelevant.
- D. Where an investigation has been conducted by members of the Commission, information shall be presented to the Commission as a whole by members assigned aspects of an investigation.
- E. Participation in Proceedings and Oaths . In carrying out its duties under this chapter, the Commission, after the issuance of a complaint, has the power to:
 1. Request the participation of persons by attending its proceedings and by submitting pertinent documents; and,
 2. Administer oaths and affirmations.
- F. The Commission shall consider the totality of evidence in determining whether a violation has occurred.
- G. Based upon the evidence submitted to the Commission, the Commission has the authority to do one or more of the following:
 1. Dismiss the complaint;
 2. Issue a cease and desist order and/or a recommendation for corrective action;
 3. Issue a reprimand or censure;
 4. Recommend disciplinary action; and
 5. Make written findings of fact and conclusions based on the evidence. The Commission shall send its written findings to the complainant and the

respondent. An ethics violation does not exist until a determination of a violation is made by the Commission.

H. Confidentiality.

1. Except as otherwise provided herein, any action taken by the Commission in connection with a complaint shall be conducted by the Commission and its members in a confidential manner.
2. Until a violation is determined, the Commission and its staff may not disclose to the public any information about the complaint and any proceedings involving it, including the identities of the complainant and the respondent.
3. Notwithstanding the foregoing, the Commission may disclose information:
 - a. To inform respondent of allegations to which a response is required;
 - b. As necessary to conduct an inquiry, a formal investigation, or a hearing;
 - c. If the respondent agrees in writing to the disclosure;
 - d. When recommending discipline or other action to the Board of County Commissioners;
 - e. When making a referral to a prosecuting authority; or
 - f. When the circumstances surrounding the alleged violation are already in the public domain and it serves the purpose of this chapter to disclose its determination.
- I. Criminal activity. If the Commission, while considering a complaint, finds that there are reasonable grounds to believe that the respondent may have committed a criminal offense, the Commission shall promptly refer the matter to an appropriate prosecuting authority. Once referred, the Commission shall make available to the prosecuting authority evidence or information under its control and shall take no further action until the prosecuting authority has either: (1) determined not to pursue criminal charges; or (2) criminal charges have been pursued and all periods of appeal have lapsed.
- J. Right of appeal. A person that is the subject of a decision, order or action by the Commission which has been made in connection with the enforcement of any provision of this chapter may seek judicial review of that decision in the Circuit Court of Calvert County in the manner prescribed by §7-201 *et. seq.* of

the Maryland Rules of Procedure. No such appeal shall operate to stay any decision, order or action, except as ordered by the Circuit Court upon posting of a bond by the petitioner sufficient under the circumstances to protect the County and its citizens pursuant to Maryland Rules of Procedure 7-205 and 1-401, which bond may not be waived.

ARTICLE III. Ethics Regulation.

§ 41-13. Conflicts of interest.

A. Participation prohibitions.

1. Except as permitted by this chapter, Elected Officials, Appointed Officials and Employees shall not participate in a matter if:
 - a. The Elected Official, Appointed Official, Employee or Qualified Relative has an interest in the matter of which the Elected Official, Appointed Official or Employee reasonably may be expected to know;
 - b. Any of the following is a party to the matter:
 - i. A Business Entity in which the Elected Official, Appointed Official, Employee or Qualified Relative has a direct financial interest of which the Elected Official, Appointed Official or Employee reasonably may be expected to know;
 - ii. A Business Entity, of which any of the following is an officer, director, trustee, partner, or employee:
 - a) The Elected Official, Appointed Official or Employee; or
 - b) If known to the Elected Official, Appointed Official or Employee, an Qualified Relative of the Elected Official, Appointed Official or Employee;
 - iii. A Business Entity with which any of the following has applied for a position, is negotiating employment, or has arranged prospective employment:
 - a) The Elected Official, Appointed Official or Employee; or
 - b) If known to the Elected Official, Appointed Official or Employee, an Qualified Relative of the Elected Official, Appointed Official or Employee;

- iv. If the contract reasonably could be expected to result in a conflict between the private interest and the official duties of the Elected Official, Appointed Official or Employee, a Business Entity that is a party to a contract with:
 - a) The Elected Official, Appointed Official or Employee; or
 - b) If known to the Elected Official, Appointed Official or Employee, an Qualified Relative of the Elected Official, Appointed Official or Employee;
- v. A Business Entity, either engaged in a transaction with Calvert County or subject to regulation by the Elected Official's, Appointed Official's or Employee's governmental unit, in which a direct financial interest is owned by another Business Entity if the Elected Official, Appointed Official or Employee:
 - a) Has a direct financial interest in the other Business Entity; and
 - b) Reasonably may be expected to know of both financial interests; or
- vi. A Business Entity that:
 - a) The Elected Official, Appointed Official or Employee knows is a creditor or obligee of the Elected Official, Appointed Official or Employee, or of a Qualified Relative of the Elected Official, Appointed Official or Employee, with respect to a thing of economic value; and
 - b) As a creditor or obligee, is in a position to affect directly and substantially the interest of the Elected Official, Appointed Official or Employee, or a Qualified Relative of the Elected Official, Appointed Official or Employee;
- c. Participation on behalf of the County would, to their knowledge, have a direct or indirect financial impact, as distinguished from the public generally, on the Elected Official, Appointed Official or Employee, any Qualified Relative or Business Entity with which they are or any Qualified Relative is affiliated.
- d. Participation in a contract that reasonably could be expected to result in a conflict between the private interests of the Elected Official,

Appointed Official or Employee and the official duties of the Elected Official, Appointed Official or Employee, a Business Entity that is a party to an existing contract with the Elected Official, Appointed Official or Employee, or which, to the knowledge of the Elected Official, Appointed Official or Employee, is a party to a contract with a Qualified Relative.

- e. Supervision of a Qualified Relative; subject to those exceptions set forth in the definition of a Qualified Relative.
2. All persons disqualified from participating under this subsection shall disclose the nature and circumstances of the conflict and may participate in the matter or act if:
 - a. The disqualification leaves a body with less than a quorum capable of acting within a reasonable time;
 - b. The disqualified Elected Official, Appointed Official or Employee is required by law to act; or
 - c. The disqualified Elected Official, Appointed Official or Employee is the only person authorized to act.
 3. The prohibitions of paragraph 1 of this subsection do not apply if application for an advisory opinion is made to the Commission pursuant to this chapter and participation is specifically allowed by written opinion of the Commission.

B. Employment and financial interest restrictions.

1. Except as permitted by Commission opinion, Elected Officials, Appointed Officials and Employees shall not:
 - a. Be employed by a contractor or subcontractor of a business entity that is doing business with or is negotiating a contract with the County or is regulated by, in the case of an Elected Official or Appointed Official, the County, or, in the case of an Employee, the agency with which the Employee is affiliated; or,
 - b. Engage in a financial, business or real estate transaction that is regulated by, in the case of an Elected Official or Appointed Official, the County, or, in the case of an Employee, the agency with which the Employee is affiliated; or,

- c. Hold any outside employment or business relationship that would impair their impartiality or independence of judgment.
2. Employees seeking outside employment shall, at the time of obtaining outside employment:
 - a. Follow the procedures established by the Director of Personnel to implement §86-5-102. J. of the County Code covering work rules for obtaining supervisory approval of outside employment.
 - b. If such supervisor finds a conflict of interest, then the Employee may not engage in the outside employment.

Applicants, on commencing employment with the County, must follow the same procedure if they intend to continue existing outside employment.

3. The provisions of section 1 of this Subpart B do not apply automatically to:
 - a. An Elected Official, Appointed Official or Employee appointed to a regulatory or licensing authority pursuant to a statutory requirement that entities subject to the jurisdiction of the authority be represented in appointments to it; or
 - b. Any Appointed Official in regard to a financial interest or employment held at the time of appointment, provided that it is publicly disclosed to and approved by the appointing authority and the Commission; or
 - c. An Elected Official, Appointed Official or Employee exercising an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter, in which any of his or her Qualified Relative is a party.

C. Post-employment limitations and restrictions.

1. An Elected Official, Appointed Official, Department Head, Deputy Department Head or equivalent, as those positions may be defined or classified in Chapter 86 of the Public Locals Laws of Calvert County, Maryland, may not act as a compensated representative of another in connection with a matter involving the County for one year after departing office or employment.
2. Until one year 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.

3. Following separation or departing office, voluntarily or otherwise, an Elected Official, Appointed Official or Employee may not assist or represent another party for compensation in connection with any proceeding, application, case, contract or other specific matter involving the County or any agency thereof if that matter is one in which the former Elected Official, Appointed Official or Employee significantly participated as an Elected Official, Appointed Official or Employee through decision, approval or recommendation.
- D. Contingent Compensation. An Elected Official, Appointed Official or Employee shall not represent or assist any party, for a contingent fee, before any County body.
- E. Use of prestige of office. An Elected Official, Appointed Official or Employee shall not use the prestige of their office or public position for their own private gain or that of another.
- F. Disclosure of confidential information. Other than in the discharge of official duties, Elected Official, Appointed Official or Employee shall not use or disclose confidential information acquired in their official County position for their own private gain or that of another. This prohibition shall survive separation or departing office, voluntarily or otherwise.
- G. Participation in procurement.
1. An individual or a person that employs an individual who assists a County agency or unit in the drafting of specifications, as invitation for bids, or a request for proposals for a procurement agency 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. Upon application for an exception or by regulation adopted by the Commission, 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.
- H. Potential conflicts of interest.
1. A potential conflict of interest shall exist if an Elected Official, Appointed Official, Candidate or Employee anticipates taking action or participates in any matter except in the exercise of ministerial duty which does not affect the disposition or decision of that matter, wherein the Official's,

Candidate's or Employee's conduct is or may be prohibited under this § 41-13.

2. Where a potential conflict of interest may exist, the Elected Official, Appointed Official, Candidate or Employee involved shall request in writing an advisory opinion from the Ethics Commission at least twenty (20) days prior to the taking of said anticipated action or at the time when said Elected Official, Appointed Official, Candidate or Employee first obtains knowledge of said potential conflict, whichever shall first occur. To comply with the provisions of this Subpart H, the written request must provide all pertinent information for the Ethics Commission to provide an informed opinion.

§ 41-14. Solicitation or acceptance of gifts.

- A. An Elected Official, Appointed Official or Employee shall not:
 1. Solicit any gift;
 2. Directly solicit or facilitate the solicitation of a gift, on behalf of another person, from a Lobbyist;
 3. Knowingly accept a gift, directly or indirectly, from any person that the Elected Official, Appointed Official or Employee knows or has reason to know:
 - a. Is doing business or seeking to do business with the County;
 - b. Has a financial interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the Elected Official's, Appointed Official's or Employee's duties;
 - c. Is engaged in an activity regulated or controlled by the County; or
 - d. Is a lobbyist with respect to matters within the jurisdiction of the Elected Official, Appointed Official or Employee.
- B. Unless: (1) a gift of any of the following would tend to impair the impartiality and the independence of judgment of the Elected Official, Appointed Official or Employee receiving it, or give that appearance; or (2) as to a gift of significant value, the gift would give the appearance of impairing the impartiality and independent judgment of the Elected Official, Appointed Official or Employee; or (3) the Elected Official, Appointed Official or Employee believes or has reason to believe that a gift of significant value is

designed to impair the impartiality and independent judgment of the Elected Official, Appointed Official or Employee, this § 41-14. A. does not apply to:

1. Infrequent meals and beverages of nominal value (\$20.00 or less) consumed in the presence of the donor;
2. Ceremonial gifts or awards which have insignificant monetary value;
3. Unsolicited gifts of nominal value or trivial items of informational value;
4. Reasonable expenses for food, travel, lodging and scheduled entertainment of the Elected Official, Appointed Official or Employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
5. Gift of tickets for free admission extended to an Elected Official from the person sponsoring or conducting the event to attend charitable, cultural or political events if the purpose of the gift or admission is to enhance and promote the County as a courtesy or ceremony extended to the office (such gifts shall nonetheless be reported as required by subsection C, below);
6. A specific gift or class of gifts which the Commission exempts from this section after finding in writing that accepting the gift or class of gifts is not detrimental to the impartial conduct of the business of a County agency and the gift is purely personal and private in nature;
7. Gifts to the Elected Official, Appointed Official or Employee from an Immediate Family Member or relation by marriage; or
8. Honoraria, provided that the honorarium is limited to reasonable expenses for the Elected Official's, Appointed Official's or Employee's meals, travel and lodging and reasonable and verifiable expenses for care of a child or dependent adult, that are actually incurred. The honorarium may not be accepted if:
 - a. The payer of the honorarium has an interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the Elected Official's, Appointed Official's or Employee's official duties; or
 - b. The offering of the honorarium is related in any way to the Elected Official's, Appointed Official's or Employee's official position.

- C. If gifts of over \$20.00 in value are received, all Elected Officials, Appointed Officials or Employees must file a statement on an annual basis in the Financial Disclosure Report with the Commission disclosing those gifts received from any person or entity. This statement must identify the donor of the gift and its approximate retail value at the time of receipt.

§ 41-15. Financial disclosure.

- A. Elected Officials and Candidates. This section applies to all Elected Officials and Candidates.

1. Filing requirements.

- a. Except as provided in subsection 2 of this § 41-15, all Elected Officials and Candidates shall file the financial disclosure statement required under this section:

- i. With the Commission;
- ii. On a form provided by the Commission;
- iii. Under oath or affirmation;
- iv. Cover the calendar year immediately preceding the year of filing
- v. By the deadline set forth in this § 41-15(A)1.b; and
- vi. Contain the information required by this section.

b. Deadlines for filing statements.

- i. An Elected Official shall file a financial disclosure statement annually no later than March 31 of each year for the preceding calendar year.
- ii. An individual who is appointed to fill a vacancy 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. 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 covering any period or periods for which the Official has not filed such a statement, including all required information up to the date of departure.

- iv. When any deadline for filing in this section falls on a Saturday, Sunday or legal holiday, the filing date shall be extended to the next calendar day not a Saturday, Sunday or legal holiday set forth in Chapter 86 of the Code of Public Local Laws of Calvert County, Maryland.
- c. The statement shall cover:
 - i. 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
 - ii. The portion of the current calendar year during which the individual held the office.
2. Candidates.
 - a. Except for an individual who has filed a financial disclosure statement under another provision of this section for the reporting period, a Candidate 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.
 - b. A Candidate 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 March 31 or the last day for the withdrawal of candidacy; and
 - iii. In all other years for which a statement is required, on or before March 31.
 - c. A candidate:
 - i. May file the statement required under § 41-15.A.2.b.i. of this chapter with the County Clerk or County Election Board with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy, and
 - ii. Shall file the statements required under § 41-15.A.2.b.ii. and iii. with the Commission.

- d. If a candidate fails to file a statement required by this section after written notice is provided by the County Clerk or County Election Board at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
 - e. The County Clerk or County Election Board may not accept any certificate of candidacy unless a statement has been filed in proper form.
 - f. Within 30 days of the receipt of a statement required under this section, the County Clerk or County Election Board shall forward the statement to the Commission or the office designated by the Commission.
3. Contents of statement.
- a. Interests in real property.
 - i. The statement shall include a schedule of each interest in real property wherever located, including each interest held in the name of a Business Entity.
 - 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 in the property, 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) If the interest was acquired by purchase, the nature and amount of the consideration given in exchange for the interest;
 - e) If the interest was acquired in any other manner, the fair market value of the interest at the time acquired;
 - f) If any interest was transferred, in whole or in part, at any time during the applicable 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

- g) The identity of any other person or entity with an interest in the property.
- b. Interests in corporations and partnerships.
- i. A statement filed under this section shall include a schedule of all interests in any Business Entity regardless of whether the Business Entity does business with the County.
 - 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 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 or Business Entity to whom the interest was transferred; and
 - d) With respect to any interest acquired during the reporting period:
 - i) The date when, the manner in which, and the identity of the person or Business Entity from whom the interest was acquired, and
 - ii) 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. As to an equity interest in a corporation, an individual may satisfy the requirement to report the amount of the interest held under item b. ii of this paragraph by reporting, instead of a dollar amount:
 - a) the number of shares held; and,
 - b) unless the corporation's stock is publicly traded, the percentage of equity interest held, or

- iv. For an equity interest in a Business Entity, the percentage of equity interest held.
- c. Interests in Business Entities doing business with the 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 b. of this Subpart 3.
 - 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 or fair market value of the consideration received in exchange for the interest, and, if known, the identity of the person or Business Entity to whom the interest was transferred, and
 - d) With respect to any interest acquired during the reporting period:
 - i) The date when, the manner in which, and the identity of the person or Business Entity from whom the interest was acquired; and
 - ii) 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.
- d. 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 with a cumulative value of \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person

or Business Entity who does business with or is regulated by or does business with the County.

- 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 or Business Entity from whom, or on behalf of whom, directly or indirectly, the gift was received.
 - iii. This subsection does not authorize any gift not otherwise allowed by law.
- e. 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 Immediate Family Member of the individual held at any time during the reporting period with Business 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;
 - c) The name of each County agency with which the Business Entity is involved; and
 - d) The nature of the business with the County.
- f. Indebtedness to entities doing business with County.
- i. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons and Business Entities doing business with the County owed at any time during the reporting period:
 - a) By the individual, or

- b) By an Immediate Family Member 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 or Business Entity 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.
- g. 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.
 - h. Sources of earned income. Except that the statement need not include a listing of a minor child's employment or business entities of which the child is sole or partial owner, unless the place of employment or the business entity is subject to the regulation or authority of the agency that employs the individual, each statement filed under this section shall include a schedule listing the name and address of each:
 - i. Place of salaried employment, including secondary employment, of the individual and the Immediate Family Members of the individual at any time during the applicable period;
 - ii. Each business entity of which the individual or an Immediate Family Member of the individual was a sole or partial owner and from which the individual or Immediate Family Member of the individual received earned income, at any time during the reporting period.
 - i. 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.

4. For the purposes of § 41-15. 3.a. through c. of this chapter, the following interests are considered to be the interests of the individual making the statement:
 - a. An interest held by an Immediate Family Member of the individual, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual;
 - b. An interest held by a Business Entity in which the individual held a 30% or greater interest at any time during the reporting period; and
 - c. 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.

B. Employees and Appointed Officials.

1. Filing requirements.
 - a. Except as provided at § 41-15 C.1., below, Employees and Appointed Officials identified in § 41-5 shall file the financial disclosure statements required under this section:
 - i. With the Commission;
 - ii. On a form provided by the Commission;
 - iii. Under oath or affirmation;
 - iv. Cover the calendar year immediately preceding the year of filing;
 - v. By the deadline set forth in this § 41-15(A)1.b; and
 - vi. Contain the information required by this § 41-15(B)
 - b. If the official title of any of the agency, boards, commissions or individuals covered by this § 41-15(B) is changed, those persons fulfilling the same function shall be required to file financial disclosure statements as provided in this section.
2. Deadlines for Filing.

- a. An incumbent Employee or Appointed Official shall file a financial disclosure statement annually no later than March 31 of each year for the preceding calendar year.
 - b. An individual who is appointed to fill a vacancy in an office or position 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 or commencement of employment.
 - c. An individual who, other than by reason of death, leaves an office for which a statement is required or is separated from employment shall file a statement within 60 days after leaving the office covering any period or periods for which the Employee or Appointed Official has not filed such a statement, including all required information up to the date of departure.
 - d. An Employee or Appointed Official covered by this chapter who leaves position or office for another County position or office similarly regulated by this chapter shall not be required to file a financial disclosure statement if the Employee or Appointed Official has filed the currently required statement in the former position or office.
 - e. When any deadline for filing in this section falls on a Saturday, Sunday or legal holiday, the filing date shall be extended to the next business day not being a Saturday, Sunday or legal holiday set forth in Chapter 86 of the Code of Public Local Laws of Calvert County, Maryland.
3. Content of statement
- a. The statement shall include personal information such as:
 - i. name;
 - ii. residence;
 - iii. position with the County or County agency, board or commission;
 - iv. relationship to other Employees, Appointed Officials and Elected Officials;
 - v. secondary employment;
 - vi. annual gift disclosure;
 - vii. business interests;
 - viii. interests in corporations or partnerships, any office, directorship or similar interest for the filer or an Immediate Family Member of the filer;
 - ix. real estate investments and transfers (wherever located);

- x. fees received from third parties; and
 - xi. Any interest or situations that might raise a conflict of interest, the appearance of a conflict of an interest or the potential for either.
- b. Appointed Officials shall be required to disclose information specified in subsection a., above, only with respect to those interests, gifts, compensated positions and liabilities that may present a conflict as provided by § 41-13 and 14 of this chapter.
 - c. The Commission may revise the disclosure statement as necessary to require additional, less or different information.

C. Exemptions from financial disclosure requirements.

- 1. The Commission may exempt Employees and Appointed Officials or categories of Employees and Appointed Officials from the financial disclosure requirement, unless the Commission determines that the Employee or Appointed Official meet the following applicable criteria:
 - a. Is an Elected County official or a Candidate for elected office;
 - b. Is the principal executive directing a County department or division; or
 - c. Performs any of the following duties:
 - i. The individual Employee or Appointed Official, acting alone or as a member of a County department or division, has discretionary or decision making authority or acts as a principal advisor to one with authority in making County policy or in exercising quasi-judicial, regulatory, licensing, inspecting or auditing functions and the individual Employee's or Appointed Official's duties are not essentially administrative and ministerial; or
 - ii. Contractual employees who are employed full time for at least 6 months and who are identified as having decision making authority, acting as a principal advisor to a decision making authority, or exercise quasi-judicial, regulatory, licensing, inspecting or auditing functions are included; or
 - iii. The individual Employee or Appointed Official is charged with decision making authority or acts as a principal advisor to one with such authority in drafting specifications for negotiating or executing contracts which commit the County or any of its departments, divisions or other units to expend in excess of \$1,000

for an individual contract. The \$1,000 per contract criterion also applies to corporate credit card purchases;

- iv. The individual Employee's or Appointed Official's position, due to its responsibilities, nature, expertise or placement in the County, involves some continuing likelihood of directly influencing or otherwise directly affecting the formation or execution of one or more agency contracts, purchases or sales reasonably expected to have an annual dollar value in excess of \$1,000;
 - v. The individual Employee's or Appointed Official's responsibilities include the direct procurement of goods, services, real estate or other items, other than routine supplies and materials which are not reasonably expected to have an annual dollar value in excess of \$500. Direct procurement includes, but is not limited to, placing an order with a vendor, approval of bills or invoices, signing of sales agreements, or selection of vendors;
- d. Is the member of a board, commission or committee that exercises governing, regulatory, granting or other decision-making authority; or
 - e. Is the member of a board, commission or committee that has a policy or policy advising role.
2. Exemption from financial disclosure reporting does not exempt an Employee or Appointed Official from the conflict of interest requirements and gift restrictions of the Ethics Code. In addition, an exempted Employee or Appointed Official shall:
- a. File a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the County, including the name of the donor of the gift and the approximate retail value at the time or receipt; and
 - b. 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 Appointed Official sufficiently in advance of the action to provide adequate disclosure to the public.
- D. Failure to file disclosure forms.
- 1. If an Elected Official, Appointed Official or Employee fails to file the disclosure forms by the prescribed deadline, written notice shall be sent by the Commission to the individual giving 15 days to comply and advising that penalties will apply for failure to file.

2. After the 15 day deadline passes without compliance, persons receiving a salary or stipend shall be subject to a fine of \$5.00 a day up to a maximum of \$250.00. Payment of fines in full shall accompany submission of late filings. Failure to submit the form or pay the fines shall result in:
 - a. A letter of reprimand and deduction of the fines due from the person's salary or stipend; and,
 - b. If appropriate, enforcement action under § 41-22 of this chapter.
3. After the 15 day deadline passes without compliance, non-salaried persons serving on boards, committees, agencies, or commissions shall result in:
 - a. Temporary suspension from participating in their appointed duties until the failure to file is cured; and,
 - b. If appropriate, enforcement action under § 41-22 of this chapter.
- E. 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.
- F. The Ethics Commission may take appropriate enforcement action to ensure compliance with this section.
- G. 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 that may hereinafter be 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 verify and 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 Elected Official, Appointed 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 or copied the employee's financial disclosure statement.

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

§ 41-16. Lobbying disclosure.

A. Registration.

1. Except as provided in subsection D of this section, any person who engages in Lobbying before Elected Officials, Appointed Officials or Employees shall file a registration as a Lobbyist with the Commission on or before the beginning of the calendar year in which a person expects to lobby or within five (5) days after engaging in Lobbying activities, if this person, during the calendar year, either:
 - a. Spends or intends to spend \$100 or more on food, entertainment, services, or gifts for Elected Officials, Appointed Officials or Employees or their spouses, or dependent children during a calendar year; or
 - b. Is compensated \$500 or more in a calendar year for lobbying; or
 - c. Cumulatively spends \$500 or more in a calendar year to compensate another person or persons for lobbying to influence an Elected Official, Appointed Official or Employee in the performance of his or her official duties; or
 - d. Cumulatively spends at least \$2,000 or more in a calendar year for salaries, contractual employees, postage, telecommunications services, electronic services (including the creation and/or maintenance of an internet web site), advertising, printing, and delivery services for the express purpose of soliciting others to communicate with an Elected Official, Appointed Official or Employee to influence that person in performance of his or her official duties.
2. A person who engages in Lobbying on behalf of more than one (1) person or Business Entity shall file a separate registration for each such person or Business Entity.

3. A person who engages in Lobbying may terminate his or her registration by written notice to the Commission. Any reports outstanding under this section must be submitted with this notification. Termination shall be effective thirty (30) days after receipt by the Commission of a properly filed notice.

4. Registration content.

A registration statement shall include:

- a. A complete identification of the Lobbyist;
- b. A complete identification of any other person or entity on whose behalf the Lobbyist acts; and
- c. The subject matters on which the Lobbyist proposes to lobby.

6. The registration period may not exceed one year and must end by December 31.

B. Lobbying reports.

1. Each Lobbyist shall file with the Commission one (1) report covering the period beginning January 1 through June 30, to be filed by July 31, and one (1) report covering the period beginning July 1 through December 31, to be filed by January 31. If the Lobbyist is not an individual, an authorized officer or agent of the entity shall sign the form. A separate activity report shall be filed for each person on whose behalf the Lobbyist acts.

2. The report shall disclose:

- a. The value, date and nature of any food, entertainment, or other gift provided any Elected Official, Appointed Official and Employee or Immediate Family members of any Elected Official, Appointed Official and Employee;
- b. The identification of the Elected Official, Appointed Official and Employee receiving one or more gifts with an aggregate value of \$20.00 or more;
- c. The amount and source of all compensation paid to the Lobbyist for or in connection with all lobbying activities; and
- d. A breakdown of expenditures on the activities described in § 41-16. A.

3. If any report filed under this subsection contains the name of an Elected Official, Appointed Official or Employee or his or her Immediate Family

Member as required under this subsection thereof, the Commission shall notify the Elected Official, Appointed Official or Employee within thirty (30) days. Following notification of the inclusion of his or her name in a report filed by a lobbyist, an Elected Official, Appointed Official or Employee shall have thirty (30) days to file a written exception to the inclusion of his or her name or that of an Immediate Family Member.

4. The Commission may require submission of such other reports or additional information as it deems necessary to serve the purpose of this chapter.
5. All registrations and reports filed pursuant to this section shall be maintained by the Commission, or an office designated by it, and shall be made available during normal office hours for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as may be established by the Board of County Commissioners or by the Commission. The forms shall be retained for four (4) years from the date of receipt.

C. Lobbying prohibition.

No person may engage in Lobbying activities on behalf of another person for compensation, the payment of which is contingent upon the passage or defeat of any action by the Board of County Commissioners.

D. Exemptions

The provisions of this § 41-16 do not apply to the following acts:

1. Professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending Board of County Commissioners actions when these services do not otherwise constitute lobbying activities;
2. Appearances before the Board of County Commissioners upon its specific invitation or request, but only if the person engages in no other activities in connection with the passage or defeat of Board of County Commissioners actions;
3. Appearances as part of the official duties of a duly elected or appointed official or employee of the State, a political subdivision of the State or of the United States and not on behalf of any other entity;

4. Actions of a publisher or working member of the news media in the ordinary course of the business of disseminating news or making editorial comment to the general public who does not, however, engage in further or other lobbying that would directly and specifically benefit the economic, business or professional interests of himself or herself or his or her employer;
5. Appearances by an individual before the Board of County Commissioners at the specific invitation or request of a registered Lobbyist, and provided that the witness identifies himself or herself to the Board of County Commissioners as testifying at the request of the Lobbyist and the individual engages in no other acts during the reporting period that require registration;
6. The representation of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization;
7. Appearances as part of the official duties of an officer, director, member or employee of an association engaged exclusively in lobbying for counties and municipalities and not in behalf of any other entity; or
8. Actions as part of the official duties of a trustee, an administrator, or a faculty member of a nonprofit independent college or university in the State, provided the official duties of the individual do not consist primarily of attempting to influence legislative action or executive action.

§ 41-17. Exemptions; Modifications.

The Commission may grant exemptions and modifications to the requirements of this chapter if the Commission determines that applying the provisions would:

1. Constitute an unreasonable invasion of privacy; and
2. Significantly reduce the availability of qualified persons for public service; and
3. Not be required to preserve the purposes of this chapter.

ARTICLE IV. Protection from harassment and retaliation.

§ 41-18. Employees, Appointed Officials and Elected Officials.

- A. A Complainant may not be discharged, threatened, harassed or otherwise retaliated against regarding compensation, terms, condition, or privileges of employment or office because:
1. The Complainant reported a violation or suspected violation of this chapter; or
 2. The Complainant participated in the investigation, hearing, inquiry or other proceedings conducted by the Commission.
- B. The provisions of this section do not apply to a Complainant who knowingly makes a false report.

§ 41-19. Complainants and witnesses.

Because a Complainant or witness reported a violation or suspected violation of this chapter; or participated in the investigation, hearing, inquiry or other proceedings conducted by the Commission, a County representative:

- A. May not deny, unreasonably delay or otherwise interfere with the processing of an application for County services, permits or approvals that would have otherwise been authorized in the ordinary course of business; or
- B. May not misuse the authority of the representative's position to intimidate, harass or engage in discriminatory enforcement.

§ 41-20. Complaints of harassment and/or retaliation

Complaints of harassment and/or retaliation under this Article shall be considered by the Commission under § 41-12. of this chapter.

ARTICLE V. Enforcement; Penalties

§ 41-21. Cease and desist order.

If the Ethics Commission determines any violation of any provision of this chapter, the Ethics Commission may take one or more of the following actions:

- A. Issue a cease and desist order; or
- B. Seek enforcement of the order in the Circuit Court of Calvert County or any circuit court in the State of Maryland. The court may compel compliance with this section by issuing an order to cease and desist from a violation, grant

other injunctive relief, and impose a fine or civil penalty of up to two thousand five hundred dollars (\$2,500.00).

§ 41-22. Disciplinary action.

- A. Notwithstanding § 41-21, the Ethics Commission may, in addition to or in place of those powers set forth in § 41-21:
1. Issue letters of reprimand or censure; or
 2. Order the return of anything of value.
- B. In addition and, on recommendation of the Ethics Commission to the appointing authority, an Elected Official, Appointed Official or Employee found to have violated this chapter may be subject to disciplinary or other appropriate personnel action, including censure, termination, or suspension from receiving payment of salary or other compensation, in accordance with Chapter 86 of the Code of Public Local Laws of Calvert County, Maryland and § 3-505 of the *Labor and Employment Article* of the Maryland Annotated Code, pending full compliance with the terms of an order of the Ethics Commission or a court of competent jurisdiction.

§ 41-23. Lobbyist sanctions.

- A. Sanctions. If the Commission determines that a Lobbyist has violated § 41-16 of this chapter, the Commission may:
1. Require the Lobbyist to file any additional reports or information that reasonably relates to information required under this chapter;
 2. Impose a fine not exceeding \$5,000 for each violation; or
 3. Subject to subsection B of this section, suspend the registration of a regulated Lobbyist.
- B. Suspension or revocation of registration.
1. If the Commission determines it necessary to protect the public interest and integrity of the governmental process, the Commission may issue an order to:
 - a. Suspend the registration of a Lobbyist if the Commission determines that the Lobbyist:

- i. Has knowingly and willfully violated § 41-16 of this chapter ; or,
 - ii. Has been convicted of a criminal offense arising from Lobbying activities; or
 - b. Revoke the registration of a Lobbyist if the Commission determines that, based on acts arising from Lobbying activities, the Lobbyist has been convicted of bribery, theft or other crime involving moral turpitude.
2. If the Commission suspends the registration of a Lobbyist under paragraph B.1. of this section, the Lobbyist may not engage in Lobbying for compensation for a period, not to exceed three (3) years, that the Commission determines as to that Lobbyist is necessary to satisfy the purposes of this chapter.
 3. If the Commission revokes the registration of a Lobbyist under paragraph B.1. of this section, the Lobbyist may not engage in Lobbying for compensation.
 4. If the Commission initiates a complaint based on a violation or conviction described in paragraph B.1 of this section, the Commission shall initiated the complaint within two (2) years of the latter of:
 - a. The Commission's knowledge of the violation; or
 - b. The date the conviction becomes final.
 5. The termination or expiration of the registration of a Lobbyist does not limit the authority of the Commission to issue and order under this subsection.

C. Reinstatement.

1. Subject to paragraph 2. of this subsection, an individual whose registration as a Lobbyist is suspended or revoked may apply to the Commission for reinstatement.
2. The Commission may reinstate the registration if the Commission determines that reinstatement of the individual would not be detrimental to the public interest and the integrity of the governmental process, based on:
 - a. The nature and circumstances of the original misconduct or violation leading to suspension or revocation;
 - b. The individual's subsequent conduct and reformation; and

c. The present ability of the individual to comply with the provisions of the Ethics Code.

D. Penalties for late filing. If the respondent is a Lobbyist, for each report required under this title that is filed late, the respondent shall pay a fee of \$10 for each late day, not to exceed a total of \$250.00.

§ 41-24. Changes in state ethics law or regulations

Upon notification from the State Ethics Commission of changes in the Maryland Public Ethics Law or regulations, the Commission shall determine, within 90 calendar days of receipt of notification, whether a revision to the Calvert County Ethics Code is to be recommended to the Board of County Commissioners for Calvert County.

§ 41-25. Severability.

If any section, sentence, clause or phrase of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, then said ruling shall not affect the validity of the remaining portions of this chapter.

BE IT FURTHER ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that the above and preceding is adopted to have the full force and effect of law in Calvert County; and

BE IT FURTHER ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall not discharge, impair or release any contract, obligation, duty, liability or penalty, whatever existing on the date of its enactment. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the adoption of this Ordinance, shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Ordinance had not become effective; and

BE IT FURTHER ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

THOSE VOTING AYE: 5

THOSE VOTING NAY: 0

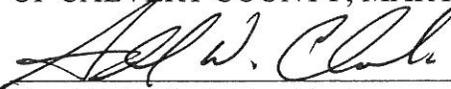
ADOPTED THIS DATE: 4/10/12

EFFECTIVE THIS DATE: _____

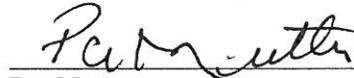
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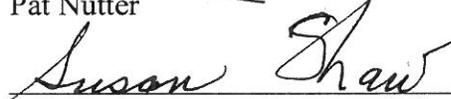
BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND

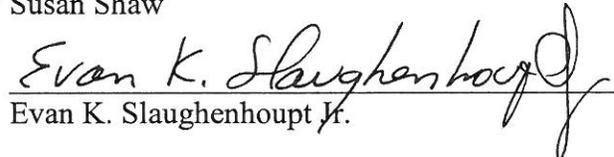

Corinne J. Cook, Clerk


Gerald W. Clark, President


Steven R. Weems, Vice-President


Pat Nutter


Susan Shaw


Evan K. Slaughenhoupt Jr.

Approved as to form and legal sufficiency:


Pamela R. Lucas, Associate County Attorney

Received for Record.....4/19.....20.12
at 10:17..... o'clockA.M. Same day
recorded in Liber KPS No.39.....
Folio.....442.....COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

