

Chapter 34, ETHICS

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§ 34.01 PURPOSE.

(A) The County Commissioners, recognizing that our system of representative government depends in part upon the people maintaining the highest trust in their public officials and employees, find and declare that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

(B) The people have a right to be assured that the financial interests of holders of and candidates for public office present no conflict with the public interest.

(C) It is evident that this confidence is eroded when the conduct of the county's business is subject to improper influence and even the appearance of improper influence.

(D) For the purpose of guarding against improper influence, the County Commissioners enact this ordinance to establish (1) minimum ethical standards for county elected officials, officials, and employees; (2) financial disclosure requirements for county elected officials, candidates for public office, officials, and employees and

individuals appointed to boards and commissions; and (3) disclosure requirements for lobbyists.

(E) It is the intention of the County Commissioners that the provisions of this chapter, except its provisions for criminal sanctions, be broadly construed and strictly enforced to accomplish this purpose.

§ 34.02 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not defined shall have its generally accepted meaning:

BENEFIT. Includes Money, Credit; Campaign Contributions; Enhancement of Real Estate interest(s) or value(s), and Business interests or gifts valued in excess of \$20.00. Benefit shall specifically NOT include media coverage; or other intangibles that may be construed as enhancing or detracting from an official's "individual, political, or personal" persona.

BUSINESS ENTITY. Includes any entity, profit or nonprofit, organized for any purpose in any form except that "Business Entity" does not include a government entity.

CABINET MEMBER. Any person as defined by the County Commissioners of Carroll County, Maryland.

COMPENSATION. Any money or thing of value, regardless of form, received or to be received by an individual covered by this chapter from an employer for services rendered. For the purposes of the lobbying section 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. For reporting purposes, a prorated amount shall be labeled as such.

COMPLAINANT. Any person filing a complaint with the Ethics Commission alleging a violation of this chapter.

COUNTY COMMISSIONERS. The Board of County Commissioners of Carroll County, Maryland.

DOING BUSINESS WITH. Having, bidding on, or negotiating a contract that involves the commitment, either in a single or combination of transactions of \$5,000.00 or more of county controlled funds; or being regulated by or otherwise subject to the

authority of Carroll County; or being registered as a lobbyist under § 34.13 of this chapter.

ELECTED OFFICIAL. Any individual who holds an elective office of Carroll County. "Elected Official" does not include the Sheriff, State's Attorney, Register of Wills, or the Clerk of the Court.

EMPLOYEE. Any person, other than an elected local official, who is employed by the County Commissioners. "Employee" does not include an employee of the Offices of the Sheriff, State's Attorney, Register of Wills, Clerk of the Court, Carroll County Health Department, or Carroll County Department of Social Services.

ETHICS ADMINISTRATOR. The Carroll County Ethics Administrator.

ETHICS COMMISSION. The Carroll County Ethics Commission.

EXECUTIVE ACTION. Any action taken by the County Commissioners in an executive capacity.

FAMILY MEMBER. The parents, children, stepchildren, siblings, and spouse of an official or an employee. The spouse of each family member of an official or employee.

FINANCIAL INTEREST.

(1) Ownership of any interest as a result of which the owner has received within the past three years or currently is receiving, or in the future is entitled to receive, remuneration of cash value or dividends of more than \$1,000.00 per year; or

(2) Ownership, or the ownership of securities of any kind representing or convertible to ownership, of more than 3% of a business entity by a county elected official, official or employee, or the spouse of a county elected official, official or employee.

GIFT. The transfer of anything of economic value, regardless of the form, without an exchange of consideration of at least equal value. "Gift" does not include a political campaign contribution regulated under Elections Article, Annotated Code of Maryland, or any other provision of State or local regulating the conduct of elections or the receipt of political campaigns contributions.

HONORARIUM.

(1) A payment of money or anything of value for:

(a) Speaking to, participating in, or attending a meeting, conference or other function; or

(b) Writing an article, other than a book, that has been or is intended to be published.

(2) The acceptance of payment for any of the above which falls under performance of job duties and responsibilities is prohibited.

(3) The acceptance of payment for any of the above which is nonemployment related must be reported as secondary employment.

(4) "Honorarium" does not include payment of or reimbursement for reasonable expenses for meals, travel, lodging, and care for children or dependent adults.

IMMEDIATE FAMILY. A spouse and dependent children.

LOBBYING. The performing of any act requiring registration under this chapter. These include (1) communicating in the presence of a county 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 county official or employee with the intent to influence that official or employee.

LOBBYIST. Any person who, within a reporting period, in the presence of any official or employee has communicated with that official or employee for the purpose of influencing any legislative action, and who, for that purpose either incurs expenses or receives compensation, or gives to one or more officials or employees meals, beverages, entertainment or gifts in connection with or with the purpose of influencing executive action. Lobbyist is a person required to register and report expenses related to lobbying under § 34.13 of this chapter.

OFFICIAL. An elected official, an employee of the county, or a person appointed to or employed by the county or any county agency, board, commission or similar entity, whether or not paid in whole or in part with county funds and whether or not compensated.

PERSON. An individual or a business entity.

QUALIFIED RELATIVE. A spouse, parent, child, brother or sister.

RESPONDENT. Any person responding to a complaint filed against them alleging a violation under this chapter.

§ 34.03 APPLICABILITY.

(A) The provisions of this chapter apply to all Carroll County, Maryland, officials and employees excluding those who are covered by the Maryland Public Ethics Law and excluding the Board of Education (members and employees).

(B) The provisions of this chapter related to financial disclosure apply only to the following listed officials and employees:

- (1) **Elected county officials:** The County Commissioners;
- (2) **Officials and employees:**
 - (a) Chief of Staff County Administrator;
 - (b) County Clerk;
 - (c) Administrative Coordinator in the County Commissioners' Office;
 - (d) County Attorney;
 - (e) Senior Assistant or Assistant County Attorney;
 - (f) Comptroller;
 - (g) Deputy Comptroller;
 - (h) Director/Administrator;
 - (i) Deputy Director;
 - (j) Bureau Chief;
 - (k) Administrator;

- (l) Manager;
- (m) Inspector;
- (n) Auditor;
- (o) Office Manager;
- (p) Code Official;
- (q) Deputy Code Official;
- (r) Legal Documents Coordinator;
- (s) Engineer;
- (t) County Surveyor;
- (u) Investment Officer;
- (v) Collections Office Supervisor;
- (w) Buyer or Senior Buyer;
- (x) Senior Center Manager;
- (y) Plan Reviewers.

(3) Boards and Commissions:

- (a) Planning Commission;
- (b) BZA;
- (c) Board of License Commissioners (Liquor Board);
- (d) Ethics Commission;

(e) Agricultural Preservation Board;

(f) Environmental Advisory Council;

(g) Electrical Board;

(h) Plumbing Advisory Board;

(i) Historic Preservation Commission;

(j) Utilities Advisory Council; and

(k) Any Ad Hoc Committee or Task Force providing advice and/or recommendations regarding acquisitions, zoning, designations of land, or zoning, subdivision or development related ordinances.

(C) The Ethics Administrator may require financial disclosures from officials and employees not on this list as necessary.

§ 34.04 ETHICS COMMISSION AND ETHICS ADMINISTRATOR.

(A) There is hereby established an Ethics Commission consisting of six members appointed by the County Commissioners. Initial appointments for members will be staggered. Two members will be appointed for a term of one year, two members will be appointed for a term of two years, and three members will be appointed for a term of three years. Thereafter, all appointments will be for a term of three years. No member will serve more than two consecutive terms.

(B) The County Commissioners will select from the membership of the Ethics Commission an Ethics Administrator, who will serve for a term of three years from the date appointed.

(C) The Ethics Administrator will conduct the routine business of the Ethics Commission and maintain all files and records of the Ethics Commission. The Ethics Administrator will issue advisory opinions, conduct inquiries, investigations, and hearings, and present findings to the Ethics Commission. The Ethics Administrator is a nonvoting member of the Ethics Commission.

(D) Members of the Ethics Commission will possess the following qualifications:

(1) All members will be residents of the county;

(2) No member will hold or be a candidate for office of the United States Government, State Government, a political subdivision, or municipality;

(3) No member will be an employee of the county government or have a family member as an employee of the county government;

(4) No member will be an employee of any political party; and

(5) No member will be a registered lobbyist for any organization in this state that may create a conflict of interest.

(E) The County Commissioners will seek recommendations for members of the Ethics Commission who are believed to be impartial, fair, and reasonable, from the community at large prior to the appointment of Ethics Commission members.

(F) The County Commissioners may remove members of the Ethics Commission for cause, including, but not limited to, conflicts of interest or if they become disqualified.

(G) Members will not be entitled to compensation but are entitled to reimbursement of reasonable expenses. The Ethics Administrator may receive a stipend as determined by the County Commissioners.

(H) A quorum of the Ethics Commission must be present to conduct business. A quorum will consist of a simple majority.

(I) Attendance at Ethics Commission meetings will be limited to Ethics Commission members, legal counsel, and administrative staff designated by the Ethics Commission to take minutes. Other persons with official business before the Ethics Commission may also be in attendance only as permitted by the Ethics Commission.

(J) The County Attorney will advise the Ethics Commission. In the event that the County Attorney is unable to provide legal advice due to a conflict or a perceived conflict, the Ethics Commission may request through the County Attorney outside counsel in accordance with the Code of Public Local Laws § 3-303.

§ 34.05 DUTIES AND RESPONSIBILITIES.

The Ethics Commission will have the following powers, duties and responsibilities:

(A) To devise, receive and maintain all forms generated in accordance with this chapter; forms submitted by any person under this chapter will be retained as a public record for at least five years after receipt by the Ethics Commission;

(B) To interpret this chapter and provide advisory opinions to persons subject to the provisions of this chapter;

(C) To investigate complaints alleging violations of this chapter;

(D) To hold hearings, swear witnesses, issue decisions, and take any other actions necessary to administer this chapter;

(E) To provide information to the public regarding the purposes and application of this chapter and ensure training to officials and employees on a regular basis;

(F) To meet as needed but no less than once per year; and

(G) To provide periodic review of this chapter to determine if changes are required to be in compliance with the requirements of Md. Code, State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and forward any recommended changes and amendments to the County Commissioners for enactment; and

(H) To certify to the State Ethics Commission on or before October 1 of each year that the county is in compliance with the requirements of Md. Code, State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland for elected officials.

§ 34.06 PROCEDURES FOR ADVISORY OPINIONS.

(A) Any official or employee, or other person subject to the provisions of this chapter may submit a written request to the Ethics Administrator for an advisory opinion concerning the application of this chapter.

(B) The Ethics Administrator will respond promptly, but no later than 30 calendar days, in writing to such requests providing interpretations of this chapter based on the facts provided or reasonably available. If the Ethics Administrator is unable to respond

within 30 days, then the County Attorney will respond, or in the absence of the County Attorney, the Ethics Commission will respond.

(C) An Advisory Opinion rendered by the Ethics Administrator may be revised by the Ethics Commission.

(D) If dissatisfied with the Ethics Administrator's response, a person may request a second opinion from the Ethics Commission.

(E) Advisory opinions will be maintained as public records and, should there be a request for viewing under the Maryland Public Information Act, will be redacted (edited) to protect all personally identifiable information. Confidential copies of advisory opinions will be mailed to all members of the Ethics Commission and to the County Attorney.

§ 34.07 COMPLAINT PROCEDURES.

(A) **Filing of Complaints.** Any person, including the Ethics Commission on its own motion, may file a complaint of questionable conduct or misconduct with the Ethics Commission. Such complaints must:

(1) Be against an official, employee, or lobbyist under the jurisdiction of the Ethics Commission;

(2) Allege a violation of any of the provisions of this chapter either by:

(a) Actual activities or decisions that present a conflict of interest; or

(b) Conduct or relationships that give the appearance of a conflict of interest or improper influence; or

(c) Conduct that may present a conflict of interest or improper influence;

or

(d) Conduct or relationships that violate the financial disclosure or lobbying provisions of this chapter including failure to adequately complete forms.

(3) Be filed with the Ethics Commission in writing and under oath with penalty of perjury. The written complaint of violation must contain the name of the employee or official and set forth sufficient facts to substantiate the alleged violation. The

complaint must also contain the name, address, and telephone number of the complainant.

(4) A complaint must be filed within two years after the date of the alleged violation.

(B) **Confidentiality.** After a complaint is filed the proceedings, meetings, and activities of the Ethics Commission relating to the complaint are confidential as outlined in § 34.15.

(C) Processing Complaints.

(1) **Recording Complaints.** Once the Ethics Commission receives a complaint it will be recorded in an appropriate confidential log under a unique file number. This log will be kept with confidential files and will not be subject to public view. If a reasonable basis exists for a preliminary inquiry, the Ethics Commission will send written notice of the complaint to the complainant and respondent.

(2) Investigating Complaints.

(a) Prior to questioning any respondent, he/she shall be informed of his right to have legal representation present if he/she so desires.

(b) **Preliminary Inquiry.** The Ethics Commission, through the Ethics Administrator, may conduct a preliminary inquiry to determine whether the matter should be processed as a complaint. If there are insufficient facts upon which to base a determination of a violation, the Ethics Commission, through the Ethics Administrator, will judge that the matter does not qualify for further action. The disposition will be entered in the confidential log. The Ethics Commission will dismiss the complaint and notify the complainant and respondent in writing. All information will be subject to the confidentiality provisions of this chapter.

(c) Formal Investigation.

1. Complaints which are determined to have enough merit for further action will be investigated by the Ethics Administrator with assistance from selected county staff.

2. The Ethics Commission may refer a complaint to the County Attorney, or other legal counsel, if appropriate, for investigation and review.

3. After investigation, the Ethics Administrator will call a Ethics Commission meeting to present the results of the investigations of the complaints to the Ethics Commission for its consideration. This report may contain, but need not contain, provisions for a resolution of minor infractions, which have been agreed to by the respondent. The Ethics Commission may accept this resolution and no hearing need be scheduled. Upon resolution, the Ethics Commission will notify the complainant and respondent in writing.

4. If the Ethics Commission determines that there is sufficient evidence that a violation of the ethics laws has or is occurring, and a resolution is not appropriate, a hearing will commence, either in conjunction with the investigation report meeting or at a later date. The respondent and complainant will be notified in writing at least 30 days prior to the Commission meeting at which the investigation report will be presented and a decision to have a hearing may be made. The letter will contain the preliminary findings of the Ethics Commission and will indicate that a hearing may be held in conjunction with the report of the investigation or at a later date. The subject of the complaint will be given an opportunity to address the Ethics Commission regarding the complaint.

(D) **Oaths and Requests.** The Ethics Commission will have the following powers to the extent permitted by law:

(1) On its own or through its designee, the Ethics Commission may administer oaths and affirmations.

(2) The Ethics Commission may request in writing any person to attend, testify, or produce books, papers, records, documents or other tangible objects.

(3) County employees are expected to comply with all requests from the Ethics Commission or be subject to action under Chapter 36 of this County Code.

(E) **Hearings.**

(1) The Ethics Commission will conduct hearings. A member may recuse himself or herself if a personal interest may present a conflict or an appearance of conflict. Hearings are not open to the public.

(2) The respondent may be represented by counsel of their choosing and may present evidence and witnesses on their own behalf.

(3) The respondent is entitled to know the names of all witnesses and is entitled to receive copies of all evidence against him/her at least 30 days prior to a formal hearing.

(4) The respondent has a right to be present during testimony of all witnesses and shall have the right of cross examination.

(5) All hearings are administrative hearings and are therefore not subject to the strict rules of evidence. Latitude is available to the Ethics Commission in order to determine the true circumstances of the case and arrive at an appropriate conclusion.

(6) The respondent(s) shall be the only party or parties to the proceeding, and any evidence, witnesses, and investigation results will be presented to the Ethics Commission by the Ethics Administrator or, if necessary, by staff assisting the Ethics Administrator.

(7) The standard of review used by the Ethics Commission in determining whether a violation has occurred will be a preponderance of the evidence.

(8) The Ethics Commission will make written findings of fact and conclusions of law based on evidence presented at the hearing. The report of the Ethics Commission will contain the alleged violations, the elements of the violations, the findings of fact by the Ethics Commission, action taken by the Ethics Commission, and the signature of Ethics Commission members present at the hearing. The Ethics Commission will send its written findings to the complainant and respondent.

(9) Upon finding of a violation, the Ethics Commission may take any enforcement action provided for in § 34.17 of this chapter.

(10) A finding of a violation is public information. Written reports of investigations will be maintained as public records and, should there be a request for viewing under the Maryland Public Information Act, will be redacted (edited) to protect personally identifiable information.

(F) Criminal Activity.

(1) If the Ethics Commission, while considering a complaint, finds that there are reasonable grounds to believe that the respondent may have committed a criminal offense, the Ethics Commission will promptly refer the matter to an appropriate prosecuting authority.

(2) The Ethics Commission will make available to the prosecuting authority all pertinent evidence or information under its control.

(G) **Dismissal of Complaint.** The Ethics Commission may at any time dismiss a complaint if it believes that probable cause of a violation of this chapter does not exist.

§ 34.08 PROHIBITED CONDUCT AND CONFLICTS OF INTEREST.

Carroll County officials and employees will not:

(A) **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 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

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

(B) 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:

(1) 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, or 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

(c) 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 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) Represent any party, for a contingent fee, before any county body.

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

(E) Use the prestige of their office or public position for their own benefit or that of another or misuse county property, time, resources, or materials. This does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.

(F) Use or disclose confidential information acquired in their official county position for their own benefit or that of another. This prohibition also applies to a former employee or official.

§ 34.09 PARTICIPATION IN PROCUREMENT.

An individual or a person that employs an individual who assists a County agency or unit in the drafting of specifications, or 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. This prohibition does not apply to providing literature, sole source procurements, or written comments solicited by the procuring agency.

§ 34.10 SOLICITATION OR ACCEPTANCE OF GIFTS.

(A) An official or employee will not:

(1) Solicit any gift;

(2) Solicit or facilitate the solicitation of a gift on behalf of another person;

(3) Knowingly accept a gift, directly or indirectly, from any person that the 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 substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the 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 official's or employee's jurisdiction.

(4) This section does not apply to:

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

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

(c) Unsolicited gifts of nominal value that do not exceed \$20.00 or trivial items of informational value;

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

(e) Gifts of tickets or 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;

(f) A specific gift or class of gifts which the Ethics 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;

(g) Gifts from a family member; 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.

(B) The exceptions listed in § 34.10(A)(4) do not apply to a gift:

(1) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(2) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

(3) 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.

(C) If any gifts are received, all county officials and employees must file monthly a statement with the Ethics Commission by the end of each month disclosing those gifts received during that month from any person or entity. The statement must identify the donor of the gift and its approximate retail value at the time of receipt.

§ 34.11 FINANCIAL DISCLOSURES – COUNTY ELECTED OFFICIALS AND CANDIDATES TO BE COUNTY ELECTED OFFICIALS.

(A) 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) (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 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 § 34.11B(2)(a) of this chapter with the Carroll County Board of Elections Supervisors with the certificate of candidacy or with the Ethics Commission prior to filing the certificate of candidacy; and

(b) Shall file the statements required under § 34.11B(2)(b) with the Ethics Commission.

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

(5) The Carroll County 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 Carroll County Board of Election Supervisors shall forward the statement to the Ethics Commission or the office designated by the Ethics Commission.

(C) The contents of the financial disclosure statement are:

(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 county.

(b) For each interest reported under this paragraph, 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 item (b)2 of this paragraph 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 County.

(a) 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.

(b) For each interest reported under this paragraph, 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 \$20.00 in value or a series of gifts totaling \$100.00 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.

(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 county.

(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 county.

(b) For each position reported under this paragraph, 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 county agency with which the entity is involved.

(6) Indebtedness to entities doing business with county.

(a) 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:

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 paragraph, 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 county 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.

(a) For the purposes of § 34.11C(1), (2), (3) ,and (4) 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.

(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.

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

1. The individual held a reversionary interest or was a beneficiary,
or
2. If a revocable trust, the individual was a settlor.

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

(E) Disclosure statements filed pursuant to this section will be maintained by the Ethics Commission for at least five years.

(F) 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. If an individual examines or copies a financial disclosure statement, the Ethics Commission shall record the name and home address of the individual reviewing or copying the statement and the name of the person whose financial disclosure statement was examined or copied. Upon request by the official whose financial disclosure statement was examined or copied, 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.

§ 34.12 FINANCIAL DISCLOSURES – COUNTY EMPLOYEES AND APPOINTED OFFICIALS.

(A) All county employees and appointed officials listed in § 34.03 must file annually not later than April 30th of each year during which they hold office, a financial disclosure statement with the Ethics Commission. A county employee or appointed official who is appointed to fill a vacancy in a position listed in § 34.03 and who has not already filed a financial disclosure statement for the preceding calendar year must file a financial disclosure statement with the Ethics Commission within 30 days of their initial appointment or hire and annually thereafter. An individual who, other than by reasons of death, leaves a position for which a statement is required will file a financial disclosure statement covering the portion of the current calendar year during which the individual held the position within 60 days after leaving the position. Financial disclosure statements will be made under oath or affirmation.

(B) County employees and appointed officials must list for the past calendar year the following:

(1) All of their real estate holdings in Carroll County, excluding their personal residence and up to one acre surrounding that residence, whether held individually, jointly, in partnership, or corporately, and with whom the property is owned; and

(2) Any and all business entities that do business in Carroll County in which they have a financial interest excluding business interests in which they own less than 5% of the stock of a company traded on a major stock exchange.

(3) A statement disclosing gifts in excess of \$20.00 in value 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 of receipt.

(C) All county employees and appointed officials must file a statement with the Ethics Commission disclosing any interest or employment the holding of which might require disqualification from participation. The statement must be filed at the time the person in question knows or should know of the conflict or potential conflict of interest.

(D) An employee or appointed official 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 appointed official sufficiently in advance of the action to provide adequate disclosure to the public.

(E) 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. The

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

(F) Disclosure statements filed pursuant to this section will be maintained by the Ethics Commission for at least five years. Statements will be maintained as public records.

(G) 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. If an individual examines or copies a financial disclosure statement, the Ethics Commission shall record the name and home address of the individual reviewing or copying the statement and the name of the person whose financial disclosure statement was examined or copied. Upon request by the official whose financial disclosure statement was examined or copied, 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.

§ 34.13 LOBBYING.

(A) Except as provided in subsections B and C of this section, a person or entity who engages in lobbying as defined in § 34.03 shall file a lobbying registration with the Ethics Commission if the person or entity, during the calendar year:

(1) Expends, exclusive of personal travel and subsistence expenses, in excess of \$500.00 in furtherance of this activity; or

(2) Is compensated in excess of \$500.00 in connection with this activity.

(B) The following activities are exempt from regulation under this section:

(1) Professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending County Commissioners actions when these services do not otherwise constitute lobbying activities;

(2) Appearances before the County Commissioners upon its specific invitation or request if the person or entity engages in no further or other activities in connection with the passage or defeat of County Commissioners actions;

(3) Appearances before a county agency upon the specific invitation or request of the agency if the person or entity engages in no further or other activities in connection with the passage or defeat of any agency executive action;

(4) Appearance as part of the official duties of a duly elected or appointed official or employee of the State or a political subdivision of this state, or of the United States, and not on behalf of any other entity;

(5) Actions of a publisher or working member of the press, radio, or television in the ordinary course of the business of disseminating news or making editorial comment to the general public who does not engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of the person or entity or the employer of the person or entity;

(6) Appearances by an individual before the County Commissioners at the specific invitation or request of a registered lobbyist if the person performs no other lobbying act and notifies the County Commissioners that the person or entity is testifying at the request of the lobbyist;

(7) Appearances by an individual before a government agency at the specific invitation or request of a registered lobbyist if the person or entity performs no other lobbying act and notifies agency that the person or entity is testifying at the request of the lobbyist;

(8) 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; and

(9) Appearance 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 on behalf of any other entity.

(C) Limited exemption – employer of a lobbyist.

(1) A person or entity who compensates one or more lobbyists and who would otherwise be required to register as a lobbyist is not required to file a registration and submit lobbying reports if the person or entity reasonably believes that all expenses incurred in connection with the lobbying activities will be reported by a properly registered person or entity acting on behalf of the person or entity.

(2) A person or entity exempted under this subsection becomes subject to this section immediately upon failure of the lobbyist to report any information required under this section.

(D) (1) The registration filed under this section shall be filed on or before the latter of the beginning of the calendar year in which the person or entity expects to lobby and within five days of first engaging in lobbying activities in the calendar year.

(2) The registration filed under this section:

(a) Shall be dated and on a form developed by the Ethics Commission;

(b) Shall include:

1. The lobbyist's full and legal name and permanent address;

2. The name, address, and nature of business of any person or entity on whose behalf the lobbyist acts;

3. The written authorization of any person or entity on whose behalf the lobbyist acts or an authorized officer or agent, who is not the lobbyist, of the person or entity on whose behalf the lobbyist acts;

(c) A statement of whether the person or entity on whose behalf the lobbyist acts is exempt from registration under subsection (c) of this section;

(d) The identification, by formal designation, if known, of matters on which the lobbyist expects to act;

(e) Identification of the period of time within a single calendar year during which the lobbyist is authorized to engage in these activities, unless terminated sooner; and

(f) The full legal signature of the lobbyist and, when appropriate, the person or entity on whose behalf the lobbyist acts or an agent or authorized officer of the person or entity on whose behalf the lobbyist acts.

(E) A lobbyist shall file a separate registration for each person or entity that has engaged or employed the lobbyist for lobbying purposes.

(F) A lobbyist may terminate the lobbyist's registration by providing written notice to the Ethics Commission and submitting all outstanding reports and registrations.

(G) A person or entity may not engage in lobbying activities on behalf of another person or entity for compensation that is contingent upon the passage or defeat of any action by the County Commissioners or the outcome of any executive action.

(H) Activity report.

(1) A lobbyist shall file with the Ethics Commission:

(a) By July 31, one report concerning the lobbyist's lobbying activities covering the period beginning January 1 through June 30; and

(b) By January 31, one report covering the period beginning July 1 through December 31.

(2) A lobbyist shall file a separate activity report for each person or entity on whose behalf the lobbyist acts.

(3) If the lobbyist is not an individual, an authorized officer or agent of the entity shall sign the form.

(4) The report shall include:

(a) A complete and current statement of the information required to be supplied with the lobbyist's registration form.

(b) Total expenditures on lobbying activities in each of the following categories:

1. Total compensation paid to the lobbyist not including expenses reported under items 2 through 9 of this subparagraph;

2. Office expenses of the lobbyist;

3. Professional and technical research and assistance not reported in item 1 ??? of this subparagraph;

4. Publications which expressly encourage persons to communicate with county officials or employees;

5. Names of witnesses, and the fees and expenses paid to each witness;

6. Meals and beverages for county officials and employees;

7. Reasonable expenses for food, lodging, and scheduled entertainment of county officials or employees for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;

8. Other gifts to or for officials or employees or their spouses or dependent children; and

9. Other expenses.

(I) Special gift report.

(1)(a) With the six-month activity report required under subsection H of this section, a lobbyist shall report, except for gifts reported in items H(4) of this section, gifts from the lobbyist with a cumulative value of \$75.00 or more during the reporting period to an official, employee, or member of the immediate family of an official or employee.

(b) The lobbyist shall reports gifts under this paragraph regardless of whether the gift was given in connection with lobbying activities.

(2) The report shall include the date, beneficiary, amount or value, and nature of the gift.

(J) Notification to official and confidentiality.

(1) If any report filed under this section contains the name of an official or employee or a member of the immediate family of an official or employee, the Ethics Commission shall notify the official or employee within 30 days.

(2) The Ethics Commission shall keep the report confidential for 60 days following receipt by the Ethics Commission.

(3) Within 30 days of the notice required under paragraph (1) of this subsection, the official or employee may file a written exception to the inclusion in the report of the name of the official, employee, or member of the immediate family of the official or employee.

(K) The Ethics Commission may require a lobbyist to submit other reports the Ethics Commission determines to be necessary.

(L) The Ethics Commission shall maintain all registrations and reports filed under this section for a period of at least five years;

(M)(1)The Ethics Commission shall review the registrations and reports filed under this section for compliance with this section and shall notify persons engaging in lobbying activities of any omissions or deficiencies.

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

(N) Annual report.

(1) The Ethics Commission shall compute and make available a subtotal under each of the nine required categories in subparagraph H(4) of this section.

(2) The Ethics Commission shall compute and make available the total amount reported by all lobbyists for their lobbying activities during the reporting period.

(O) The Ethics Commission shall make lobbying registrations and reports available to the public during normal business hours for examination and copying subject to reasonable fees and procedures established by the Ethics Commission.

§ 34.14 EXEMPTIONS AND MODIFICATIONS.

(A) The Ethics Commission may grant exemptions and modifications to the provisions of this chapter dealing with conflicts of interest and financial disclosure to employees and to appointed members of county boards and commissions if it determines that application of those provisions would:

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

(B) Cabinet members and board chairs may request exemptions for their employees and members from the filing requirements under Financial Disclosure by filing a written request with the Ethics Commission before January 31st, including a description of the departments' or boards' duties.

§ 34.15 CONFIDENTIALITY.

(A) Any action taken by the Ethics Commission in connection with a complaint will be conducted in a confidential manner.

(B) The Ethics Commission, its staff, the complainant, and the respondent may not disclose any information relating to the complaint, including the identity of the complainant and the respondent. However, the Ethics Commission may release any information at any time if the release has been agreed to in writing by the respondent.

(C) The respondent has the right to know the identity of the complainant and to know whether the complaint goes to a hearing or when civil or criminal action is initiated.

(D) The Ethics Commission may disclose information as necessary in the conduct of a preliminary inquiry, investigation, or hearing.

(E) The confidentiality restriction remains in force unless the matter is referred for prosecution or the Ethics Commission finds a violation of this chapter.

§ 34.16 PROTECTION FOR COMPLAINANTS.

(A) The County Commissioners may not discharge, threaten, or otherwise discriminate against a complainant, or employee acting on behalf of a complainant, regarding compensation, terms, conditions, or privilege of employment because:

(1) The complainant, or employee acting on behalf of the complainant, reports a violation or a suspected violation of this chapter; or

(2) A complainant, or employee acting on behalf of a complainant, is requested by the Ethics Commission to participate in an investigation, hearing, or inquiry held by the Ethics Commission.

(B) The provisions of this section do not apply to a complainant, or an employee acting on behalf of a complainant, who knowingly makes a false report.

§ 34.17 ENFORCEMENT.

(A) The Ethics Commission may:

(1) Assess a late fee of \$2.00 per day up to a maximum of \$250.00 for a failure to timely file a financial disclosure statement required under §§ 34.11 or 34.12 of this chapter;

(2) Assess a late fee of \$10.00 per day up to a maximum of \$250.00 for a failure to file a timely lobbyist registration or lobbyist report required under § 34.13 of this chapter;

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

(4) Order the return of anything of value if the Ethics Commission determines a person to be in violation of this chapter.

(B) (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 § 34.13 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 § 8 of this chapter;

(b) Impose a fine not exceeding \$5,000.00 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 § 34.13 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

(C) (1) Upon request of by the Ethics Commission, the County Attorney may file a petition for injunctive or other relief in the Circuit Court of Carroll County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.

(2)(a) The court may:

1. Issue an order to cease and desist from the violation;

2. 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 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

3. Impose a fine of up to \$5,000.00 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense;

(b) 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 county 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 § 34.13 of this chapter shall be a misdemeanor subject to a fine of up to \$10,000.00 or imprisonment of up to one year.

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

§ 34.18 SEVERABILITY.

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