

Chapter 8: ETHICS

[HISTORY: Adopted by the Board of Commissioners of Queen Anne's County as §§ 2 through 7 of the County Ethics Ordinance. Amendments noted where applicable.]

GENERAL REFERENCES

Definitions — See Ch. 2.

Rules of interpretation — See Ch. 3.

Board of County Commissioners — See Ch. 4.

County finance — See Ch. 5.

Human resources — See Ch. 27.

ARTICLE I Definitions

§ 8-1. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSION — Queen Anne's County Ethics Commission.

ARTICLE II Ethics Commission.

§ 8-2. Established.

There is a Queen Anne's County Ethics Commission.

§ 8-3. Membership; terms. [Amended 4-29-2003 by Ord. No. 03-10]

- A. Membership. The Commission shall consist of five members appointed by the County Commissioners.
- B. Terms. The County Commissioners shall appoint one member to serve a one-year term, one member to serve a two-year term, one member to serve a three-year term, one member to serve a four-year term and one member to serve a five-year term. Thereafter all members shall serve terms of five years.

§ 8-4. Counsel. [Amended 4-29-2003 by Ord. No. 03-10]

The Commission shall be advised by an attorney appointed by the County Commissioners.

§ 8-5. Miscellaneous duties.

In addition to any duties set forth elsewhere, the Commission shall:

- A. Devise, receive, and maintain all forms generated under this chapter;
- B. Provide published advisory opinions to persons subject to this chapter as to the applicability of this chapter to them;
- C. Process and make determinations as to complaints filed by any person alleging a violation of this chapter; and
- D. Conduct a public information program regarding the purposes and application of this chapter.

ARTICLE III Ethics Regulation Editor's Note: See also Chapter 27, Human Resources, Article XVI, Code of Ethics.

§ 8-6. Conflicts of interest.

A County official or employee may not:

- A. Knowingly participate on behalf of the County in any matter that would have a direct financial impact, as distinguished from an impact on the public generally, on the official or employee or a spouse or dependent child of the official or employee, or on a business entity with which the official or employee is affiliated;
- B. Acquire or hold an interest of 51% or more in a business entity that has a contract, or that is negotiating a contract, of \$5,000 or more with the County unless the official or employee receives an exemption from the Commission under § 8-10 of this chapter;
- C. Acquire or hold an interest of 51% or more in a business entity that is regulated by the official's or employee's agency unless the official or employee receives an exemption from the Commission under § 8-10 of this chapter;
- D. Hold outside employment that would impair the official's or employee's impartiality or independent judgment;
- E. Represent a party for a contingent fee before any County body;
- F. Use the prestige of the official's or employee's office for the official's or employee's own benefit or the benefit of another;
- G. Use confidential information acquired in an official County position for the official's or employee's own benefit or the benefit of another; or
- H. Within one year after leaving County service, act as a compensated representative for another person in connection with any specific matter in which the official or employee substantially participated as a County official or employee.

§ 8-7. Gifts.

- A. "Gift" defined.
 - (1) In this section, "gift" means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration.
 - (2) "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated under Article 33, §§ 26-1 et seq. (Fair Election Practices) of the Annotated Code of Maryland, or under any other state or local law regulating the conduct of elections or the receipt of political campaign contributions.
- B. Gifts prohibited. Subject to Subsection C of this section, a County official or employee may not solicit or accept any gift of more than \$25 in value from any person who has a contract with, or is negotiating a contract with, the County or who is regulated by the official's or employee's agency unless the Commission determines that the gift would not present a conflict of interest.
- C. Limited gifts allowed.
 - (1) Subject to Subsection C(2) of this subsection, this section does not prohibit the acceptance of:
 - (a) Meals or beverages;

- (b) Ceremonial gifts or awards of insignificant monetary value;
 - (c) Unsolicited gifts of nominal value;
 - (d) Trivial items of informational value;
 - (e) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or employee in connection with a meeting if the expenses are provided in return for participation in a panel or speaking engagement at the meeting; or
 - (f) A gift of tickets or free admission extended to an elected official or an employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political event if the purpose of the gift or admission is a courtesy or ceremony extended to the office.
- (2) A County official or employee may not accept a gift allowed under Subsection C(1) of this section:
- (a) If the gift would tend to impair the impartiality and independent judgment of the official or employee receiving the gift; or
 - (b) If the gift is of a significant value and:
 - [1] It would give the appearance of impairing the impartiality and independent judgment of the official or employee receiving the gift; or
 - [2] The official or employee receiving the gift believes, or has reason to believe, that it is designed to impair the impartiality and independent judgment of the official or employee receiving the gift.

§ 8-8. Financial disclosure.

- A. Scope of section. This section only applies to:
 - (1) Elected County officials;
 - (2) Candidates for elective County offices; and
 - (3) Department heads so designated by the County Commissioners.
- B. Gift disclosure statement. An elected County official and County employee subject to this section shall file with the Commission on or before January 31 of each year a statement that discloses any gift received during the preceding calendar year from any person who had a contract with the County or who was regulated by the official's agency during that year.
- C. Contents of disclosure statement. The disclosure statement shall include for each gift:
 - (1) The name of the donor; and
 - (2) The approximate retail value at the time of receipt.
- D. Filing by candidates for County offices. A candidate for an elective County office shall file with the Commission a disclosure statement consistent with the requirements of this section at the time the candidate files a certificate of candidacy.
- E. Business interests; required disclosure. An elected County official, a candidate for an elective County office, and a County employee subject to this section shall file with the Commission a statement that discloses any interest or employment that would require disqualification from participation under § 8-6 of this chapter sufficiently in advance of any anticipated action so as to allow adequate disclosure to the public.
- F. Public access. The Commission shall maintain disclosure statements filed under this section

as public records available for public inspection and copying.

§ 8-9. Lobbying disclosure.

- A. "Lobbyist" defined. In this section, "lobbyist" means a person who:
- (1) Personally appears before any County official or employee with the intent to influence the official or employee in the performance of the official's or employee's official duties; and
 - (2) In connection with that intent, spends or reasonably expects to spend within a calendar year more than \$500 on food, entertainment, or other gifts for County officials or employees.
- B. Registration. A person shall file with the Commission a registration statement:
- (1) Within five days of first acting as a lobbyist; and
 - (2) For each subsequent year, on or before January 15.
- C. Contents of registration statement.
- (1) A registration statement shall include:
 - (a) A complete identification of the lobbyist;
 - (b) A complete identification of any other person on whose behalf the lobbyist acts; and
 - (c) The subject matters on which the lobbyist proposes to lobby.
 - (2) The registration statement covers a defined registration period not exceeding one calendar year.
- D. Year-end report.
- (1) A lobbyist shall file a report with the Commission within 30 days after the close of a calendar year during which the lobbyist was registered.
 - (2) The report shall disclose:
 - (a) The value, date, and nature of any food, entertainment, or other gift provided to a County official or employee; and
 - (b) If a gift or series of gifts to one official or employee exceeded \$100 in value, the identification of the official or employee.
- E. Public access. The Commission shall maintain registrations and reports filed under this section as public records available for public inspection and copying.

§ 8-10. Exemptions; modifications.

The Commission may grant exemptions and modifications to the requirements of §§ 8-6, 8-7, and 8-8 of this chapter if the Commission determines that applying the provisions would:

- A. Constitute an unreasonable invasion of privacy;
- B. Significantly reduce the availability of qualified persons for public service; and
- C. Not be required to preserve the purposes of this chapter.

ARTICLE IV Enforcement; Penalties

§ 8-11. Cease-and-desist order.

The Commission may:

- A. Issue a cease-and-desist order against any person it finds in violation of this chapter; and
- B. Seek enforcement of the order in the Circuit Court of Queen Anne's County.

§ 8-12. Disciplinary action.

A County official or employee found to have violated this chapter is subject to disciplinary action or other appropriate personnel action, including suspension of compensation.

§ 8-13. Criminal penalty.

A person who violates any provision of §§ 8-6 through 8-9 of this chapter is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding six months, or both.