

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 10

Bill No. 50 -2011

Introduced by the Chairperson at the request of the County Executive and
Cosponsored by Calvin Ball, Mary Kay Sigaty, Jennifer Terrasa and
Courtney Watson

AN ACT, pursuant to State law requirements, repealing and reenacting the Howard County Public Ethics Law; defining certain terms; restating the role of the Howard County Ethics Commission and the role of the County Solicitor; authorizing certain late fees for failure to file certain forms; clarifying certain prohibited conduct and interests; clarifying provisions related to gifts and authorizing the acceptance of certain limited types of gifts; maintaining certain exceptions currently allowed under the Howard County Charter; clarifying the disclosure of certain information by elected officials, candidates for elected offices, county employees and board and commission members; clarifying and expanding certain lobbyist provisions including reporting requirements; providing for certain enforcement; and generally relating to the Howard County Public Ethics Law.

Introduced and read first time _____, 2011. Ordered posted and hearing scheduled.

By order _____
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2011.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2011 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2011 at ___ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved by the County Executive _____, 2011

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, pursuant to Chapter 277 of the 2010 Acts of the General Assembly,
2 the State of Maryland is requiring local jurisdictions to adopt certain minimum conflict of
3 interest and financial disclosure provisions, and
4

5 **WHEREAS**, the State Ethics Commission has issued Regulations that require
6 conflict of interest and financial disclosure requirements for local elected officials that are
7 at least as stringent as requirements for State public officials; and
8

9 **WHEREAS**, State Regulations require for non-elected officials and employees,
10 conflict of interest, financial disclosure and lobbying provisions similar to provisions in
11 the State’s Public Ethics Law; and
12

13 **WHEREAS**, a local Ethics Commission will be required to annually certify that
14 their local ethics law is in compliance with State regulations and any amendments or
15 additions to a local ethics law shall be reviewed and approved by the State’s Ethics
16 Commission; and
17

18 **WHEREAS**, the Office of Law, Department of County Administration, and
19 Howard County Ethics Commission have prepared this amendment to the Howard
20 County Public Ethics Law in accordance with State Regulations; and
21

22 **WHEREAS**, this Act has been reviewed and approved by the State Ethics
23 Commission.
24

25 **NOW, THEREFORE,**
26

27 ***Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the***
28 ***Howard County Code is amended as follows:***

29 *By repealing and reenacting Subtitle 2 of:*

30 *Title 22- General Provisions, Penalties and Rules of Interpretation*
31

1 **TITLE 22. General Provisions, Penalties and Rules of Interpretation.**

2 **SUBTITLE 2. HOWARD COUNTY PUBLIC ETHICS LAW.**

3
4 **SECTION 22.200. SHORT TITLE.**

5 THIS SUBTITLE MAY BE CITED AS THE HOWARD COUNTY PUBLIC ETHICS LAW.

6
7 **SECTION 22.201. STATEMENT OF PURPOSE AND POLICY.**

8 (A) HOWARD COUNTY, RECOGNIZING THAT OUR SYSTEM OF REPRESENTATIVE
9 GOVERNMENT IS DEPENDENT IN PART UPON THE PEOPLE MAINTAINING THE HIGHEST TRUST
10 IN THEIR PUBLIC OFFICIALS AND EMPLOYEES, FINDS AND DECLARES THAT THE PEOPLE HAVE
11 A RIGHT TO BE ASSURED THAT THE IMPARTIALITY AND INDEPENDENT JUDGMENT OF PUBLIC
12 OFFICIALS AND EMPLOYEES WILL BE MAINTAINED.

13 (B) IT IS EVIDENT THAT THIS CONFIDENCE AND TRUST IS ERODED WHEN THE CONDUCT OF
14 THE COUNTY'S BUSINESS IS SUBJECT TO IMPROPER INFLUENCE AND EVEN THE APPEARANCE
15 OF IMPROPER INFLUENCE.

16 (C) FOR THE PURPOSE OF GUARDING AGAINST IMPROPER INFLUENCE, THE COUNTY COUNCIL
17 ENACTS THIS PUBLIC ETHICS LAW TO REQUIRE COUNTY ELECTED OFFICIALS, OFFICIALS,
18 EMPLOYEES, AND INDIVIDUALS APPOINTED TO BOARDS AND COMMISSIONS TO DISCLOSE
19 THEIR FINANCIAL AFFAIRS AND TO SET MINIMUM STANDARDS FOR THE CONDUCT OF LOCAL
20 GOVERNMENT BUSINESS.

21 (D) IT IS THE INTENTION OF THE COUNCIL THAT THIS SUBTITLE, EXCEPT ITS PROVISIONS FOR
22 CRIMINAL SANCTIONS, BE LIBERALLY CONSTRUED TO ACCOMPLISH THIS PURPOSE.

23
24 **SECTION 22.202. DEFINITIONS.**

25 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

26 (A) (1) "BUSINESS ENTITY" MEANS A CORPORATION, GENERAL OR LIMITED
27 PARTNERSHIP, LIMITED LIABILITY COMPANY, LIMITED LIABILITY
28 PARTNERSHIP, SOLE PROPRIETORSHIP, JOINT VENTURE, UNINCORPORATED
29 ASSOCIATION OR FIRM, INSTITUTION, TRUST, FOUNDATION, OR OTHER
30 ORGANIZATION, WHETHER OR NOT OPERATED FOR PROFIT.

31 (2) BUSINESS ENTITY DOES NOT INCLUDE A GOVERNMENTAL ENTITY.

1 (B) "COMMISSION" MEANS THE HOWARD COUNTY ETHICS COMMISSION ESTABLISHED
2 UNDER SECTION 22.203 OF THIS SUBTITLE.

3 (C) (1) "COMPENSATION" MEANS ANY MONEY OR THING OF VALUE, REGARDLESS OF
4 FORM, RECEIVED OR TO BE RECEIVED BY ANY INDIVIDUAL COVERED BY THIS
5 SUBTITLE FROM AN EMPLOYER FOR SERVICE RENDERED.

6 (2) FOR THE PURPOSES OF SECTION 22.207 OF THIS SUBTITLE, IF LOBBYING IS
7 ONLY A PORTION OF A PERSON'S EMPLOYMENT, "COMPENSATION" MEANS A
8 PRORATED AMOUNT BASED ON THE TIME DEVOTED TO LOBBYING COMPARED
9 TO THE TIME DEVOTED TO OTHER EMPLOYMENT DUTIES.

10 (D) "COUNTY" MEANS HOWARD COUNTY.

11 (E) "DOING BUSINESS WITH" MEANS:

12 (1) HAVING OR NEGOTIATING A CONTRACT THAT INVOLVES THE COMMITMENT,
13 EITHER IN A SINGLE OR COMBINATION OF TRANSACTIONS, OF \$5,000 OR
14 MORE OF COUNTY CONTROLLED FUNDS; OR

15 (2) BEING REGULATED BY OR OTHERWISE SUBJECT TO THE AUTHORITY OF THE
16 COUNTY; OR

17 (3) BEING REGISTERED AS A LOBBYIST UNDER SECTION 22.207 OF THIS
18 SUBTITLE.

19 (F) (1) "ELECTED OFFICIAL" MEANS ANY INDIVIDUAL WHO HOLDS AN ELECTIVE
20 OFFICE OF THE COUNTY.

21 (2) "ELECTED OFFICIAL" DOES NOT INCLUDE THE SHERIFF, STATE'S ATTORNEY,
22 REGISTER OF WILLS, THE CLERK OF THE COURT, OR A MEMBER OF THE
23 MARYLAND GENERAL ASSEMBLY.

24 (G) (1) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY THE COUNTY.

25 (2) "EMPLOYEE" DOES NOT INCLUDE AN ELECTED LOCAL OFFICIAL.

26 (3) "EMPLOYEE" DOES NOT INCLUDE AN EMPLOYEE OF:

27 (I) THE OFFICES OF THE SHERIFF, STATE'S ATTORNEY, REGISTER OF
28 WILLS, OR THE CLERK OF THE COURT;

29 (II) THE COUNTY HEALTH DEPARTMENT; OR

30 (III) THE COUNTY DEPARTMENT OF SOCIAL SERVICES.

31 (H) "FINANCIAL INTEREST" MEANS:

- 1 (1) OWNERSHIP OF ANY INTEREST AS THE RESULT OF WHICH THE OWNER HAS
2 RECEIVED, WITHIN THE PAST 3 YEARS, OR IS PRESENTLY RECEIVING, OR IN
3 THE FUTURE IS ENTITLED TO RECEIVE, MORE THAN \$1,000 PER YEAR; OR
4 (2) OWNERSHIP, OR THE OWNERSHIP OF SECURITIES OF ANY KIND
5 REPRESENTING OR CONVERTIBLE INTO OWNERSHIP, OF MORE THAN 3
6 PERCENT OF A BUSINESS ENTITY BY A COUNTY OFFICIAL OR EMPLOYEE, OR
7 THE SPOUSE OF AN OFFICIAL OR EMPLOYEE.
- 8 (I) (1) "GIFT" MEANS THE TRANSFER OF ANYTHING OF ECONOMIC VALUE,
9 REGARDLESS OF THE FORM, WITHOUT ADEQUATE AND LAWFUL
10 CONSIDERATION.
11 (2) "GIFT" DOES NOT INCLUDE A POLITICAL CAMPAIGN CONTRIBUTION
12 REGULATED UNDER THE ELECTIONS ARTICLE OF THE ANNOTATED CODE OF
13 MARYLAND OR ANY OTHER PROVISION OF STATE OR LOCAL LAW
14 REGULATING THE CONDUCT OF ELECTIONS OR THE RECEIPT OF POLITICAL
15 CAMPAIGN CONTRIBUTIONS.
- 16 (J) "IMMEDIATE FAMILY" MEANS A SPOUSE AND DEPENDENT CHILDREN.
- 17 (K) (1) "INTEREST" MEANS A LEGAL OR EQUITABLE ECONOMIC INTEREST, WHETHER
18 OR NOT SUBJECT TO AN ENCUMBRANCE OR A CONDITION, THAT IS OWNED OR
19 HELD, IN WHOLE OR IN PART, JOINTLY OR SEVERALLY, DIRECTLY OR
20 INDIRECTLY.
21 (2) FOR PURPOSES OF SECTION 22.204 OF THIS SUBTITLE, "INTEREST" INCLUDES
22 ANY INTEREST HELD AT ANY TIME DURING THE REPORTING PERIOD.
23 (3) "INTEREST" DOES NOT INCLUDE:
24 (I) AN INTEREST HELD IN THE CAPACITY OF A PERSONAL AGENT,
25 CUSTODIAN, FIDUCIARY, OR PERSONAL REPRESENTATIVE, TRUSTEE,
26 UNLESS THE HOLDER HAS AN EQUITABLE INTEREST IN THE SUBJECT
27 MATTER;
28 (II) AN INTEREST IN A TIME OR DEMAND DEPOSIT IN A FINANCIAL
29 INSTITUTION;
30 (III) AN INTEREST IN AN INSURANCE POLICY, ENDOWMENT POLICY OR
31 ANNUITY CONTRACT UNDER WHICH AN INSURER PROMISES TO PAY A

- 1 (3) THE CHAIRMAN MAY BE REELECTED.
- 2 (C) A MAJORITY VOTE OF THE COMMISSION SHALL CONSIST OF THREE OR MORE VOTES. A
3 QUORUM CONSISTS OF THREE MEMBERS PRESENT.
- 4 (D) (1) THE COUNTY SOLICITOR SHALL ASSIST THE COMMISSION IN CARRYING OUT
5 THE COMMISSION’S DUTIES;
- 6 (2) IF A CONFLICT OF INTEREST UNDER SECTION 22.204 OF THIS SUBTITLE OR
7 OTHER CONFLICT PROHIBITS THE COUNTY SOLICITOR FROM ASSISTING THE
8 COMMISSION IN A MATTER, THE COUNTY SHALL PROVIDE SUFFICIENT FUNDS
9 FOR THE COMMISSION TO HIRE INDEPENDENT COUNSEL FOR THE DURATION
10 OF THE CONFLICT.
- 11 (E) THE COUNTY SOLICITOR SHALL DESIGNATE AN EXECUTIVE SECRETARY WHO SHALL
12 ATTEND ALL MEETINGS.
- 13 (F) THE COMMISSION IS THE ADVISORY BODY RESPONSIBLE FOR INTERPRETING THIS
14 SUBTITLE AND ADVISING PERSONS SUBJECT TO THIS SUBTITLE REGARDING ITS
15 APPLICATION.
- 16 (G) THE COMMISSION SHALL HEAR AND DECIDE, WITH THE ADVICE OF THE COUNTY
17 SOLICITOR OR OTHER LEGAL COUNSEL IF APPROPRIATE, ALL COMPLAINTS FILED REGARDING
18 ALLEGED VIOLATIONS OF THIS SUBTITLE BY ANY PERSON.
- 19 (H) THE COMMISSION, OR AN OFFICE DESIGNATED BY THE COMMISSION, SHALL RETAIN AS
20 A PUBLIC RECORD ALL FORMS SUBMITTED BY ANY PERSON UNDER THIS SUBTITLE FOR AT
21 LEAST FOUR YEARS AFTER RECEIPT BY THE COMMISSION. THE COMMISSION SHALL KEEP
22 ON FILE THE MINUTES OF ITS PROCEEDINGS IN ACCORDANCE WITH STATE OF MARYLAND’S
23 OPEN MEETINGS ACT.
- 24 (I) THE COMMISSION SHALL CONDUCT A PUBLIC INFORMATION AND EDUCATION PROGRAM
25 REGARDING THE PURPOSE AND IMPLEMENTATION OF THIS SUBTITLE.
- 26 (J) THE COMMISSION SHALL CERTIFY TO THE STATE ETHICS COMMISSION ON OR BEFORE
27 OCTOBER 1 OF EACH YEAR THAT THE COUNTY IS IN COMPLIANCE WITH THE REQUIREMENTS
28 OF THE STATE GOVERNMENT ARTICLE, TITLE 15, SUBTITLE 8, OF THE ANNOTATED CODE
29 OF MARYLAND FOR ELECTED LOCAL OFFICIALS.
- 30 (K) THE COMMISSION SHALL:

- 1 (1) DETERMINE IF CHANGES TO THIS SUBTITLE ARE REQUIRED TO BE IN
2 COMPLIANCE WITH THE REQUIREMENTS OF THE STATE GOVERNMENT
3 ARTICLE, TITLE 15, SUBTITLE 8, OF THE ANNOTATED CODE OF MARYLAND;
4 AND
- 5 (2) FORWARD ANY RECOMMENDED CHANGES AND AMENDMENTS TO THE
6 COUNTY COUNCIL FOR ENACTMENT.
- 7 (L) (1) ANY PERSON SUBJECT TO THIS SUBTITLE MAY REQUEST AN ADVISORY
8 OPINION FROM THE COMMISSION CONCERNING THE APPLICATION OF THIS
9 SUBTITLE.
- 10 (2) THE COMMISSION SHALL RESPOND PROMPTLY TO A REQUEST FOR AN
11 ADVISORY OPINION AND SHALL PROVIDE INTERPRETATIONS OF THIS
12 SUBTITLE BASED ON THE FACTS PROVIDED OR REASONABLY AVAILABLE TO
13 THE COMMISSION WITHIN 60 DAYS OF THE REQUEST.
- 14 (3) IN ACCORDANCE WITH ALL APPLICABLE STATE AND COUNTY LAWS
15 REGARDING PUBLIC RECORDS, THE COMMISSION SHALL PUBLISH OR
16 OTHERWISE MAKE AVAILABLE TO THE PUBLIC COPIES OF THE ADVISORY
17 OPINIONS, WITH THE IDENTITIES OF THE SUBJECTS DELETED.
- 18 (4) THE COMMISSION MAY ADOPT ADDITIONAL POLICIES AND PROCEDURES
19 RELATED TO THE ADVISORY OPINION REQUEST PROCESS.
- 20 (M) (1) ANY PERSON MAY FILE A COMPLAINT WITH THE COMMISSION ALLEGING A
21 VIOLATION OF ANY OF THE PROVISIONS OF THIS SUBTITLE.
- 22 (2) A COMPLAINT SHALL BE IN WRITING AND UNDER OATH; AND
- 23 (3) THE COMMISSION MAY REFER A COMPLAINT TO THE COUNTY SOLICITOR, OR
24 OTHER LEGAL COUNSEL IF APPROPRIATE, FOR INVESTIGATION AND REVIEW.
- 25 (4) THE COMMISSION MAY REJECT WITHOUT FURTHER PROCEEDINGS ANY
26 COMPLAINT WHICH IT DEEMS TO BE PLAINLY FRIVOLOUS OR WHICH,
27 ASSUMING THE FACTS ALLEGED WERE TRUE, DOES NOT STATE A VIOLATION
28 OF THIS SUBTITLE.
- 29 (5) THE COMMISSION MAY DISMISS A COMPLAINT IF, AFTER RECEIVING AN
30 INVESTIGATIVE REPORT, THE COMMISSION DETERMINES THAT THERE ARE

1 INSUFFICIENT FACTS UPON WHICH TO BASE A DETERMINATION OF A
2 VIOLATION.

3 (6) IF THERE IS A REASONABLE BASIS FOR BELIEVING A VIOLATION HAS
4 OCCURRED, THE SUBJECT OF THE COMPLAINT SHALL BE GIVEN AN
5 OPPORTUNITY FOR A HEARING CONDUCTED IN ACCORDANCE WITH THE
6 APPLICABLE COUNTY RULES OF PROCEDURE.

7 (7) A FINAL DETERMINATION OF A VIOLATION RESULTING FROM THE HEARING
8 SHALL INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW.

9 (8) UPON FINDING A VIOLATION, THE COMMISSION MAY TAKE ANY
10 ENFORCEMENT ACTION PROVIDED FOR IN SECTION 22.208 OF THIS
11 SUBTITLE.

12 (9) (I) AFTER A COMPLAINT IS FILED AND UNTIL A FINAL FINDING OF A
13 VIOLATION BY THE COMMISSION, ALL ACTIONS REGARDING A
14 COMPLAINT ARE CONFIDENTIAL.

15 (II) A FINDING OF A VIOLATION IS PUBLIC INFORMATION.

16 (10) THE COMMISSION MAY ADOPT ADDITIONAL POLICIES AND PROCEDURES
17 RELATED TO COMPLAINTS, COMPLAINT HEARINGS, THE USE OF INDEPENDENT
18 INVESTIGATORS AND STAFF, THE USE OF WITNESS AND DOCUMENT
19 SUBPOENAS, AND CURE AND SETTLEMENT AGREEMENTS.

20 (N) THE COMMISSION MAY GRANT EXEMPTIONS TO OR MODIFICATIONS OF THE CONFLICT OF
21 INTEREST AND FINANCIAL DISCLOSURE PROVISIONS OF THIS SUBTITLE TO OFFICIALS OR
22 EMPLOYEES SERVING AS MEMBERS OF COUNTY BOARDS AND COMMISSIONS, WHEN THE
23 COMMISSION FINDS THAT THE EXEMPTION OR MODIFICATION WOULD NOT BE CONTRARY TO
24 THE PURPOSES OF THIS SUBTITLE, AND THE APPLICATION OF THIS SUBTITLE WOULD:

25 (1) CONSTITUTE AN UNREASONABLE INVASION OF PRIVACY; AND

26 (2) SIGNIFICANTLY REDUCE THE AVAILABILITY OF QUALIFIED PERSONS FOR
27 PUBLIC SERVICE.

28 (O) THE COMMISSION MAY:

29 (1) ASSESS A LATE FEE OF \$2 PER DAY UP TO A MAXIMUM OF \$250 FOR A
30 FAILURE TO TIMELY FILE A FINANCIAL DISCLOSURE STATEMENT REQUIRED
31 UNDER SECTION 22.206 OF THIS SUBTITLE; AND

- 1 (2) ASSESS A LATE FEE OF \$10 PER DAY UP TO A MAXIMUM OF \$250 FOR A
2 FAILURE TO FILE A TIMELY LOBBYIST REGISTRATION OR LOBBYIST REPORT
3 REQUIRED UNDER SECTION 22.207 OF THIS SUBTITLE.
- 4 (P) (1) THE EXECUTIVE SECRETARY, ON BEHALF OF THE COMMISSION, MAY ISSUE
5 SUBPOENAS:
6 (I) FOR THE ATTENDANCE OF WITNESSES TO TESTIFY; OR
7 (II) TO PRODUCE EVIDENCE RELEVANT AND NECESSARY TO THE
8 ADMINISTRATION AND ENFORCEMENT OF THIS SUBTITLE.
- 9 (2) A SUBPOENA SHALL BE SERVED BY DELIVERING A COPY EITHER TO THE
10 PERSON NAMED OR TO AN AGENT AUTHORIZED BY APPOINTMENT OR BY LAW
11 TO RECEIVE SERVICE FOR THE PERSON NAMED.

12
13 **SECTION 22.204. PROHIBITED CONDUCT AND INTERESTS.**

14 (A) *PARTICIPATION PROHIBITIONS.*

- 15 (1) EXCEPT AS PERMITTED BY COMMISSION REGULATION OR OPINION, AN
16 OFFICIAL OR EMPLOYEE MAY NOT PARTICIPATE IN:
17 (I) EXCEPT IN THE EXERCISE OF AN ADMINISTRATIVE OR MINISTERIAL
18 DUTY THAT DOES NOT AFFECT THE DISPOSITION OR DECISION OF THE
19 MATTER, ANY MATTER IN WHICH, TO THE KNOWLEDGE OF THE
20 OFFICIAL OR EMPLOYEE, THE OFFICIAL OR EMPLOYEE OR A
21 QUALIFIED RELATIVE OF THE OFFICIAL OR EMPLOYEE HAS AN
22 INTEREST.
23 (II) EXCEPT IN THE EXERCISE OF AN ADMINISTRATIVE OR MINISTERIAL
24 DUTY THAT DOES NOT AFFECT THE DISPOSITION OR DECISION WITH
25 RESPECT TO THE MATTER, ANY MATTER IN WHICH ANY OF THE
26 FOLLOWING IS A PARTY:
27 A. A BUSINESS ENTITY IN WHICH THE OFFICIAL OR EMPLOYEE
28 HAS A DIRECT FINANCIAL INTEREST OF WHICH THE OFFICIAL
29 OR EMPLOYEE MAY REASONABLY BE EXPECTED TO KNOW;

- 1 B. A BUSINESS ENTITY FOR WHICH THE OFFICIAL, EMPLOYEE,
2 OR A QUALIFIED RELATIVE OF THE OFFICIAL OR EMPLOYEE IS
3 AN OFFICER, DIRECTOR, TRUSTEE, PARTNER, OR EMPLOYEE;
4 C. A BUSINESS ENTITY WITH WHICH THE OFFICIAL OR
5 EMPLOYEE OR, TO THE KNOWLEDGE OF THE OFFICIAL OR
6 EMPLOYEE, A QUALIFIED RELATIVE IS NEGOTIATING OR HAS
7 ANY ARRANGEMENT CONCERNING PROSPECTIVE
8 EMPLOYMENT;
9 D. IF THE CONTRACT REASONABLY COULD BE EXPECTED TO
10 RESULT IN A CONFLICT BETWEEN THE PRIVATE INTERESTS OF
11 THE OFFICIAL OR EMPLOYEE AND THE OFFICIAL DUTIES OF
12 THE OFFICIAL OR EMPLOYEE, A BUSINESS ENTITY THAT IS A
13 PARTY TO AN EXISTING CONTRACT WITH THE OFFICIAL OR
14 EMPLOYEE, OR WHICH, TO THE KNOWLEDGE OF THE OFFICIAL
15 OR EMPLOYEE, IS A PARTY TO A CONTRACT WITH A
16 QUALIFIED RELATIVE;
17 E. AN ENTITY, DOING BUSINESS WITH THE COUNTY, IN WHICH A
18 DIRECT FINANCIAL INTEREST IS OWNED BY ANOTHER ENTITY
19 IN WHICH THE OFFICIAL OR EMPLOYEE HAS A DIRECT
20 FINANCIAL INTEREST, IF THE OFFICIAL OR EMPLOYEE MAY BE
21 REASONABLY EXPECTED TO KNOW OF BOTH DIRECT
22 FINANCIAL INTERESTS; OR
23 F. A BUSINESS ENTITY THAT:
24 1. THE OFFICIAL OR EMPLOYEE KNOWS IS A CREDITOR
25 OR OBLIGEE OF THE OFFICIAL OR EMPLOYEE OR A
26 QUALIFIED RELATIVE OF THE OFFICIAL OR EMPLOYEE
27 WITH RESPECT TO A THING OF ECONOMIC VALUE;
28 AND
29 2. AS A CREDITOR OR OBLIGEE, IS IN A POSITION TO
30 DIRECTLY AND SUBSTANTIALLY AFFECT THE

1 INTEREST OF THE OFFICIAL OR EMPLOYEE OR A
2 QUALIFIED RELATIVE OF THE OFFICIAL OR EMPLOYEE.

3 (2) A PERSON WHO IS DISQUALIFIED FROM PARTICIPATING UNDER PARAGRAPH 1
4 OF THIS SUBSECTION SHALL DISCLOSE THE NATURE AND CIRCUMSTANCES OF
5 THE CONFLICT AND MAY PARTICIPATE OR ACT IF:

6 (I) THE DISQUALIFICATION LEAVES A BODY WITH LESS THAN A QUORUM
7 CAPABLE OF ACTING;

8 (II) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS REQUIRED BY LAW TO
9 ACT; OR

10 (III) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS THE ONLY PERSON
11 AUTHORIZED TO ACT.

12 (3) THE PROHIBITIONS OF PARAGRAPH 1 OF THIS SUBSECTION DO NOT APPLY IF
13 PARTICIPATION IS ALLOWED BY REGULATION OR OPINION OF THE
14 COMMISSION.

15 (B) *EMPLOYMENT AND FINANCIAL INTEREST RESTRICTIONS.*

16 (1) EXCEPT AS PERMITTED BY REGULATION OF THE COMMISSION WHEN THE
17 INTEREST IS DISCLOSED OR WHEN THE EMPLOYMENT DOES NOT CREATE A
18 CONFLICT OF INTEREST OR APPEARANCE OF CONFLICT, AN OFFICIAL OR
19 EMPLOYEE MAY NOT:

20 (I) BE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN ANY ENTITY:

21 A. SUBJECT TO THE AUTHORITY OF THE OFFICIAL OR EMPLOYEE
22 OR THE COUNTY AGENCY, BOARD, COMMISSION WITH WHICH
23 THE OFFICIAL OR EMPLOYEE IS AFFILIATED; OR

24 B. THAT IS NEGOTIATING OR HAS ENTERED A CONTRACT WITH
25 THE AGENCY, BOARD, OR COMMISSION WITH WHICH THE
26 OFFICIAL OR EMPLOYEE IS AFFILIATED; OR

27 (II) HOLD ANY OTHER EMPLOYMENT RELATIONSHIP THAT WOULD
28 IMPAIR THE IMPARTIALITY OR INDEPENDENCE OF JUDGMENT OF THE
29 OFFICIAL OR EMPLOYEE.

30 (2) THE PROHIBITIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY
31 TO:

- 1 (I) AN OFFICIAL OR EMPLOYEE WHO IS APPOINTED TO A REGULATORY
2 OR LICENSING AUTHORITY PURSUANT TO A STATUTORY
3 REQUIREMENT THAT PERSONS SUBJECT TO THE JURISDICTION OF THE
4 AUTHORITY BE REPRESENTED IN APPOINTMENTS TO THE AUTHORITY;
5 (II) SUBJECT TO OTHER PROVISIONS OF LAW, A MEMBER OF A BOARD OR
6 COMMISSION IN REGARD TO A FINANCIAL INTEREST OR EMPLOYMENT
7 HELD AT THE TIME OF APPOINTMENT, PROVIDED THE FINANCIAL
8 INTEREST OR EMPLOYMENT IS PUBLICLY DISCLOSED TO THE
9 APPOINTING AUTHORITY AND THE COMMISSION;
10 (III) AN OFFICIAL OR EMPLOYEE WHOSE DUTIES ARE MINISTERIAL, IF THE
11 PRIVATE EMPLOYMENT OR FINANCIAL INTEREST DOES NOT CREATE A
12 CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF
13 INTEREST, AS PERMITTED AND IN ACCORDANCE WITH REGULATIONS
14 ADOPTED BY THE COMMISSION; OR
15 (IV) EMPLOYMENT OR FINANCIAL INTERESTS ALLOWED BY REGULATION
16 OF THE COMMISSION IF THE EMPLOYMENT DOES NOT CREATE A
17 CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF
18 INTEREST OR THE FINANCIAL INTEREST IS DISCLOSED.

19 (C) *POST-EMPLOYMENT LIMITATIONS AND RESTRICTIONS.*

- 20 (1) A FORMER OFFICIAL OR EMPLOYEE MAY NOT ASSIST OR REPRESENT ANY
21 PARTY OTHER THAN THE COUNTY FOR COMPENSATION IN A CASE,
22 CONTRACT, OR OTHER SPECIFIC MATTER INVOLVING THE COUNTY IF THAT
23 MATTER IS ONE IN WHICH THE FORMER OFFICIAL OR EMPLOYEE
24 SIGNIFICANTLY PARTICIPATED AS AN OFFICIAL OR EMPLOYEE.
25 (2) FOR A YEAR AFTER THE FORMER MEMBER LEAVES OFFICE, A FORMER
26 MEMBER OF THE COUNTY COUNCIL MAY NOT ASSIST OR REPRESENT
27 ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE SUBJECT OF
28 LEGISLATIVE ACTION.

29 (D) *CONTINGENT COMPENSATION.* EXCEPT IN A JUDICIAL OR QUASI-JUDICIAL PROCEEDING,
30 AN OFFICIAL OR EMPLOYEE MAY NOT ASSIST OR REPRESENT A PARTY FOR CONTINGENT
31 COMPENSATION IN ANY MATTER BEFORE OR INVOLVING THE COUNTY.

1 (E) *USE OF PRESTIGE OF OFFICE.*

2 (1) AN OFFICIAL OR EMPLOYEE MAY NOT INTENTIONALLY USE THE PRESTIGE OF
3 OFFICE OR PUBLIC POSITION FOR THE PRIVATE GAIN OF THAT OFFICIAL OR
4 EMPLOYEE OR THE PRIVATE GAIN OF ANOTHER.

5 (2) THIS SUBSECTION DOES NOT PROHIBIT THE PERFORMANCE OF USUAL AND
6 CUSTOMARY CONSTITUENT SERVICES BY AN ELECTED OFFICIAL WITHOUT
7 ADDITIONAL COMPENSATION.

8 (F) *SOLICITATION AND ACCEPTANCE OF GIFTS.*

9 (1) AN OFFICIAL OR EMPLOYEE MAY NOT SOLICIT ANY GIFT.

10 (2) AN OFFICIAL OR EMPLOYEE MAY NOT DIRECTLY SOLICIT OR FACILITATE THE
11 SOLICITATION OF A GIFT, ON BEHALF OF ANOTHER PERSON, FROM AN
12 INDIVIDUAL REGULATED LOBBYIST.

13 (3) AN OFFICIAL OR EMPLOYEE MAY NOT KNOWINGLY ACCEPT A GIFT,
14 DIRECTLY OR INDIRECTLY, FROM A PERSON THAT THE OFFICIAL OR
15 EMPLOYEE KNOWS OR HAS THE REASON TO KNOW:

16 (I) IS DOING BUSINESS WITH OR SEEKING TO DO BUSINESS WITH THE
17 COUNTY OFFICE, AGENCY, BOARD OR COMMISSION WITH WHICH THE
18 OFFICIAL OR EMPLOYEE IS AFFILIATED;

19 (II) HAS FINANCIAL INTERESTS THAT MAY BE SUBSTANTIALLY AND
20 MATERIALLY AFFECTED, IN A MANNER DISTINGUISHABLE FROM THE
21 PUBLIC GENERALLY, BY THE PERFORMANCE OR NONPERFORMANCE
22 OF THE OFFICIAL DUTIES OF THE OFFICIAL OR EMPLOYEE;

23 (III) IS ENGAGED IN AN ACTIVITY REGULATED OR CONTROLLED BY THE
24 OFFICIAL'S OR EMPLOYEE'S GOVERNMENTAL UNIT; OR

25 (IV) IS A LOBBYIST WITH RESPECT TO MATTERS WITHIN THE
26 JURISDICTION OF THE OFFICIAL OR EMPLOYEE.

27 (4) (I) SUBSECTION (4)(II) DOES NOT APPLY TO A GIFT:

28 A. THAT WOULD TEND TO IMPAIR THE IMPARTIALITY AND THE
29 INDEPENDENCE OF JUDGMENT OF THE OFFICIAL OR
30 EMPLOYEE RECEIVING THE GIFT;

- 1 B. OF SIGNIFICANT VALUE THAT WOULD GIVE THE APPEARANCE
2 OF IMPAIRING THE IMPARTIALITY AND INDEPENDENCE OF
3 JUDGMENT OF THE OFFICIAL OR EMPLOYEE; OR
- 4 C. OF SIGNIFICANT VALUE THAT THE RECIPIENT OFFICIAL OR
5 EMPLOYEE BELIEVES OR HAS REASON TO BELIEVE IS
6 DESIGNED TO IMPAIR THE IMPARTIALITY AND INDEPENDENCE
7 OF JUDGMENT OF THE OFFICIAL OR EMPLOYEE.
- 8 (II) NOTWITHSTANDING PARAGRAPH (3) OF THIS SUBSECTION, AN
9 OFFICIAL OR EMPLOYEE MAY ACCEPT THE FOLLOWING:
- 10 A. MEALS AND BEVERAGES CONSUMED IN THE PRESENCE OF
11 THE DONOR OR SPONSORING ENTITY;
- 12 B. CEREMONIAL GIFTS OR AWARDS THAT HAVE INSIGNIFICANT
13 MONETARY VALUE;
- 14 C. UNSOLICITED GIFTS OF NOMINAL VALUE THAT DO NOT
15 EXCEED \$ 20 IN COST OR TRIVIAL ITEMS OF INFORMATIONAL
16 VALUE;
- 17 D. REASONABLE EXPENSES FOR FOOD, TRAVEL, LODGING, AND
18 SCHEDULED ENTERTAINMENT OF THE OFFICIAL OR THE
19 EMPLOYEE AT A MEETING WHICH IS GIVEN IN RETURN FOR
20 THE PARTICIPATION OF THE OFFICIAL OR EMPLOYEE IN A
21 PANEL OR SPEAKING ENGAGEMENT AT THE MEETING;
- 22 E. GIFTS OF TICKETS OR FREE ADMISSION EXTENDED TO AN
23 ELECTED OFFICIAL TO ATTEND A CHARITABLE, CULTURAL,
24 OR POLITICAL EVENT, IF THE PURPOSE OF THIS GIFT OR
25 ADMISSION IS A COURTESY OR CEREMONY EXTENDED TO THE
26 ELECTED OFFICIAL'S OFFICE;
- 27 F. A SPECIFIC GIFT OR CLASS OF GIFTS THAT THE COMMISSION
28 EXEMPTS FROM THE OPERATION OF THIS SUBSECTION UPON A
29 FINDING, IN WRITING, THAT ACCEPTANCE OF THE GIFT OR
30 CLASS OF GIFTS WOULD NOT BE DETRIMENTAL TO THE
31 IMPARTIAL CONDUCT OF THE BUSINESS OF THE COUNTY AND

1 THAT THE GIFT IS PURELY PERSONAL AND PRIVATE IN
2 NATURE;

3 G. GIFTS FROM A PERSON RELATED TO THE OFFICIAL OR
4 EMPLOYEE BY BLOOD OR MARRIAGE, OR ANY OTHER
5 INDIVIDUAL WHO IS A MEMBER OF THE HOUSEHOLD OF THE
6 OFFICIAL OR EMPLOYEE; OR

7 H. HONORARIA FOR SPEAKING TO OR PARTICIPATING IN A
8 MEETING, PROVIDED THAT THE OFFERING OF THE
9 HONORARIUM IS IN NO RELATED IN ANY WAY TO THE
10 OFFICIAL'S OR EMPLOYEE'S OFFICIAL POSITION.

11 (G) *DISCLOSURE OF CONFIDENTIAL INFORMATION.* OTHER THAN IN THE DISCHARGE OF
12 OFFICIAL DUTIES, AN OFFICIAL OR EMPLOYEE MAY NOT DISCLOSE OR USE CONFIDENTIAL
13 INFORMATION, THAT THE OFFICIAL OR EMPLOYEE ACQUIRED BY REASON OF THE OFFICIAL'S
14 OR EMPLOYEE'S PUBLIC POSITION AND THAT IS NOT AVAILABLE TO THE PUBLIC, FOR THE
15 ECONOMIC BENEFIT OF THE OFFICIAL OR EMPLOYEE OR THAT OF ANOTHER PERSON.

16 (H) *PARTICIPATION IN PROCUREMENT.*

17 (1) AN INDIVIDUAL OR A PERSON THAT EMPLOYS AN INDIVIDUAL WHO ASSISTS
18 A COUNTY, AGENCY OR UNIT IN THE DRAFTING OF SPECIFICATIONS, AN
19 INVITATION FOR BIDS, OR A REQUEST FOR PROPOSALS FOR A PROCUREMENT,
20 MAY NOT SUBMIT A BID OR PROPOSAL FOR THAT PROCUREMENT, OR ASSIST
21 OR REPRESENT ANOTHER PERSON, DIRECTLY OR INDIRECTLY, WHO IS
22 SUBMITTING A BID OR PROPOSAL FOR THE PROCUREMENT.

23 (2) THE COMMISSION MAY ESTABLISH EXEMPTIONS FROM THE REQUIREMENTS
24 OF THIS SECTION FOR PROVIDING DESCRIPTIVE LITERATURE, SOLE SOURCE
25 PROCUREMENTS, AND WRITTEN COMMENTS SOLICITED BY THE PROCURING
26 AGENCY.

27

28 **SECTION 22.205. - EXCEPTIONS PURSUANT TO THE PROVISIONS OF SUBSECTION 901(B)**
29 **OF THE HOWARD COUNTY CHARTER.**

30 (A) *APPLICABILITY.* THIS SECTION APPLIES TO ALL COUNTY EMPLOYEES OR OFFICIALS,
31 EXCEPT:

- 1 (1) MEMBERS OF THE COMMISSION;
- 2 (2) THE EXECUTIVE SECRETARY TO THE COMMISSION;
- 3 (3) THE COUNTY SOLICITOR; AND
- 4 (4) ASSISTANTS TO THE COUNTY SOLICITOR WHOSE ASSIGNED DUTIES INCLUDE
- 5 REPRESENTING AND PROVIDING STAFF SERVICES TO THE COMMISSION.

6 (B) *PROCEDURE:*

- 7 (1) *AUTHORIZATION.* THE COMMISSION MAY AUTHORIZE COUNTY EMPLOYEES
- 8 OR OFFICIALS TO HAVE AN INTEREST IN OR BE EMPLOYED BY AN ENTITY
- 9 WHICH HAS DEALINGS WITH THE COUNTY PROVIDED THAT, AFTER A PUBLIC
- 10 HEARING AND FULL DISCLOSURE, THE COMMISSION, APPLYING THE
- 11 CRITERIA LISTED IN SUBSECTION (C), "CRITERIA," OF THIS SECTION,
- 12 DETERMINES THAT THE INTEREST OR EMPLOYMENT DOES NOT VIOLATE THE
- 13 PUBLIC INTEREST.
- 14 (2) *REQUEST.* THE EMPLOYEE OR OFFICIAL WHO WISHES SUCH AN
- 15 AUTHORIZATION SHALL MAKE A SIGNED REQUEST IN WRITING TO THE
- 16 COMMISSION. THE REQUEST SHALL EXPLAIN IN DETAIL:
 - 17 (I) THE NATURE OF THE ENTITY IN WHICH THE INTEREST OR
 - 18 EMPLOYMENT IS HELD AND ITS DEALINGS WITH THE COUNTY;
 - 19 (II) THE NATURE AND SCOPE OF THE EMPLOYEE'S OR OFFICIAL'S
 - 20 INTEREST OR EMPLOYMENT WITH THE ENTITY;
 - 21 (III) THE NATURE AND SCOPE OF THE EMPLOYEE'S OR OFFICIAL'S DUTIES
 - 22 WITH THE COUNTY;
 - 23 (IV) ANY ADDITIONAL INFORMATION WHICH IS RELEVANT TO
 - 24 DETERMINING WHETHER THE PUBLIC INTEREST WOULD BE VIOLATED
 - 25 BY THE INTEREST OR THE EMPLOYMENT.
- 26 (3) *HEARING.* THE COMMISSION SHALL SCHEDULE A PUBLIC HEARING ON THE
- 27 REQUEST TO TAKE PLACE WITHIN 45 CALENDAR DAYS AFTER THE
- 28 COMMISSION'S RECEIPT OF THE REQUEST. THE HEARING SHALL BE
- 29 ADVERTISED AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION IN
- 30 THE COUNTY. AT THE PUBLIC HEARING THE COMMISSION MAY HEAR

1 TESTIMONY FROM THE OFFICIAL OR EMPLOYEE MAKING THE REQUEST, FROM
2 OTHER INDIVIDUALS WITH KNOWLEDGE OF THE EMPLOYEE'S OR OFFICIAL'S
3 ROLE IN THE COUNTY OR IN THE OUTSIDE ENTITY, AND FROM MEMBERS OF
4 THE PUBLIC.

5 (C) *CRITERIA.* THE COMMISSION SHALL CONSIDER THE FOLLOWING CRITERIA IN
6 DETERMINING WHETHER TO CONCLUDE THAT THE OUTSIDE EMPLOYMENT OR INTEREST
7 DOES NOT VIOLATE THE PUBLIC INTEREST AND THEREFORE TO AUTHORIZE THE INTEREST OR
8 EMPLOYMENT.

9 (1) THE EMPLOYEE'S OR OFFICIAL'S DUTIES WITH THE COUNTY DO NOT
10 SIGNIFICANTLY IMPACT ON THE ENTITY IN WHICH A FINANCIAL INTEREST IS
11 HELD OR ON THE OUTSIDE EMPLOYER OR ON THE CONTRACT OR PROPOSED
12 CONTRACT BETWEEN THE COUNTY AND THE ENTITY OR OUTSIDE EMPLOYER.

13 (2) THE EMPLOYEE OR OFFICIAL IS NOT DIRECTLY SUPERVISED BY A PERSON
14 WHO HAS DUTIES THAT SIGNIFICANTLY IMPACT ON THE ENTITY OR ON THE
15 OUTSIDE EMPLOYER OR ON THE CONTRACT OR PROPOSED CONTRACT.

16 (3) THE EMPLOYEE OR OFFICIAL DOES NOT SUPERVISE A PERSON WHO HAS
17 DUTIES THAT SIGNIFICANTLY IMPACT ON THE ENTITY OR ON THE OUTSIDE
18 EMPLOYER OR ON THE CONTRACT OR PROPOSED CONTRACT.

19 (4) THE EMPLOYEE OR OFFICIAL IS NOT AFFILIATED WITH THE DEPARTMENT,
20 OFFICE OR AGENCY WITHIN THE COUNTY THAT EXERCISES AUTHORITY OVER
21 THE ENTITY OR OVER THE OUTSIDE EMPLOYER OR IS INVOLVED IN
22 CONTRACTS WITH THE OUTSIDE EMPLOYER OR ENTITY.

23 (5) THE EMPLOYEE OR OFFICIAL HAS COMPLIED WITH OTHER RELEVANT
24 SECTIONS OF THE HOWARD COUNTY PUBLIC ETHICS LAW RELATING TO THE
25 MATTERS INVOLVED.

26 (6) THE EMPLOYEE'S OR OFFICIAL'S FINANCIAL INTEREST IN AN OUTSIDE ENTITY
27 OR OUTSIDE EMPLOYMENT INVOLVES NO SUBSTANTIVE NONMINISTERIAL
28 DUTIES WHICH SIGNIFICANTLY RELATE TO THE COUNTY'S AUTHORITY OVER
29 THE OUTSIDE EMPLOYER OR ENTITY.

30 (7) THE EMPLOYEE'S OR OFFICIAL'S PRIVATE COMPENSATION IS NOT FUNDED TO

1 ANY SIGNIFICANT EXTENT BY THE COUNTY CONTRACT(S).

2 (8) THE EMPLOYEE'S OR OFFICIAL'S SPECIFIC EMPLOYMENT CIRCUMSTANCES DO
3 NOT OTHERWISE RAISE A CONFLICT OF INTEREST OR APPEARANCE OF
4 CONFLICT AS CONTEMPLATED BY SUBSECTION 901(B) OF THE HOWARD
5 COUNTY CHARTER AND SECTIONS 22.201 AND 22.204 OF THIS SUBTITLE.

6 (D) *DECISION*. WITHIN 45 CALENDAR DAYS AFTER THE PUBLIC HEARING THE COMMISSION
7 SHALL ISSUE A WRITTEN DECISION STATING WHETHER THE REQUESTED OUTSIDE
8 EMPLOYMENT OR INTEREST IS AUTHORIZED AND GIVING THE REASONS FOR THE DECISION.

9

10 **SECTION 22.206. FINANCIAL DISCLOSURE STATEMENTS.**

11 (A) THIS SECTION APPLIES TO ALL ELECTED OFFICIALS, ALL CANDIDATES TO BE ELECTED
12 OFFICIALS, ALL EMPLOYEES HOLDING POSITIONS LISTED IN SUBSECTION (B) OF THIS
13 SECTION, ALL PERSONS APPOINTED TO THE BOARDS AND COMMISSIONS LISTED IN
14 SUBSECTION (C) OF THIS SECTION, AND CERTAIN HIGH SCHOOL MEMBERS OF BOARDS AND
15 COMMISSIONS.

16 (B) THIS SECTION APPLIES TO THE FOLLOWING COUNTY EMPLOYEES:

17 (1) ALL EXECUTIVE EXEMPT POSITIONS AS LISTED IN SECTION 1.306
18 "EXECUTIVE EXEMPT" OF THE HOWARD COUNTY CODE;

19 (2) ALL EMPLOYEES AUTHORIZED TO DRAFT SPECIFICATIONS FOR, NEGOTIATE
20 OR EXECUTE A CONTRACT WHICH COMMITS THE COUNTY OR ANY OF ITS
21 BOARDS, AGENCIES OR DEPARTMENTS TO EXPEND IN EXCESS OF \$2,500.00;
22 AND

23 (3) ALL EMPLOYEES IN A MANAGERIAL OR POLICY-MAKING POSITIONS AS
24 DETERMINED BY THE COMMISSION UPON RECOMMENDATION OF THEIR
25 DEPARTMENT OR AGENCY HEAD. IN MAKING SUCH A RECOMMENDATION,
26 THE DEPARTMENT OR AGENCY HEAD SHALL CONSIDER SUCH FACTORS AS
27 THE EMPLOYEE'S RESPONSIBILITY FOR DECISION MAKING AND POLICY
28 RECOMMENDATION IN THE AREAS OF CONTRACTING, PROCUREMENT,
29 ADMINISTRATION AND/OR MONITORING OF GRANTS AND SUBSIDIES,
30 PLANNING OR ZONING, INSPECTING, LICENSING, REGULATING, AUDITING

1 AND BUDGETING; AND

2 (C) THIS SECTION APPLIES TO MEMBERS OF THE FOLLOWING BOARDS AND COMMISSIONS:

- 3 (1) BOARD OF APPEALS;
- 4 (2) PLANNING BOARD;
- 5 (3) RECREATION AND PARKS BOARD;
- 6 (4) PUBLIC WORKS BOARD;
- 7 (5) ETHICS COMMISSION;
- 8 (6) HOUSING AND COMMUNITY DEVELOPMENT BOARD;
- 9 (7) AGRICULTURAL LAND PRESERVATION ADVISORY BOARD;
- 10 (8) EQUAL BUSINESS OPPORTUNITY COMMISSION;
- 11 (9) HISTORIC DISTRICT COMMISSION;
- 12 (10) BOARD OF LIBRARY TRUSTEES;
- 13 (11) HOWARD COUNTY HOUSING COMMISSION;
- 14 (12) ECONOMIC DEVELOPMENT AUTHORITY BOARD;
- 15 (13) HOWARD COUNTY RETIREMENT PLAN OVERSIGHT COMMISSION;
- 16 (14) HOWARD COUNTY MENTAL HEALTH AUTHORITY BOARD;
- 17 (15) HOWARD COUNTY ALCOHOLIC BEVERAGE HEARING BOARD;
- 18 (16) HOWARD COUNTY REVENUE AUTHORITY BOARD; AND
- 19 (17) DESIGN ADVISORY PANEL.

20 (D) THIS SECTION SHALL APPLY TO HIGH SCHOOL MEMBERS OF BOARDS AND COMMISSIONS
21 AS FOLLOWS:

- 22 (1) A HIGH SCHOOL STUDENT MEMBER OF A BOARD OR COMMISSION LISTED IN
23 SUBSECTION (C) OF THIS SECTION SHALL FILE A STATEMENT OF FINANCIAL
24 INTEREST ON A FORM THAT THE COMMISSION PROVIDES.
- 25 (2) THE HIGH SCHOOL STUDENT MEMBER STATEMENT SHALL ONLY INCLUDE
26 THE FOLLOWING INFORMATION REGARDING INTERESTS THAT MAY CREATE A
27 CONFLICT BETWEEN THE STUDENT MEMBER'S PERSONAL INTERESTS AND
28 THE INDIVIDUAL'S DUTIES AS A BOARD OR COMMISSION MEMBER:

- 1 (I) SOURCES OF INCOME IN ACCORDANCE WITH SUBSECTION (J)(8) OF
2 THIS SECTION;
3 (II) GIFTS IN ACCORDANCE WITH SUBSECTION (J)(4) OF THIS SECTION;
4 AND
5 (III) A LIST OF FAMILY MEMBERS EMPLOYED BY THE COUNTY IN
6 ACCORDANCE WITH SUBSECTION (J)(7) OF THIS SECTION; AND

7 (E) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, AN ELECTED OFFICIAL,
8 EMPLOYEE, APPOINTEE TO A BOARD OR COMMISSION, OR CANDIDATE TO BE AN ELECTED
9 OFFICIAL SHALL FILE THE FINANCIAL DISCLOSURE STATEMENT REQUIRED UNDER THIS
10 SUBSECTION:

- 11 (1) ON A FORM PROVIDED BY THE COMMISSION;
12 (2) UNDER OATH OR AFFIRMATION;
13 (3) WITH THE COMMISSION; AND
14 (4) THE COMMISSION MAY REQUIRE THAT A FINANCIAL DISCLOSURE
15 STATEMENT BE SUBMITTED THROUGH AN ELECTRONIC PROCESS FOR WHICH
16 THE OATH OR AFFIRMATION SHALL BE MADE BY AN ELECTRONIC SIGNATURE
17 THAT:

- 18 (I) IS ATTACHED TO AND MADE PART OF THE FINANCIAL DISCLOSURE
19 STATEMENT;
20 (II) IS MADE EXPRESSLY UNDER THE PENALTIES OF PERJURY; AND
21 (III) SUBJECTS THE INDIVIDUAL MAKING THE SIGNATURE TO THE
22 PENALTIES OF PERJURY TO THE SAME EXTENT AS AN OATH OR
23 AFFIRMATION BEFORE AN INDIVIDUAL AUTHORIZED TO ADMINISTER
24 OATHS.

25 (F) *DEADLINES FOR FILING STATEMENTS.*

- 26 (1) AN INCUMBENT OFFICIAL OR EMPLOYEE SHALL FILE A FINANCIAL
27 DISCLOSURE STATEMENT ANNUALLY NO LATER THAN APRIL 30TH OF EACH
28 YEAR FOR THE PRECEDING CALENDAR YEAR.
29 (2) AN OFFICIAL OR EMPLOYEE WHO IS APPOINTED TO FILL A VACANCY IN AN
30 OFFICE FOR WHICH A FINANCIAL DISCLOSURE STATEMENT IS REQUIRED AND
31 WHO HAS NOT ALREADY FILED A FINANCIAL DISCLOSURE STATEMENT SHALL

1 FILE A STATEMENT FOR THE PRECEDING CALENDAR YEAR WITHIN 30 DAYS
2 AFTER APPOINTMENT.

3 (3) (I) AN INDIVIDUAL WHO, OTHER THAN BY REASONS OF DEATH, LEAVES
4 AN OFFICE FOR WHICH A STATEMENT IS REQUIRED SHALL FILE A
5 STATEMENT UPON RESIGNATION OR TERMINATION OF OFFICE.

6 (II) THE STATEMENT SHALL COVER:

7 A. THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR
8 IN WHICH THE INDIVIDUAL LEFT OFFICE, UNLESS A
9 STATEMENT COVERING THAT YEAR HAS ALREADY BEEN
10 FILED BY THE INDIVIDUAL; AND

11 B. THE PORTION OF THE CURRENT CALENDAR YEAR DURING
12 WHICH THE INDIVIDUAL HELD THE OFFICE.

13 (G) *CANDIDATES TO BE ELECTED OFFICIALS.*

14 (1) EXCEPT AN OFFICIAL OR EMPLOYEE WHO HAS FILED A FINANCIAL
15 DISCLOSURE STATEMENT UNDER ANOTHER PROVISION OF THIS SECTION FOR
16 THE REPORTING PERIOD, A CANDIDATE TO BE AN ELECTED OFFICIAL SHALL
17 FILE A FINANCIAL DISCLOSURE STATEMENT EACH YEAR BEGINNING WITH
18 THE YEAR IN WHICH THE CERTIFICATE OF CANDIDACY IS FILED THROUGH
19 THE YEAR OF THE ELECTION.

20 (2) A CANDIDATE TO BE AN ELECTED OFFICIAL SHALL FILE A STATEMENT
21 REQUIRED UNDER THIS SECTION:

22 (I) IN THE YEAR THE CERTIFICATE OF CANDIDACY IS FILED, NO LATER
23 THAT THE FILING OF THE CERTIFICATE OF CANDIDACY;

24 (II) IN THE YEAR OF THE ELECTION, ON OR BEFORE THE EARLIER OF
25 APRIL 30 OR THE LAST DAY FOR THE WITHDRAWAL OF CANDIDACY;
26 AND

27 (III) IN ALL OTHER YEARS FOR WHICH A STATEMENT IS REQUIRED, ON OR
28 BEFORE APRIL 30.

29 (3) A CANDIDATE TO BE AN ELECTED OFFICIAL:

30 (I) MAY FILE THE STATEMENT REQUIRED UNDER SUBSECTION (G)(2)(I)
31 OF THIS SECTION WITH THE COUNTY BOARD OF ELECTION

1 SUPERVISORS WITH THE CERTIFICATE OF CANDIDACY OR WITH THE
2 COMMISSION PRIOR TO FILING THE CERTIFICATE OF CANDIDACY;
3 AND

4 (II) SHALL FILE THE STATEMENTS REQUIRED UNDER SUBSECTION
5 (G)(2)(II) AND (III) OF THIS SECTION WITH THE COMMISSION.

6 (4) IF A CANDIDATE FAILS TO FILE A STATEMENT REQUIRED BY THIS SECTION
7 AFTER WRITTEN NOTICE IS PROVIDED BY THE COUNTY BOARD OF ELECTION
8 SUPERVISORS AT LEAST 20 DAYS BEFORE THE LAST DAY FOR THE
9 WITHDRAWAL OF CANDIDACY, THE CANDIDATE IS DEEMED TO HAVE
10 WITHDRAWN THE CANDIDACY.

11 (5) THE COUNTY BOARD OF ELECTION SUPERVISORS MAY NOT ACCEPT ANY
12 CERTIFICATE OF CANDIDACY UNLESS A STATEMENT REQUIRED UNDER THIS
13 SECTION HAS BEEN FILED IN PROPER FORM.

14 (6) WITHIN 30 DAYS OF THE RECEIPT OF A STATEMENT REQUIRED UNDER THIS
15 SECTION, THE COUNTY BOARD OF ELECTION SUPERVISORS SHALL FORWARD
16 THE STATEMENT TO THE COMMISSION, OR AN OFFICE DESIGNATED BY THE
17 COMMISSION.

18 (H) *PUBLIC RECORD.*

19 (1) THE COMMISSION, OR AN OFFICE DESIGNATED BY THE COMMISSION, SHALL
20 MAINTAIN ALL FINANCIAL DISCLOSURE STATEMENTS FILED UNDER THIS
21 SECTION.

22 (2) THE COMMISSION, OR AN OFFICE DESIGNATED BY THE COMMISSION, SHALL
23 MAKE FINANCIAL DISCLOSURE STATEMENTS AVAILABLE DURING NORMAL
24 OFFICE HOURS, FOR EXAMINATION AND COPYING BY THE PUBLIC SUBJECT TO
25 REASONABLE FEES AND ADMINISTRATIVE PROCEDURES ESTABLISHED BY
26 THE COUNTY.

27 (3) IF AN INDIVIDUAL EXAMINES OR COPIES A FINANCIAL DISCLOSURE
28 STATEMENT, THE COMMISSION OR THE OFFICE DESIGNATED BY THE
29 COMMISSION SHALL RECORD:

30 (I) THE NAME AND HOME ADDRESS OF THE INDIVIDUAL REVIEWING OR
31 COPYING THE STATEMENT; AND

- 1 (II) THE NAME OF THE PERSON WHOSE FINANCIAL DISCLOSURE
2 STATEMENT WAS EXAMINED OR COPIED.
- 3 (4) UPON REQUEST BY THE INDIVIDUAL WHOSE FINANCIAL DISCLOSURE
4 STATEMENT WAS EXAMINED OR COPIED, THE COMMISSION, OR THE OFFICE
5 DESIGNATED BY THE COMMISSION, SHALL PROVIDE THE OFFICIAL OR
6 EMPLOYEE WITH A COPY OF THE NAME AND HOME ADDRESS OF THE PERSON
7 WHO REVIEWED THE OFFICIAL'S OR EMPLOYEE'S FINANCIAL DISCLOSURE
8 STATEMENT.

9 (I) *RETENTION REQUIREMENTS.* THE COMMISSION, OR THE OFFICE DESIGNATED BY THE
10 COMMISSION, SHALL RETAIN FINANCIAL DISCLOSURE STATEMENTS FOR FOUR YEARS FROM
11 THE DATE OF RECEIPT.

12 (J) *CONTENTS OF STATEMENT.*

13 (1) *INTERESTS IN REAL PROPERTY.*

14 (I) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
15 SCHEDULE OF ALL INTERESTS IN REAL PROPERTY WHEREVER
16 LOCATED.

17 (II) FOR EACH INTEREST IN REAL PROPERTY, THE SCHEDULE SHALL
18 INCLUDE:

19 A. THE NATURE OF THE PROPERTY AND THE LOCATION BY
20 STREET ADDRESS, MAILING ADDRESS, OR LEGAL
21 DESCRIPTION OF THE PROPERTY;

22 B. THE NATURE AND EXTENT OF THE INTEREST HELD,
23 INCLUDING ANY CONDITIONS AND ENCUMBRANCES ON THE
24 INTEREST;

25 C. THE DATE WHEN, THE MANNER IN WHICH, AND THE IDENTITY
26 OF THE PERSON FROM WHOM THE INTEREST WAS ACQUIRED;

27 D. THE NATURE AND AMOUNT OF THE CONSIDERATION GIVEN IN
28 EXCHANGE FOR THE INTEREST OR, IF ACQUIRED OTHER THAN
29 BY PURCHASE, THE FAIR MARKET VALUE OF THE INTEREST AT
30 THE TIME ACQUIRED;

- 1 E. IF ANY INTEREST WAS TRANSFERRED, IN WHOLE OR IN PART,
2 AT ANY TIME DURING THE REPORTING PERIOD, A
3 DESCRIPTION OF THE INTEREST TRANSFERRED, THE NATURE
4 AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE
5 INTEREST, AND THE IDENTITY OF THE PERSON TO WHOM THE
6 INTEREST WAS TRANSFERRED; AND
- 7 F. THE IDENTITY OF ANY OTHER PERSON WITH AN INTEREST IN
8 THE PROPERTY.

9 (2) *INTERESTS IN CORPORATIONS AND PARTNERSHIPS.*

- 10 (i) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
11 SCHEDULE OF ALL INTERESTS IN ANY CORPORATION, PARTNERSHIP,
12 LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY
13 CORPORATION, REGARDLESS OF WHETHER THE CORPORATION OR
14 PARTNERSHIP DOES BUSINESS WITH THE COUNTY.
- 15 (ii) FOR EACH INTEREST REPORTED UNDER THIS PARAGRAPH, THE
16 SCHEDULE SHALL INCLUDE:
 - 17 A. THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE
18 CORPORATION, PARTNERSHIP, LIMITED LIABILITY
19 PARTNERSHIP, OR LIMITED LIABILITY CORPORATION;
 - 20 B. THE NATURE AND AMOUNT OF THE INTEREST HELD,
21 INCLUDING ANY CONDITIONS AND ENCUMBRANCES ON THE
22 INTEREST;
 - 23 C. WITH RESPECT TO ANY INTEREST TRANSFERRED, IN WHOLE
24 OR IN PART, AT ANY TIME DURING THE REPORTING PERIOD, A
25 DESCRIPTION OF THE INTEREST TRANSFERRED, THE NATURE
26 AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE
27 INTEREST AND, IF KNOWN, THE IDENTITY OF THE PERSON TO
28 WHOM THE INTEREST WAS TRANSFERRED;
 - 29 D. WITH RESPECT TO ANY INTEREST ACQUIRED DURING THE
30 REPORTING PERIOD:

1 DESCRIPTION OF THE INTEREST TRANSFERRED, THE NATURE
2 AND AMOUNT OF THE CONSIDERATION RECEIVED IN
3 EXCHANGE FOR THE INTEREST AND, IF KNOWN, THE IDENTITY
4 OF THE PERSON TO WHOM THE INTEREST WAS TRANSFERRED;
5 AND

6 D. WITH RESPECT TO ANY INTEREST ACQUIRED DURING THE
7 REPORTING PERIOD:

8 1. THE DATE WHEN, THE MANNER IN WHICH, AND THE
9 IDENTITY OF THE PERSON FROM WHOM THE INTEREST
10 WAS ACQUIRED; AND

11 2. THE NATURE AND THE AMOUNT OF THE
12 CONSIDERATION GIVEN IN EXCHANGE FOR THE
13 INTEREST OR, IF ACQUIRED OTHER THAN BY
14 PURCHASE, THE FAIR MARKET VALUE OF THE
15 INTEREST AT THE TIME ACQUIRED.

16 (4) *GIFTS.*

17 (I) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
18 SCHEDULE OF EACH GIFT IN EXCESS OF \$20 IN VALUE OR A SERIES OF
19 GIFTS TOTALING \$100 OR MORE RECEIVED DURING THE REPORTING
20 PERIOD FROM OR ON BEHALF OF, DIRECTLY OR INDIRECTLY, ANY
21 ONE PERSON WHO DOES BUSINESS WITH THE COUNTY.

22 (II) FOR EACH GIFT REPORTED, THE SCHEDULE SHALL INCLUDE:

23 A. A DESCRIPTION OF THE NATURE AND VALUE OF THE GIFT;
24 AND

25 B. THE IDENTITY OF THE PERSON FROM WHOM, OR ON BEHALF
26 OF WHOM, DIRECTLY OR INDIRECTLY, THE GIFT WAS
27 RECEIVED.

28 (5) *EMPLOYMENT WITH OR INTERESTS IN ENTITIES DOING BUSINESS WITH THE*
29 *COUNTY.*

30 (I) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
31 SCHEDULE OF ALL OFFICES, DIRECTORSHIPS, AND SALARIED

1 EMPLOYMENT BY THE INDIVIDUAL OR MEMBER OF THE IMMEDIATE
2 FAMILY OF THE INDIVIDUAL HELD AT ANY TIME DURING THE
3 REPORTING PERIOD WITH ENTITIES DOING BUSINESS WITH THE
4 COUNTY.

5 (II) FOR EACH POSITION REPORTED UNDER THIS PARAGRAPH, THE
6 SCHEDULE SHALL INCLUDE:

- 7 A. THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE
8 BUSINESS ENTITY;
- 9 B. THE TITLE AND NATURE OF THE OFFICE, DIRECTORSHIP, OR
10 SALARIED EMPLOYMENT HELD AND THE DATE IT
11 COMMENCED; AND
- 12 C. THE NAME OF EACH COUNTY AGENCY WITH WHICH THE
13 ENTITY IS INVOLVED AS INDICATED BY IDENTIFYING ONE OR
14 MORE OF THE THREE CATEGORIES OF "DOING BUSINESS", AS
15 DEFINED IN SECTION 22.202 OF THIS SUBTITLE.

16 (6) *INDEBTEDNESS TO ENTITIES DOING BUSINESS WITH THE COUNTY.*

17 (I) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
18 SCHEDULE OF ALL LIABILITIES, EXCLUDING RETAIL CREDIT
19 ACCOUNTS, TO PERSONS DOING BUSINESS WITH THE COUNTY OWED
20 AT ANY TIME DURING THE REPORTING PERIOD:

- 21 A. BY THE INDIVIDUAL; OR
- 22 B. BY A MEMBER OF THE IMMEDIATE FAMILY OF THE
23 INDIVIDUAL IF THE INDIVIDUAL WAS INVOLVED IN THE
24 TRANSACTION GIVING RISE TO THE LIABILITY.

25 (II) FOR EACH LIABILITY REPORTED UNDER THIS PARAGRAPH, THE
26 SCHEDULE SHALL INCLUDE:

- 27 A. THE IDENTITY OF THE PERSON TO WHOM THE LIABILITY WAS
28 OWED AND THE DATE THE LIABILITY WAS INCURRED;
- 29 B. THE AMOUNT OF THE LIABILITY OWED AS OF THE END OF THE
30 REPORTING PERIOD;

1 C. THE TERMS OF PAYMENT OF THE LIABILITY AND THE EXTENT
2 TO WHICH THE PRINCIPAL AMOUNT OF THE LIABILITY WAS
3 INCREASED OR REDUCED DURING THE YEAR; AND

4 D. THE SECURITY GIVEN, IF ANY, FOR THE LIABILITY.

5 (7) *EMPLOYMENT WITH THE COUNTY.* A STATEMENT FILED UNDER THIS SECTION
6 SHALL INCLUDE A SCHEDULE OF THE IMMEDIATE FAMILY MEMBERS OF THE
7 INDIVIDUAL EMPLOYED BY THE COUNTY IN ANY CAPACITY AT ANY TIME
8 DURING THE REPORTING PERIOD.

9 (8) *SOURCES OF EARNED INCOME.*

10 (I) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
11 SCHEDULE OF THE NAME AND ADDRESS OF EACH PLACE OF
12 EMPLOYMENT AND OF EACH BUSINESS ENTITY OF WHICH THE
13 INDIVIDUAL OR A MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY
14 WAS A SOLE OR PARTIAL OWNER AND FROM WHICH THE INDIVIDUAL
15 OR MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY RECEIVED
16 EARNED INCOME, AT ANY TIME DURING THE REPORTING PERIOD.

17 (II) NOTWITHSTANDING ITEM (I) OF THIS PARAGRAPH, THE SCHEDULE
18 NEED NOT DISCLOSE:

19 A. A MINOR CHILD'S EMPLOYMENT OR BUSINESS OWNERSHIP
20 NEED NOT BE DISCLOSED IF THE AGENCY THAT EMPLOYS THE
21 INDIVIDUAL DOES NOT REGULATE, EXERCISE AUTHORITY
22 OVER, OR CONTRACT WITH THE PLACE OF EMPLOYMENT OR
23 BUSINESS ENTITY OF THE MINOR CHILD; OR

24 B. THE NAMES OF INDIVIDUAL CLIENTS OR PATIENTS, WHERE
25 THE SOURCE OF INCOME IS AN ATTORNEY-CLIENT OR A
26 PHYSICIAN/PSYCHIATRIST/PSYCHOLOGIST-PATIENT
27 RELATIONSHIP.

28 (9) *ADDITIONAL INFORMATION.* A STATEMENT FILED UNDER THIS SECTION MAY
29 ALSO INCLUDE A SCHEDULE OF ADDITIONAL INTERESTS OR INFORMATION
30 THAT THE INDIVIDUAL MAKING THE STATEMENT WISHES TO DISCLOSE.

1 (K) FOR THE PURPOSES OF SUBSECTION (J)(1), (2) AND (3) OF THIS SECTION, THE
2 FOLLOWING INTERESTS ARE CONSIDERED TO BE THE INTERESTS OF THE INDIVIDUAL MAKING
3 THE STATEMENT:

- 4 (1) AN INTEREST HELD BY A MEMBER OF THE INDIVIDUAL'S IMMEDIATE
5 FAMILY, IF THE INTEREST WAS, AT ANY TIME DURING THE REPORTING
6 PERIOD, DIRECTLY OR INDIRECTLY CONTROLLED BY THE INDIVIDUAL.
- 7 (2) AN INTEREST HELD BY A BUSINESS ENTITY IN WHICH THE INDIVIDUAL HELD
8 A 30% OR GREATER INTEREST AT ANY TIME DURING THE REPORTING PERIOD.
- 9 (3) AN INTEREST HELD BY A TRUST OR AN ESTATE IN WHICH, AT ANY TIME
10 DURING THE REPORTING PERIOD:

- 11 (I) THE INDIVIDUAL HELD A REVERSIONARY INTEREST OR WAS A
12 BENEFICIARY, OR
- 13 (II) IF A REVOCABLE TRUST, THE INDIVIDUAL WAS A SETTLOR.

- 14 (L) (1) THE COMMISSION SHALL REVIEW THE FINANCIAL DISCLOSURE STATEMENTS
15 SUBMITTED UNDER THIS SECTION FOR COMPLIANCE WITH THE PROVISIONS
16 OF THIS SECTION AND SHALL NOTIFY AN INDIVIDUAL SUBMITTING THE
17 STATEMENT OF ANY OMISSIONS OR DEFICIENCIES.
- 18 (2) IF, AFTER NOTIFICATION BY THE COMMISSION OF ANY OMISSION OR
19 DEFICIENCY, AN INDIVIDUAL DOES NOT CURE SUCH WITHIN 30 DAYS, THE
20 COMMISSION SHALL REFER EVIDENCE OF ANY NONCOMPLIANCE WITH THIS
21 SECTION TO THE COUNTY SOLICITOR FOR APPROPRIATE ACTION.
- 22 (3) THE COMMISSION MAY TAKE APPROPRIATE ENFORCEMENT ACTION TO
23 ENSURE COMPLIANCE WITH THIS SECTION.

24 (M) *INCOMPLETE INFORMATION.* WHEN THE INDIVIDUAL REQUIRED TO FILE IS UNABLE TO
25 OBTAIN THE INFORMATION NEEDED TO COMPLETE THE SCHEDULES REQUIRED BY THIS
26 SECTION, THE INDIVIDUAL SHALL REPORT THE UNAVAILABILITY OF CERTAIN INFORMATION
27 AND SHALL PROVIDE A WRITTEN STATEMENT OF THE EFFORTS MADE TO OBTAIN THE
28 INFORMATION. THE COMMISSION SHALL CONDUCT AN INVESTIGATION TO DETERMINE IF
29 THE INDIVIDUAL HAS USED DUE DILIGENCE IN ATTEMPTING TO OBTAIN THE MISSING
30 INFORMATION AND WHETHER, CONSIDERING THE CIRCUMSTANCES, THE OMISSION OF THE
31 MATERIAL IS JUSTIFIED. IN MAKING THIS DETERMINATION, THE COMMISSION SHALL

1 REQUEST AND CONSIDER THE OPINION OF THE COUNTY SOLICITOR. THE SOLICITOR'S
2 OPINION AND THE REPORT OF THE COMMISSION SHALL BE MADE PART OF THE STATEMENT
3 OF THE PERSON REQUIRED TO FILE.

4
5 **SECTION 22.207. LOBBYING.**

6 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) AND (C) OF THIS SECTION, A PERSON OR
7 ENTITY WHO ENGAGES IN LOBBYING AS DEFINED IN SECTION 22.202 OF THIS SUBTITLE
8 SHALL FILE A LOBBYING REGISTRATION WITH THE COMMISSION IF THE PERSON OR ENTITY,
9 DURING THE CALENDAR YEAR:

- 10 (1) EXPENDS, EXCLUSIVE OF PERSONAL TRAVEL AND SUBSISTENCE EXPENSES,
11 IN EXCESS OF \$100.00 IN FURTHERANCE OF THIS ACTIVITY; OR
12 (2) IS COMPENSATED IN EXCESS OF \$500.00 IN CONNECTION WITH THIS
13 ACTIVITY.

14 (B) THE FOLLOWING ACTIVITIES ARE EXEMPT FROM REGULATION UNDER THIS SECTION:

- 15 (1) PROFESSIONAL SERVICES IN DRAFTING BILLS OR IN ADVISING AND
16 RENDERING OPINIONS TO CLIENTS AS TO THE CONSTRUCTION AND EFFECT OF
17 PROPOSED OR PENDING COUNTY COUNCIL ACTIONS WHEN THESE SERVICES
18 DO NOT OTHERWISE CONSTITUTE LOBBYING ACTIVITIES;
19 (2) APPEARANCES BEFORE THE COUNTY COUNCIL UPON ITS SPECIFIC
20 INVITATION OR REQUEST IF THE PERSON OR ENTITY ENGAGES IN NO FURTHER
21 OR OTHER ACTIVITIES IN CONNECTION WITH THE PASSAGE OR DEFEAT OF
22 COUNTY COUNCIL ACTIONS;
23 (3) APPEARANCES BEFORE A COUNTY AGENCY UPON THE SPECIFIC INVITATION
24 OR REQUEST OF THE AGENCY IF THE PERSON OR ENTITY ENGAGES IN NO
25 FURTHER OR OTHER ACTIVITIES IN CONNECTION WITH THE PASSAGE OR
26 DEFEAT OF ANY AGENCY EXECUTIVE ACTION;
27 (4) APPEARANCE AS PART OF THE OFFICIAL DUTIES OF A DULY ELECTED OR
28 APPOINTED OFFICIAL OR EMPLOYEE OF THE STATE OR A POLITICAL
29 SUBDIVISION OF THE STATE, OR OF THE UNITED STATES, AND NOT ON
30 BEHALF OF ANY OTHER ENTITY;

- 1 (5) ACTIONS OF A PUBLISHER OR WORKING MEMBER OF THE PRESS, RADIO, OR
2 TELEVISION IN THE ORDINARY COURSE OF THE BUSINESS OF DISSEMINATING
3 NEWS OR MAKING EDITORIAL COMMENT TO THE GENERAL PUBLIC WHO DOES
4 NOT ENGAGE IN FURTHER OR OTHER LOBBYING THAT WOULD DIRECTLY AND
5 SPECIFICALLY BENEFIT THE ECONOMIC, BUSINESS, OR PROFESSIONAL
6 INTERESTS OF THE PERSON OR ENTITY OR THE EMPLOYER OF THE PERSON OR
7 ENTITY;
- 8 (6) APPEARANCES BY AN INDIVIDUAL BEFORE THE COUNTY COUNCIL AT THE
9 SPECIFIC INVITATION OR REQUEST OF A REGISTERED LOBBYIST IF THE
10 PERSON PERFORMS NO OTHER LOBBYING ACT AND NOTIFIES THE COUNTY
11 COUNCIL THAT THE PERSON OR ENTITY IS TESTIFYING AT THE REQUEST OF
12 THE LOBBYIST;
- 13 (7) APPEARANCES BY AN INDIVIDUAL BEFORE A GOVERNMENT AGENCY AT THE
14 SPECIFIC INVITATION OR REQUEST OF A REGISTERED LOBBYIST IF THE
15 PERSON OR ENTITY PERFORMS NO OTHER LOBBYING ACT AND NOTIFIES
16 AGENCY THAT THE PERSON OR ENTITY IS TESTIFYING AT THE REQUEST OF
17 THE LOBBYIST;
- 18 (8) THE REPRESENTATION OF A BONA FIDE RELIGIOUS ORGANIZATION SOLELY
19 FOR THE PURPOSE OF PROTECTING THE RIGHT OF ITS OWN MEMBERS TO
20 PRACTICE THE DOCTRINE OF THE ORGANIZATION; AND
- 21 (9) APPEARANCE AS PART OF THE OFFICIAL DUTIES OF AN OFFICER, DIRECTOR,
22 MEMBER, OR EMPLOYEE OF AN ASSOCIATION ENGAGED EXCLUSIVELY IN
23 LOBBYING FOR COUNTIES AND MUNICIPALITIES AND NOT ON BEHALF OF ANY
24 OTHER ENTITY.

25 (C) LIMITED EXEMPTION – EMPLOYER OF A LOBBYIST.

- 26 (1) A PERSON OR ENTITY WHO COMPENSATES ONE OR MORE LOBBYISTS AND
27 WHO WOULD OTHERWISE BE REQUIRED TO REGISTER AS A LOBBYIST IS NOT
28 REQUIRED TO FILE A REGISTRATION AND SUBMIT LOBBYING REPORTS IF THE
29 PERSON OR ENTITY REASONABLY BELIEVES THAT ALL EXPENSES INCURRED
30 IN CONNECTION WITH THE LOBBYING ACTIVITIES WILL BE REPORTED BY A

1 PROPERLY REGISTERED PERSON OR ENTITY ACTING ON BEHALF OF THE
2 PERSON OR ENTITY.

3 (2) A PERSON OR ENTITY EXEMPTED UNDER THIS SUBSECTION BECOMES
4 SUBJECT TO THIS SECTION IMMEDIATELY UPON FAILURE OF THE LOBBYIST
5 TO REPORT ANY INFORMATION REQUIRED UNDER THIS SECTION.

6 (D) (1) THE REGISTRATION FILED UNDER THIS SECTION SHALL BE FILED ON OR
7 BEFORE THE LATTER OF THE BEGINNING OF THE CALENDAR YEAR IN WHICH
8 THE PERSON OR ENTITY EXPECTS TO LOBBY AND WITHIN FIVE DAYS OF FIRST
9 ENGAGING IN LOBBYING ACTIVITIES IN THE CALENDAR YEAR.

10 (2) THE REGISTRATION FILED UNDER THIS SECTION:

11 (I) SHALL BE DATED AND ON A FORM DEVELOPED BY THE COMMISSION;

12 (II) SHALL INCLUDE:

13 A. THE LOBBYIST'S FULL AND LEGAL NAME AND PERMANENT
14 ADDRESS;

15 B. THE NAME, ADDRESS, AND NATURE OF BUSINESS OF ANY
16 PERSON OR ENTITY ON WHOSE BEHALF THE LOBBYIST ACTS;

17 C. THE WRITTEN AUTHORIZATION OF ANY PERSON OR ENTITY
18 ON WHOSE BEHALF THE LOBBYIST ACTS OR AN AUTHORIZED
19 OFFICER OR AGENT, WHO IS NOT THE LOBBYIST, OF THE
20 PERSON OR ENTITY ON WHOSE BEHALF THE LOBBYIST ACTS;

21 (III) A STATEMENT OF WHETHER THE PERSON OR ENTITY ON WHOSE
22 BEHALF THE LOBBYIST ACTS IS EXEMPT FROM REGISTRATION UNDER
23 SUBSECTION (C) OF THIS SECTION;

24 (IV) THE IDENTIFICATION, BY FORMAL DESIGNATION, IF KNOWN, OF
25 MATTERS ON WHICH THE LOBBYIST EXPECTS TO ACT;

26 (V) IDENTIFICATION OF THE PERIOD OF TIME WITHIN A SINGLE
27 CALENDAR YEAR DURING WHICH THE LOBBYIST IS AUTHORIZED TO
28 ENGAGE IN THESE ACTIVITIES, UNLESS TERMINATED SOONER; AND

29 (VI) THE FULL LEGAL SIGNATURE OF THE LOBBYIST AND, WHEN
30 APPROPRIATE, THE PERSON OR ENTITY ON WHOSE BEHALF THE

1 LOBBYIST ACTS OR AN AGENT OR AUTHORIZED OFFICER OF THE
2 PERSON OR ENTITY ON WHOSE BEHALF THE LOBBYIST ACTS.

3 (E) A LOBBYIST SHALL FILE A SEPARATE REGISTRATION FOR EACH PERSON OR ENTITY THAT
4 HAS ENGAGED OR EMPLOYED THE LOBBYIST FOR LOBBYING PURPOSES.

5 (F) A LOBBYIST MAY TERMINATE THE LOBBYIST'S REGISTRATION BY PROVIDING WRITTEN
6 NOTICE TO THE COMMISSION AND SUBMITTING ALL OUTSTANDING REPORTS AND
7 REGISTRATIONS.

8 (G) A PERSON OR ENTITY MAY NOT ENGAGE IN LOBBYING ACTIVITIES ON BEHALF OF
9 ANOTHER PERSON OR ENTITY FOR COMPENSATION THAT IS CONTINGENT UPON THE PASSAGE
10 OR DEFEAT OF ANY ACTION BY THE COUNTY COUNCIL OR THE OUTCOME OF ANY
11 EXECUTIVE ACTION.

12 (H) ACTIVITY REPORT.

13 (1) A LOBBYIST SHALL FILE WITH THE COMMISSION OR THE OFFICE DESIGNATED
14 BY THE COMMISSION:

15 (I) BY JULY 31, ONE REPORT CONCERNING THE LOBBYIST'S LOBBYING
16 ACTIVITIES COVERING THE PERIOD BEGINNING JANUARY 1 THROUGH
17 JUNE 30; AND

18 (II) BY JANUARY 31, ONE REPORT COVERING THE PERIOD BEGINNING
19 JULY 1 THROUGH DECEMBER 31.

20 (2) A LOBBYIST SHALL FILE A SEPARATE ACTIVITY REPORT FOR EACH PERSON
21 OR ENTITY ON WHOSE BEHALF THE LOBBYIST ACTS.

22 (3) IF THE LOBBYIST IS NOT AN INDIVIDUAL, AN AUTHORIZED OFFICER OR
23 AGENT OF THE ENTITY SHALL SIGN THE FORM.

24 (4) THE REPORT SHALL INCLUDE:

25 (I) A COMPLETE AND CURRENT STATEMENT OF THE INFORMATION
26 REQUIRED TO BE SUPPLIED WITH THE LOBBYIST'S REGISTRATION
27 FORM.

28 (II) TOTAL EXPENDITURES ON LOBBYING ACTIVITIES IN EACH OF THE
29 FOLLOWING CATEGORIES:

- 1 A. TOTAL COMPENSATION PAID TO THE LOBBYIST NOT
- 2 INCLUDING EXPENSES REPORTED UNDER ITEMS (B) -(I) OF
- 3 THIS SUBPARAGRAPH;
- 4 B. OFFICE EXPENSES OF THE LOBBYIST;
- 5 C. PROFESSIONAL AND TECHNICAL RESEARCH AND ASSISTANCE
- 6 NOT REPORTED IN ITEM (I) OF THIS SUBPARAGRAPH;
- 7 D. PUBLICATIONS WHICH EXPRESSLY ENCOURAGE PERSONS TO
- 8 COMMUNICATE WITH COUNTY OFFICIALS OR EMPLOYEES;
- 9 E. NAMES OF WITNESSES, AND THE FEES AND EXPENSES PAID TO
- 10 EACH WITNESS;
- 11 F. MEALS AND BEVERAGES FOR COUNTY OFFICIALS AND
- 12 EMPLOYEES;
- 13 G. REASONABLE EXPENSES FOR FOOD, LODGING, AND
- 14 SCHEDULED ENTERTAINMENT OF COUNTY OFFICIALS OR
- 15 EMPLOYEES FOR A MEETING WHICH IS GIVEN IN RETURN FOR
- 16 PARTICIPATION IN A PANEL OR SPEAKING ENGAGEMENT AT
- 17 THE MEETING;
- 18 H. OTHER GIFTS TO OR FOR COUNTY OFFICIALS OR EMPLOYEES
- 19 OR THEIR SPOUSES OR DEPENDENT CHILDREN; AND
- 20 I. OTHER EXPENSES.

21 (5) FOR REPORTING PURPOSES, A PRORATED AMOUNT SHALL BE LABELED AS
22 SUCH.

23 (i) SPECIAL GIFT REPORT.

24 (1) (i) WITH THE SIX-MONTH ACTIVITY REPORT REQUIRED UNDER
25 SUBSECTION (H) OF THIS SECTION, A LOBBYIST SHALL REPORT,
26 EXCEPT FOR GIFTS REPORTED IN ITEMS (H)(4)(II)G OF THIS SECTION,
27 GIFTS FROM THE LOBBYIST WITH A CUMULATIVE VALUE OF \$75 OR
28 MORE DURING THE REPORTING PERIOD TO AN OFFICIAL, EMPLOYEE,
29 OR MEMBER OF THE IMMEDIATE FAMILY OF AN OFFICIAL OR
30 EMPLOYEE.

1 (II) THE LOBBYIST SHALL REPORTS GIFTS UNDER THIS PARAGRAPH
2 REGARDLESS OF WHETHER THE GIFT WAS GIVEN IN CONNECTION
3 WITH LOBBYING ACTIVITIES.

4 (2) THE REPORT SHALL INCLUDE THE DATE, BENEFICIARY, AMOUNT OR VALUE,
5 AND NATURE OF THE GIFT.

6 (J) NOTIFICATION TO OFFICIAL AND CONFIDENTIALITY.

7 (1) IF ANY REPORT FILED UNDER THIS SECTION CONTAINS THE NAME OF AN
8 OFFICIAL OR EMPLOYEE OR A MEMBER OF THE IMMEDIATE FAMILY OF AN
9 OFFICIAL OR EMPLOYEE, THE COMMISSION SHALL NOTIFY THE OFFICIAL OR
10 EMPLOYEE WITHIN 30 DAYS.

11 (2) THE COMMISSION SHALL KEEP THE REPORT CONFIDENTIAL FOR 60 DAYS
12 FOLLOWING RECEIPT BY THE COMMISSION.

13 (3) WITHIN 30 DAYS OF THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
14 SUBSECTION, THE OFFICIAL OR EMPLOYEE MAY FILE A WRITTEN EXCEPTION
15 TO THE INCLUSION IN THE REPORT OF THE NAME OF THE OFFICIAL,
16 EMPLOYEE, OR MEMBER OF THE IMMEDIATE FAMILY OF THE OFFICIAL OR
17 EMPLOYEE.

18 (K) THE COMMISSION MAY REQUIRE A LOBBYIST TO SUBMIT OTHER REPORTS THE
19 COMMISSION DETERMINES TO BE NECESSARY.

20 (L) THE COMMISSION, OR AN OFFICE DESIGNATED BY THE COMMISSION, SHALL MAINTAIN
21 ALL REGISTRATIONS AND REPORTS FILED UNDER THIS SECTION;

22 (M) (1) THE COMMISSION SHALL REVIEW THE REGISTRATIONS AND REPORTS FILED
23 UNDER THIS SECTION FOR COMPLIANCE WITH THIS SECTION AND SHALL
24 NOTIFY PERSONS ENGAGING IN LOBBYING ACTIVITIES OF ANY OMISSIONS OR
25 DEFICIENCIES.

26 (2) THE COMMISSION MAY TAKE APPROPRIATE ENFORCEMENT ACTION TO
27 ENSURE COMPLIANCE WITH THIS SECTION.

28 (N) ANNUAL REPORT.

29 (1) THE COMMISSION SHALL COMPUTE AND MAKE AVAILABLE A SUBTOTAL
30 UNDER EACH OF THE TEN REQUIRED CATEGORIES IN SUBPARAGRAPH
31 (H)(4)(II) OF THIS SECTION.

1 HOWARD COUNTY, OR IN ANY OTHER COURT HAVING PROPER VENUE FOR
2 THE PURPOSE OF REQUIRING COMPLIANCE WITH THE PROVISIONS OF THIS
3 SUBTITLE.

- 4 (2) (I) THE COURT MAY:
- 5 A. ISSUE AN ORDER TO CEASE AND DESIST FROM THE
 - 6 VIOLATION;
 - 7 B. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
 - 8 PARAGRAPH, VOID AN OFFICIAL ACTION TAKEN BY AN
 - 9 OFFICIAL OR EMPLOYEE WITH A CONFLICT OF INTEREST
 - 10 PROHIBITED BY THIS SUBTITLE WHEN THE ACTION ARISES
 - 11 FROM OR CONCERNS THE SUBJECT MATTER OF THE CONFLICT
 - 12 AND IF THE LEGAL ACTION IS BROUGHT WITHIN 90 DAYS OF
 - 13 THE OCCURRENCE OF THE OFFICIAL ACTION, IF THE COURT
 - 14 DEEMS VOIDING THE ACTION TO BE IN THE BEST INTEREST OF
 - 15 THE PUBLIC; OR
 - 16 C. IMPOSE A FINE OF UP TO \$1,000 FOR ANY VIOLATION OF THE
 - 17 PROVISIONS OF THIS SUBTITLE, WITH EACH DAY UPON WHICH
 - 18 THE VIOLATION OCCURS CONSTITUTING A SEPARATE
 - 19 OFFENSE;
- 20 (II) A COURT MAY NOT VOID ANY OFFICIAL ACTION APPROPRIATING
- 21 PUBLIC FUNDS, LEVYING TAXES, OR PROVIDING FOR THE ISSUANCE
- 22 OF BONDS, NOTES, OR OTHER EVIDENCES OF PUBLIC OBLIGATIONS.
- 23 (C) (1) ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THE PROVISIONS
- 24 OF SECTION 22.207 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR, AND
- 25 UPON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
- 26 IMPRISONMENT FOR NOT MORE THAN 6 MONTHS, OR BOTH.
- 27 (2) IF THE PERSON IS A BUSINESS ENTITY AND NOT A NATURAL PERSON, EACH
- 28 OFFICER AND PARTNER OF THE BUSINESS ENTITY WHO KNOWINGLY
- 29 AUTHORIZED OR PARTICIPATED IN THE VIOLATION IS GUILTY OF A
- 30 MISDEMEANOR AND, UPON CONVICTION, IS SUBJECT TO THE SAME
- 31 PENALTIES AS THE BUSINESS ENTITY.

1 (D) IN ADDITION TO ANY OTHER ENFORCEMENT PROVISIONS IN THIS SUBTITLE, A PERSON
2 WHO THE COMMISSION OR A COURT FINDS HAS VIOLATED THIS SUBTITLE:

3 (1) IS SUBJECT TO TERMINATION OR OTHER DISCIPLINARY ACTION; AND

4 (2) MAY BE SUSPENDED FROM RECEIVING PAYMENT OF SALARY OR OTHER
5 COMPENSATION PENDING FULL COMPLIANCE WITH THE TERMS OF AN ORDER
6 OF THE COMMISSION OR A COURT.

7 (E) (1) A PERSON WHO IS SUBJECT TO THE PROVISIONS OF THIS SUBTITLE SHALL
8 OBTAIN AND PRESERVE ALL ACCOUNTS, BILLS, RECEIPTS, BOOKS, PAPERS,
9 AND DOCUMENTS NECESSARY TO COMPLETE AND SUBSTANTIATE A REPORT,
10 STATEMENT, OR RECORD REQUIRED UNDER THIS SUBTITLE FOR THREE
11 YEARS FROM THE DATE OF FILING THE REPORT, STATEMENT, OR RECORD.

12 (2) THESE PAPERS AND DOCUMENTS SHALL BE AVAILABLE FOR INSPECTION
13 UPON REQUEST BY THE COMMISSION OR THE COUNTY COUNCIL AFTER
14 REASONABLE NOTICE.

15 (F) IN ADDITION TO ANY OTHER ENFORCEMENT PROVISIONS IN THIS SUBTITLE, A PERSON
16 WHO IS FOUND GUILTY OF A VIOLATION OF SECTION 22.204 OF THIS SUBTITLE IS SUBJECT
17 TO FORFEITURE OF OFFICE IN ACCORDANCE WITH SECTION 901(C) OF THE HOWARD
18 COUNTY CHARTER.

19 (G) ANY CONTRACT MADE IN VIOLATION OF SECTION 22.204 OF THIS SUBTITLE MAY BE
20 DECLARED VOID BY THE COUNTY EXECUTIVE OR BY RESOLUTION OF THE COUNTY
21 COUNCIL IN ACCORDANCE WITH SECTION 901(C) OF THE HOWARD COUNTY CHARTER.

22
23 **SECTION 22.209. SEVERABILITY.**

24 IF ANY SECTION, SENTENCE, CLAUSE OR PHRASE OF THIS SUBTITLE IS HELD INVALID OR
25 UNCONSTITUTIONAL BY ANY COURT OR COMPETENT JURISDICTION, THE RULING SHALL NOT
26 AFFECT THE VALIDITY OF THE REMAINING PORTIONS OR THIS SUBTITLE.

27
28 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
29 *Maryland, that this Act shall become effective 61 days after its enactment.*