

Introduced September 6, 2011
Public Hearing September 19, 2011
Council Action November 7, 2011
Executive Action November 11, 2011
Effective Date January 11, 2012

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 September 6, 2011. Ordered posted and hearing scheduled.

By order Stephen M LeGendre
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 September 19, 2011.

Tabled October 3, 2011

By order Stephen M LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on November 7, 2011 and Passed , Passed with amendments , Failed .

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Scaled with the County Seal and presented to the County Executive for approval this 8th day of November, 2011 at 1:00 a.m./p.m.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Approved by the County Executive November 11, 2011

Kear Ulman
Kear 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
25 COUNTY OR THE HOWARD COUNTY LIBRARY.
- 26 (2) "EMPLOYEE" DOES NOT INCLUDE AN ELECTED LOCAL OFFICIAL.
- 27 (3) "EMPLOYEE" DOES NOT INCLUDE AN EMPLOYEE OF:
- 28 (I) THE OFFICES OF THE SHERIFF, STATE'S ATTORNEY, REGISTER OF
29 WILLS, OR THE CLERK OF THE COURT;
- 30 (II) THE COUNTY HEALTH DEPARTMENT; OR
- 31 (III) THE COUNTY DEPARTMENT OF SOCIAL SERVICES.

1 (H) "FINANCIAL INTEREST" MEANS:

2 (1) OWNERSHIP OF ANY INTEREST AS THE RESULT OF WHICH THE OWNER HAS
3 RECEIVED, WITHIN THE PAST 3 YEARS, OR IS PRESENTLY RECEIVING, OR IN
4 THE FUTURE IS ENTITLED TO RECEIVE, MORE THAN \$1,000 PER YEAR; OR

5 (2) OWNERSHIP, OR THE OWNERSHIP OF SECURITIES OF ANY KIND
6 REPRESENTING OR CONVERTIBLE INTO OWNERSHIP, OF MORE THAN 3
7 PERCENT OF A BUSINESS ENTITY BY A COUNTY OFFICIAL OR EMPLOYEE, OR
8 THE SPOUSE OF AN OFFICIAL OR EMPLOYEE.

9 (I) (1) "GIFT" MEANS THE TRANSFER OF ANYTHING OF ECONOMIC VALUE,
10 REGARDLESS OF THE FORM, WITHOUT ADEQUATE AND LAWFUL
11 CONSIDERATION.

12 (2) "GIFT" DOES NOT INCLUDE A POLITICAL CAMPAIGN CONTRIBUTION
13 REGULATED UNDER THE ELECTIONS ARTICLE OF THE ANNOTATED CODE OF
14 MARYLAND OR ANY OTHER PROVISION OF STATE OR LOCAL LAW
15 REGULATING THE CONDUCT OF ELECTIONS OR THE RECEIPT OF POLITICAL
16 CAMPAIGN CONTRIBUTIONS.

17 (J) "IMMEDIATE FAMILY" MEANS A SPOUSE AND DEPENDENT CHILDREN.

18 (K) (1) "INTEREST" MEANS A LEGAL OR EQUITABLE ECONOMIC INTEREST, WHETHER
19 OR NOT SUBJECT TO AN ENCUMBRANCE OR A CONDITION, THAT IS OWNED OR
20 HELD, IN WHOLE OR IN PART, JOINTLY OR SEVERALLY, DIRECTLY OR
21 INDIRECTLY.

22 (2) FOR PURPOSES OF SECTION 22.204 OF THIS SUBTITLE, "INTEREST" INCLUDES
23 ANY INTEREST HELD AT ANY TIME DURING THE REPORTING PERIOD.

24 (3) "INTEREST" DOES NOT INCLUDE:

25 (I) AN INTEREST HELD IN THE CAPACITY OF A PERSONAL AGENT,
26 CUSTODIAN, FIDUCIARY, OR PERSONAL REPRESENTATIVE, TRUSTEE,
27 UNLESS THE HOLDER HAS AN EQUITABLE INTEREST IN THE SUBJECT
28 MATTER;

29 (II) AN INTEREST IN A TIME OR DEMAND DEPOSIT IN A FINANCIAL
30 INSTITUTION;

- 1 (III) AN INTEREST IN AN INSURANCE POLICY, ENDOWMENT POLICY OR
2 ANNUITY CONTRACT UNDER WHICH AN INSURER PROMISES TO PAY A
3 FIXED AMOUNT OF MONEY EITHER IN A LUMP SUM OR PERIODICALLY
4 FOR LIFE OR A SPECIFIED PERIOD;
- 5 (IV) A COMMON TRUST FUND OR A TRUST WHICH FORMS PART OF A
6 PENSION OR PROFIT SHARING PLAN WHICH HAS MORE THAN 25
7 PARTICIPANTS AND WHICH HAS BEEN DETERMINED BY THE
8 INTERNAL REVENUE SERVICE TO BE A QUALIFIED TRUST UNDER THE
9 INTERNAL REVENUE CODE; OR
- 10 (V) A COLLEGE SAVINGS PLAN UNDER THE INTERNAL REVENUE CODE.

11 (L) "LOBBYIST" MEANS A PERSON REQUIRED TO REGISTER AND REPORT EXPENSES RELATED
12 TO LOBBYING UNDER SECTION 22.207 OF THIS SUBTITLE.

13 (M) "LOBBYING" MEANS:

- 14 (1) COMMUNICATING IN THE PRESENCE OF A COUNTY OFFICIAL OR EMPLOYEE
15 WITH THE INTENT TO INFLUENCE ANY OFFICIAL ACTION OF THAT OFFICIAL
16 OR EMPLOYEE; OR
- 17 (2) ENGAGING IN ACTIVITIES WITH THE EXPRESS PURPOSE OF SOLICITING
18 OTHERS TO COMMUNICATE WITH A COUNTY OFFICIAL OR EMPLOYEE WITH
19 THE INTENT TO INFLUENCE THAT OFFICIAL OR EMPLOYEE.

20 (N) "OFFICIAL" MEANS AN ELECTED OFFICIAL, AN EMPLOYEE OF THE COUNTY, OR A PERSON
21 APPOINTED TO OR EMPLOYED BY THE COUNTY OR ANY COUNTY AGENCY, BOARD,
22 COMMISSION, OR SIMILAR ENTITY:

23 (1) WHETHER OR NOT PAID IN WHOLE OR IN PART WITH COUNTY FUNDS; AND

24 (2) WHETHER OR NOT COMPENSATED.

25 (O) "PERSON" INCLUDES AN INDIVIDUAL OR BUSINESS ENTITY.

26 (P) "QUALIFIED RELATIVE" MEANS A SPOUSE, PARENT, CHILD, BROTHER OR SISTER.

27

28 **SECTION 22.203. ADMINISTRATION.**

29 (A) THERE IS A HOWARD COUNTY ETHICS COMMISSION THAT CONSISTS OF FIVE MEMBERS,
30 APPOINTED BY THE COUNTY EXECUTIVE WITH THE CONCURRENCE OF THE COUNTY
31 COUNCIL.

- 1 (B) IN ADDITION TO THE QUALIFICATIONS SET FORTH FOR BOARD AND COMMISSION
2 MEMBERS GENERALLY IN TITLE 6, SUBTITLE 3 OF THIS CODE, MEMBERS OF THE ETHICS
3 COMMISSION SHALL NOT:
- 4 (1) SERVE MORE THAN TWO CONSECUTIVE TERMS;
5 (2) HOLD OR BE A CANDIDATE FOR ANY ELECTED OR APPOINTED OFFICE OF THE
6 UNITED STATES, THE STATE, ANY POLITICAL SUBDIVISION OR
7 INCORPORATED MUNICIPALITY OF THE STATE, OR OF ANY POLITICAL PARTY;
8 (3) BE AN EMPLOYEE OF THE COUNTY OR OF ANY POLITICAL PARTY; AND
9 (4) BE OTHERWISE REQUIRED TO FILE A LOBBYING REGISTRATION PURSUANT
10 THIS SUBTITLE.
- 11 (BC) (1) THE COMMISSION SHALL ELECT A CHAIRMAN FROM AMONG ITS MEMBERS.
12 (2) THE TERM OF THE CHAIRMAN IS ONE YEAR.
13 (3) THE CHAIRMAN MAY BE REELECTED.
- 14 (CD) A MAJORITY VOTE OF THE COMMISSION SHALL CONSIST OF THREE OR MORE VOTES. A
15 QUORUM CONSISTS OF THREE MEMBERS PRESENT.
- 16 (DE) (1) THE COUNTY SOLICITOR SHALL ASSIST THE COMMISSION IN CARRYING OUT
17 THE COMMISSION'S DUTIES;
18 (2) IF A CONFLICT OF INTEREST UNDER SECTION 22.204 OF THIS SUBTITLE OR
19 OTHER CONFLICT PROHIBITS THE COUNTY SOLICITOR FROM ASSISTING THE
20 COMMISSION IN A MATTER, THE COUNTY SHALL PROVIDE SUFFICIENT FUNDS
21 FOR THE COMMISSION TO HIRE INDEPENDENT COUNSEL FOR THE DURATION
22 OF THE CONFLICT.
- 23 (EF) THE COUNTY SOLICITOR SHALL DESIGNATE AN EXECUTIVE SECRETARY WHO SHALL
24 ATTEND ALL MEETINGS.
- 25 (FG) THE COMMISSION IS THE ADVISORY BODY RESPONSIBLE FOR INTERPRETING THIS
26 SUBTITLE AND ADVISING PERSONS SUBJECT TO THIS SUBTITLE REGARDING ITS
27 APPLICATION.
- 28 (GH) THE COMMISSION SHALL HEAR AND DECIDE, WITH THE ADVICE OF THE COUNTY
29 SOLICITOR OR OTHER LEGAL COUNSEL IF APPROPRIATE, ALL COMPLAINTS FILED REGARDING
30 ALLEGED VIOLATIONS OF THIS SUBTITLE BY ANY PERSON.

1 (H) THE COMMISSION, OR AN OFFICE DESIGNATED BY THE COMMISSION, SHALL RETAIN AS
2 A PUBLIC RECORD ALL FORMS SUBMITTED BY ANY PERSON UNDER THIS SUBTITLE FOR AT
3 LEAST FOUR YEARS AFTER RECEIPT BY THE COMMISSION. THE COMMISSION SHALL KEEP
4 ON FILE THE MINUTES OF ITS PROCEEDINGS IN ACCORDANCE WITH STATE OF MARYLAND'S
5 OPEN MEETINGS ACT.

6 (I) THE COMMISSION SHALL CONDUCT A PUBLIC INFORMATION AND EDUCATION PROGRAM
7 REGARDING THE PURPOSE AND IMPLEMENTATION OF THIS SUBTITLE.

8 (J) THE COMMISSION SHALL CERTIFY TO THE STATE ETHICS COMMISSION ON OR BEFORE
9 OCTOBER 1 OF EACH YEAR THAT THE COUNTY IS IN COMPLIANCE WITH THE REQUIREMENTS
10 OF THE STATE GOVERNMENT ARTICLE, TITLE 15, SUBTITLE 8, OF THE ANNOTATED CODE
11 OF MARYLAND FOR ELECTED LOCAL OFFICIALS.

12 (K) THE COMMISSION SHALL:

13 (1) DETERMINE IF CHANGES TO THIS SUBTITLE ARE REQUIRED TO BE IN
14 COMPLIANCE WITH THE REQUIREMENTS OF THE STATE GOVERNMENT
15 ARTICLE, TITLE 15, SUBTITLE 8, OF THE ANNOTATED CODE OF MARYLAND;
16 AND

17 (2) FORWARD ANY RECOMMENDED CHANGES AND AMENDMENTS TO THE
18 COUNTY COUNCIL FOR ENACTMENT.

19 (L) (1) ANY PERSON SUBJECT TO THIS SUBTITLE MAY REQUEST AN ADVISORY
20 OPINION FROM THE COMMISSION CONCERNING THE APPLICATION OF THIS
21 SUBTITLE.

22 (2) THE COMMISSION SHALL RESPOND PROMPTLY TO A REQUEST FOR AN
23 ADVISORY OPINION AND SHALL PROVIDE INTERPRETATIONS OF THIS
24 SUBTITLE BASED ON THE FACTS PROVIDED OR REASONABLY AVAILABLE TO
25 THE COMMISSION WITHIN 60 DAYS OF THE REQUEST.

26 (3) IN ACCORDANCE WITH ALL APPLICABLE STATE AND COUNTY LAWS
27 REGARDING PUBLIC RECORDS, THE COMMISSION SHALL PUBLISH OR
28 OTHERWISE MAKE AVAILABLE TO THE PUBLIC COPIES OF THE ADVISORY
29 OPINIONS, WITH THE IDENTITIES OF THE SUBJECTS DELETED.

30 (4) THE COMMISSION MAY ADOPT ADDITIONAL POLICIES AND PROCEDURES
31 RELATED TO THE ADVISORY OPINION REQUEST PROCESS.

- 1 (MN) (1) ANY PERSON MAY FILE A COMPLAINT WITH THE COMMISSION ALLEGING A
2 VIOLATION OF ANY OF THE PROVISIONS OF THIS SUBTITLE.
- 3 (2) A COMPLAINT SHALL BE IN WRITING AND UNDER OATH; AND
- 4 (3) THE COMMISSION MAY REFER A COMPLAINT TO THE COUNTY SOLICITOR, OR
5 OTHER LEGAL COUNSEL IF APPROPRIATE, FOR INVESTIGATION AND REVIEW.
- 6 (4) THE COMMISSION MAY REJECT WITHOUT FURTHER PROCEEDINGS ANY
7 COMPLAINT WHICH IT DEEMS TO BE PLAINLY FRIVOLOUS OR WHICH,
8 ASSUMING THE FACTS ALLEGED WERE TRUE, DOES NOT STATE A VIOLATION
9 OF THIS SUBTITLE.
- 10 (5) THE COMMISSION MAY DISMISS A COMPLAINT IF, AFTER RECEIVING AN
11 INVESTIGATIVE REPORT, THE COMMISSION DETERMINES THAT THERE ARE
12 INSUFFICIENT FACTS UPON WHICH TO BASE A DETERMINATION OF A
13 VIOLATION.
- 14 (6) IF THERE IS A REASONABLE BASIS FOR BELIEVING A VIOLATION HAS
15 OCCURRED, THE SUBJECT OF THE COMPLAINT SHALL BE GIVEN AN
16 OPPORTUNITY FOR A HEARING CONDUCTED IN ACCORDANCE WITH THE
17 APPLICABLE COUNTY RULES OF PROCEDURE.
- 18 (7) A FINAL DETERMINATION OF A VIOLATION RESULTING FROM THE HEARING
19 SHALL INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW.
- 20 (8) UPON FINDING A VIOLATION, THE COMMISSION MAY TAKE ANY
21 ENFORCEMENT ACTION PROVIDED FOR IN SECTION 22.208 OF THIS
22 SUBTITLE.
- 23 (9) (I) AFTER A COMPLAINT IS FILED AND UNTIL A FINAL FINDING OF A
24 VIOLATION BY THE COMMISSION, ALL ACTIONS REGARDING A
25 COMPLAINT ARE CONFIDENTIAL.
- 26 (II) A FINDING OF A VIOLATION IS PUBLIC INFORMATION.
- 27 (10) THE COMMISSION MAY ADOPT ADDITIONAL POLICIES AND PROCEDURES
28 RELATED TO COMPLAINTS, COMPLAINT HEARINGS, THE USE OF INDEPENDENT
29 INVESTIGATORS AND STAFF, THE USE OF WITNESS AND DOCUMENT
30 SUBPOENAS, AND CURE AND SETTLEMENT AGREEMENTS.

1 (NQ) THE COMMISSION MAY GRANT EXEMPTIONS TO OR MODIFICATIONS OF THE CONFLICT
2 OF INTEREST AND FINANCIAL DISCLOSURE PROVISIONS OF THIS SUBTITLE TO OFFICIALS OR
3 EMPLOYEES SERVING AS MEMBERS OF COUNTY BOARDS AND COMMISSIONS, WHEN THE
4 COMMISSION FINDS THAT THE EXEMPTION OR MODIFICATION WOULD NOT BE CONTRARY TO
5 THE PURPOSES OF THIS SUBTITLE, AND THE APPLICATION OF THIS SUBTITLE WOULD:

- 6 (1) CONSTITUTE AN UNREASONABLE INVASION OF PRIVACY; AND
- 7 (2) SIGNIFICANTLY REDUCE THE AVAILABILITY OF QUALIFIED PERSONS FOR
8 PUBLIC SERVICE.

9 (OP) THE COMMISSION MAY:

- 10 (1) ASSESS A LATE FEE OF \$2 PER DAY UP TO A MAXIMUM OF \$250 FOR A
11 FAILURE TO TIMELY FILE A FINANCIAL DISCLOSURE STATEMENT REQUIRED
12 UNDER SECTION 22.206 OF THIS SUBTITLE; AND
- 13 (2) ASSESS A LATE FEE OF \$10 PER DAY UP TO A MAXIMUM OF \$250 FOR A
14 FAILURE TO FILE A TIMELY LOBBYIST REGISTRATION OR LOBBYIST REPORT
15 REQUIRED UNDER SECTION 22.207 OF THIS SUBTITLE.

16 (PQ) (1) THE EXECUTIVE SECRETARY, ON BEHALF OF THE COMMISSION, MAY ISSUE
17 SUBPOENAS:

- 18 (i) FOR THE ATTENDANCE OF WITNESSES TO TESTIFY; OR
- 19 (ii) TO PRODUCE EVIDENCE RELEVANT AND NECESSARY TO THE
20 ADMINISTRATION AND ENFORCEMENT OF THIS SUBTITLE.

- 21 (2) A SUBPOENA SHALL BE SERVED BY DELIVERING A COPY EITHER TO THE
22 PERSON NAMED OR TO AN AGENT AUTHORIZED BY APPOINTMENT OR BY LAW
23 TO RECEIVE SERVICE FOR THE PERSON NAMED.

24
25 **SECTION 22.204. PROHIBITED CONDUCT AND INTERESTS.**

26 (A) *PARTICIPATION PROHIBITIONS.*

- 27 (1) EXCEPT AS PERMITTED BY COMMISSION REGULATION OR OPINION, AN
28 OFFICIAL OR EMPLOYEE MAY NOT PARTICIPATE IN:
 - 29 (i) EXCEPT IN THE EXERCISE OF AN ADMINISTRATIVE OR MINISTERIAL
30 DUTY THAT DOES NOT AFFECT THE DISPOSITION OR DECISION OF THE
31 MATTER, ANY MATTER IN WHICH, TO THE KNOWLEDGE OF THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

OFFICIAL OR EMPLOYEE, THE OFFICIAL OR EMPLOYEE OR A QUALIFIED RELATIVE OF THE OFFICIAL OR EMPLOYEE HAS AN INTEREST.

(ii) 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 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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.

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

- (i) THE DISQUALIFICATION LEAVES A BODY WITH LESS THAN A QUORUM CAPABLE OF ACTING;
- (ii) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS REQUIRED BY LAW TO ACT; OR
- (iii) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS THE ONLY PERSON AUTHORIZED TO ACT.

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

(B) EMPLOYMENT AND FINANCIAL INTEREST RESTRICTIONS.

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

- (i) BE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN ANY ENTITY:

- 1 A. SUBJECT TO THE AUTHORITY OF THE OFFICIAL OR EMPLOYEE
- 2 OR THE COUNTY AGENCY, BOARD, COMMISSION WITH WHICH
- 3 THE OFFICIAL OR EMPLOYEE IS AFFILIATED; OR
- 4 B. THAT IS NEGOTIATING OR HAS ENTERED A CONTRACT WITH
- 5 THE AGENCY, BOARD, OR COMMISSION WITH WHICH THE
- 6 OFFICIAL OR EMPLOYEE IS AFFILIATED; OR
- 7 (ii) HOLD ANY OTHER EMPLOYMENT RELATIONSHIP THAT WOULD
- 8 IMPAIR THE IMPARTIALITY OR INDEPENDENCE OF JUDGMENT OF THE
- 9 OFFICIAL OR EMPLOYEE.
- 10 (2) THE PROHIBITIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY
- 11 TO:
- 12 (i) AN OFFICIAL OR EMPLOYEE WHO IS APPOINTED TO A REGULATORY
- 13 OR LICENSING AUTHORITY PURSUANT TO A STATUTORY
- 14 REQUIREMENT THAT PERSONS SUBJECT TO THE JURISDICTION OF THE
- 15 AUTHORITY BE REPRESENTED IN APPOINTMENTS TO THE AUTHORITY;
- 16 (ii) SUBJECT TO OTHER PROVISIONS OF LAW, A MEMBER OF A BOARD OR
- 17 COMMISSION IN REGARD TO A FINANCIAL INTEREST OR EMPLOYMENT
- 18 HELD AT THE TIME OF APPOINTMENT, PROVIDED THE FINANCIAL
- 19 INTEREST OR EMPLOYMENT IS PUBLICLY DISCLOSED TO THE
- 20 APPOINTING AUTHORITY AND THE COMMISSION;
- 21 (iii) AN OFFICIAL OR EMPLOYEE WHOSE DUTIES ARE MINISTERIAL, IF THE
- 22 PRIVATE EMPLOYMENT OR FINANCIAL INTEREST DOES NOT CREATE A
- 23 CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF
- 24 INTEREST, AS PERMITTED AND IN ACCORDANCE WITH REGULATIONS
- 25 ADOPTED BY THE COMMISSION; OR
- 26 (iv) EMPLOYMENT OR FINANCIAL INTERESTS ALLOWED BY REGULATION
- 27 OF THE COMMISSION IF THE EMPLOYMENT DOES NOT CREATE A
- 28 CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF
- 29 INTEREST OR THE FINANCIAL INTEREST IS DISCLOSED.

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

- 1 (1) A FORMER OFFICIAL OR EMPLOYEE MAY NOT ASSIST OR REPRESENT ANY
2 PARTY OTHER THAN THE COUNTY FOR COMPENSATION IN A CASE,
3 CONTRACT, OR OTHER SPECIFIC MATTER INVOLVING THE COUNTY IF THAT
4 MATTER IS ONE IN WHICH THE FORMER OFFICIAL OR EMPLOYEE
5 SIGNIFICANTLY PARTICIPATED AS AN OFFICIAL OR EMPLOYEE.
- 6 (2) FOR A YEAR AFTER THE FORMER MEMBER LEAVES OFFICE, A FORMER
7 MEMBER OF THE COUNTY COUNCIL MAY NOT ASSIST OR REPRESENT
8 ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE SUBJECT OF
9 LEGISLATIVE ACTION.
- 10 (D) *CONTINGENT COMPENSATION.* EXCEPT IN A JUDICIAL OR QUASI-JUDICIAL PROCEEDING,
11 AN OFFICIAL OR EMPLOYEE MAY NOT ASSIST OR REPRESENT A PARTY FOR CONTINGENT
12 COMPENSATION IN ANY MATTER BEFORE OR INVOLVING THE COUNTY.
- 13 (E) *USE OF PRESTIGE OF OFFICE.*
- 14 (1) AN OFFICIAL OR EMPLOYEE MAY NOT INTENTIONALLY USE THE PRESTIGE OF
15 OFFICE OR PUBLIC POSITION FOR THE PRIVATE GAIN OF THAT OFFICIAL OR
16 EMPLOYEE OR THE PRIVATE GAIN OF ANOTHER.
- 17 (2) THIS SUBSECTION DOES NOT PROHIBIT THE PERFORMANCE OF USUAL AND
18 CUSTOMARY CONSTITUENT SERVICES BY AN ELECTED OFFICIAL WITHOUT
19 ADDITIONAL COMPENSATION.
- 20 (F) *SOLICITATION AND ACCEPTANCE OF GIFTS.*
- 21 (1) AN OFFICIAL OR EMPLOYEE MAY NOT SOLICIT ANY GIFT.
- 22 (2) AN OFFICIAL OR EMPLOYEE MAY NOT DIRECTLY SOLICIT OR FACILITATE THE
23 SOLICITATION OF A GIFT, ON BEHALF OF ANOTHER PERSON, FROM AN
24 INDIVIDUAL REGULATED LOBBYIST.
- 25 (3) AN OFFICIAL OR EMPLOYEE MAY NOT KNOWINGLY ACCEPT A GIFT,
26 DIRECTLY OR INDIRECTLY, FROM A PERSON THAT THE OFFICIAL OR
27 EMPLOYEE KNOWS OR HAS THE REASON TO KNOW:
- 28 (i) IS DOING BUSINESS WITH OR SEEKING TO DO BUSINESS WITH THE
29 COUNTY OFFICE, AGENCY, BOARD OR COMMISSION WITH WHICH THE
30 OFFICIAL OR EMPLOYEE IS AFFILIATED;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

- (ii) HAS FINANCIAL INTERESTS THAT MAY BE SUBSTANTIALLY AND MATERIALLY AFFECTED, IN A MANNER DISTINGUISHABLE FROM THE PUBLIC GENERALLY, BY THE PERFORMANCE OR NONPERFORMANCE OF THE OFFICIAL DUTIES OF THE OFFICIAL OR EMPLOYEE;
 - (iii) IS ENGAGED IN AN ACTIVITY REGULATED OR CONTROLLED BY THE OFFICIAL'S OR EMPLOYEE'S GOVERNMENTAL UNIT; OR
 - (iv) IS A LOBBYIST WITH RESPECT TO MATTERS WITHIN THE JURISDICTION OF THE OFFICIAL OR EMPLOYEE.
- (4) (i) SUBSECTION (4)(ii) DOES NOT APPLY TO A GIFT:
- A. THAT WOULD TEND TO IMPAIR THE IMPARTIALITY AND THE INDEPENDENCE OF JUDGMENT OF THE OFFICIAL OR EMPLOYEE RECEIVING THE GIFT;
 - B. OF SIGNIFICANT VALUE THAT WOULD GIVE THE APPEARANCE OF IMPAIRING THE IMPARTIALITY AND INDEPENDENCE OF JUDGMENT OF THE OFFICIAL OR EMPLOYEE; OR
 - C. OF SIGNIFICANT VALUE THAT THE RECIPIENT OFFICIAL OR EMPLOYEE BELIEVES OR HAS REASON TO BELIEVE IS DESIGNED TO IMPAIR THE IMPARTIALITY AND INDEPENDENCE OF JUDGMENT OF THE OFFICIAL OR EMPLOYEE.
- (ii) NOTWITHSTANDING PARAGRAPH (3) OF THIS SUBSECTION, AN OFFICIAL OR EMPLOYEE MAY ACCEPT THE FOLLOWING:
- A. MEALS AND BEVERAGES CONSUMED IN THE PRESENCE OF THE DONOR OR SPONSORING ENTITY;
 - B. CEREMONIAL GIFTS OR AWARDS THAT HAVE INSIGNIFICANT MONETARY VALUE;
 - C. UNSOLICITED GIFTS OF NOMINAL VALUE THAT DO NOT EXCEED \$ 20 IN COST OR TRIVIAL ITEMS OF INFORMATIONAL VALUE;
 - D. REASONABLE EXPENSES FOR FOOD, TRAVEL, LODGING, AND SCHEDULED ENTERTAINMENT OF THE OFFICIAL OR THE EMPLOYEE AT A MEETING WHICH IS GIVEN IN RETURN FOR

- 1 THE PARTICIPATION OF THE OFFICIAL OR EMPLOYEE IN A
2 PANEL OR SPEAKING ENGAGEMENT AT THE MEETING;
3 E. GIFTS OF TICKETS OR FREE ADMISSION EXTENDED TO AN
4 ELECTED OFFICIAL TO ATTEND A CHARITABLE, CULTURAL,
5 OR POLITICAL EVENT, IF THE PURPOSE OF THIS GIFT OR
6 ADMISSION IS A COURTESY OR CEREMONY EXTENDED TO THE
7 ELECTED OFFICIAL'S OFFICE;
8 F. A SPECIFIC GIFT OR CLASS OF GIFTS THAT THE COMMISSION
9 EXEMPTS FROM THE OPERATION OF THIS SUBSECTION UPON A
10 FINDING, IN WRITING, THAT ACCEPTANCE OF THE GIFT OR
11 CLASS OF GIFTS WOULD NOT BE DETRIMENTAL TO THE
12 IMPARTIAL CONDUCT OF THE BUSINESS OF THE COUNTY AND
13 THAT THE GIFT IS PURELY PERSONAL AND PRIVATE IN
14 NATURE;
15 G. GIFTS FROM A PERSON RELATED TO THE OFFICIAL OR
16 EMPLOYEE BY BLOOD OR MARRIAGE, OR ANY OTHER
17 INDIVIDUAL WHO IS A MEMBER OF THE HOUSEHOLD OF THE
18 OFFICIAL OR EMPLOYEE; OR
19 H. HONORARIA FOR SPEAKING TO OR PARTICIPATING IN A
20 MEETING, PROVIDED THAT THE OFFERING OF THE
21 HONORARIUM IS ~~IN NO RELATED IN ANY WAY~~ NOT RELATED,
22 IN ANY WAY, TO THE OFFICIAL'S OR EMPLOYEE'S OFFICIAL
23 POSITION.

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

29 (H) *PARTICIPATION IN PROCUREMENT.*

- 30 (1) AN INDIVIDUAL OR A PERSON THAT EMPLOYS AN INDIVIDUAL WHO ASSISTS
31 A COUNTY, AGENCY OR UNIT IN THE DRAFTING OF SPECIFICATIONS, AN

1 INVITATION FOR BIDS, OR A REQUEST FOR PROPOSALS FOR A PROCUREMENT,
2 MAY NOT SUBMIT A BID OR PROPOSAL FOR THAT PROCUREMENT, OR ASSIST
3 OR REPRESENT ANOTHER PERSON, DIRECTLY OR INDIRECTLY, WHO IS
4 SUBMITTING A BID OR PROPOSAL FOR THE PROCUREMENT.

- 5 (2) THE COMMISSION MAY ESTABLISH EXEMPTIONS FROM THE REQUIREMENTS
6 OF THIS SECTION FOR PROVIDING DESCRIPTIVE LITERATURE, SOLE SOURCE
7 PROCUREMENTS, AND WRITTEN COMMENTS SOLICITED BY THE PROCURING
8 AGENCY.

9
10 **SECTION 22.205. - EXCEPTIONS PURSUANT TO THE PROVISIONS OF SUBSECTION 901(B)**
11 **OF THE HOWARD COUNTY CHARTER.**

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

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

19 (B) *PROCEDURE:*

- 20 (1) *AUTHORIZATION.* THE COMMISSION MAY AUTHORIZE COUNTY EMPLOYEES
21 OR OFFICIALS TO HAVE AN INTEREST IN OR BE EMPLOYED BY AN ENTITY
22 WHICH HAS DEALINGS WITH THE COUNTY PROVIDED THAT, AFTER A PUBLIC
23 HEARING AND FULL DISCLOSURE, THE COMMISSION, APPLYING THE
24 CRITERIA LISTED IN SUBSECTION (C), "CRITERIA," OF THIS SECTION,
25 DETERMINES THAT THE INTEREST OR EMPLOYMENT DOES NOT VIOLATE THE
26 PUBLIC INTEREST.

- 27 (2) *REQUEST.* THE EMPLOYEE OR OFFICIAL WHO WISHES SUCH AN
28 AUTHORIZATION SHALL MAKE A SIGNED REQUEST IN WRITING TO THE
29 COMMISSION. THE REQUEST SHALL EXPLAIN IN DETAIL:

- 30 (1) THE NATURE OF THE ENTITY IN WHICH THE INTEREST OR

- 1 EMPLOYMENT IS HELD AND ITS DEALINGS WITH THE COUNTY;
- 2 (ii) THE NATURE AND SCOPE OF THE EMPLOYEE'S OR OFFICIAL'S
- 3 INTEREST OR EMPLOYMENT WITH THE ENTITY;
- 4 (iii) THE NATURE AND SCOPE OF THE EMPLOYEE'S OR OFFICIAL'S DUTIES
- 5 WITH THE COUNTY;
- 6 (iv) ANY ADDITIONAL INFORMATION WHICH IS RELEVANT TO
- 7 DETERMINING WHETHER THE PUBLIC INTEREST WOULD BE VIOLATED
- 8 BY THE INTEREST OR THE EMPLOYMENT.

9 (3) *HEARING.* THE COMMISSION SHALL SCHEDULE A PUBLIC HEARING ON THE

10 REQUEST TO TAKE PLACE WITHIN 45 CALENDAR DAYS AFTER THE

11 COMMISSION'S RECEIPT OF THE REQUEST. THE HEARING SHALL BE

12 ADVERTISED AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION IN

13 THE COUNTY. AT THE PUBLIC HEARING THE COMMISSION MAY HEAR

14 TESTIMONY FROM THE OFFICIAL OR EMPLOYEE MAKING THE REQUEST, FROM

15 OTHER INDIVIDUALS WITH KNOWLEDGE OF THE EMPLOYEE'S OR OFFICIAL'S

16 ROLE IN THE COUNTY OR IN THE OUTSIDE ENTITY, AND FROM MEMBERS OF

17 THE PUBLIC.

18 (c) *CRITERIA.* THE COMMISSION SHALL CONSIDER THE FOLLOWING CRITERIA IN

19 DETERMINING WHETHER TO CONCLUDE THAT THE OUTSIDE EMPLOYMENT OR INTEREST

20 DOES NOT VIOLATE THE PUBLIC INTEREST AND THEREFORE TO AUTHORIZE THE INTEREST OR

21 EMPLOYMENT.

- 22 (1) THE EMPLOYEE'S OR OFFICIAL'S DUTIES WITH THE COUNTY DO NOT
- 23 SIGNIFICANTLY IMPACT ON THE ENTITY IN WHICH A FINANCIAL INTEREST IS
- 24 HELD OR ON THE OUTSIDE EMPLOYER OR ON THE CONTRACT OR PROPOSED
- 25 CONTRACT BETWEEN THE COUNTY AND THE ENTITY OR OUTSIDE EMPLOYER.
- 26 (2) THE EMPLOYEE OR OFFICIAL IS NOT DIRECTLY SUPERVISED BY A PERSON
- 27 WHO HAS DUTIES THAT SIGNIFICANTLY IMPACT ON THE ENTITY OR ON THE
- 28 OUTSIDE EMPLOYER OR ON THE CONTRACT OR PROPOSED CONTRACT.
- 29 (3) THE EMPLOYEE OR OFFICIAL DOES NOT SUPERVISE A PERSON WHO HAS
- 30 DUTIES THAT SIGNIFICANTLY IMPACT ON THE ENTITY OR ON THE OUTSIDE

- 1 EMPLOYER OR ON THE CONTRACT OR PROPOSED CONTRACT.
- 2 (4) THE EMPLOYEE OR OFFICIAL IS NOT AFFILIATED WITH THE DEPARTMENT,
3 OFFICE OR AGENCY WITHIN THE COUNTY THAT EXERCISES AUTHORITY OVER
4 THE ENTITY OR OVER THE OUTSIDE EMPLOYER OR IS INVOLVED IN
5 CONTRACTS WITH THE OUTSIDE EMPLOYER OR ENTITY.
- 6 (5) THE EMPLOYEE OR OFFICIAL HAS COMPLIED WITH OTHER RELEVANT
7 SECTIONS OF THE HOWARD COUNTY PUBLIC ETHICS LAW RELATING TO THE
8 MATTERS INVOLVED.
- 9 (6) THE EMPLOYEE'S OR OFFICIAL'S FINANCIAL INTEREST IN AN OUTSIDE ENTITY
10 OR OUTSIDE EMPLOYMENT INVOLVES NO SUBSTANTIVE NONMINISTERIAL
11 DUTIES WHICH SIGNIFICANTLY RELATE TO THE COUNTY'S AUTHORITY OVER
12 THE OUTSIDE EMPLOYER OR ENTITY.
- 13 (7) THE EMPLOYEE'S OR OFFICIAL'S PRIVATE COMPENSATION IS NOT FUNDED TO
14 ANY SIGNIFICANT EXTENT BY THE COUNTY CONTRACT(S).
- 15 (8) THE EMPLOYEE'S OR OFFICIAL'S SPECIFIC EMPLOYMENT CIRCUMSTANCES DO
16 NOT OTHERWISE RAISE A CONFLICT OF INTEREST OR APPEARANCE OF
17 CONFLICT AS CONTEMPLATED BY SUBSECTION 901(B) OF THE HOWARD
18 COUNTY CHARTER AND SECTIONS 22.201 AND 22.204 OF THIS SUBTITLE.

19 (D) *DECISION.* WITHIN 45 CALENDAR DAYS AFTER THE PUBLIC HEARING THE COMMISSION
20 SHALL ISSUE A WRITTEN DECISION STATING WHETHER THE REQUESTED OUTSIDE
21 EMPLOYMENT OR INTEREST IS AUTHORIZED AND GIVING THE REASONS FOR THE DECISION.
22

23 **SECTION 22.206. FINANCIAL DISCLOSURE STATEMENTS.**

24 (A) THIS SECTION APPLIES TO ALL ELECTED OFFICIALS, ALL CANDIDATES TO BE ELECTED
25 OFFICIALS, ALL EMPLOYEES HOLDING POSITIONS LISTED IN SUBSECTION (B) OF THIS
26 SECTION, ALL PERSONS APPOINTED TO THE BOARDS AND COMMISSIONS LISTED IN
27 SUBSECTION (C) OF THIS SECTION, AND CERTAIN HIGH SCHOOL MEMBERS OF BOARDS AND
28 COMMISSIONS.

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

- 30 (1) ALL EXECUTIVE EXEMPT POSITIONS AS LISTED IN SECTION 1.306

1 "EXECUTIVE EXEMPT" OF THE HOWARD COUNTY CODE;

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

6 (3) ALL EMPLOYEES IN A MANAGERIAL OR POLICY-MAKING POSITIONS AS
7 DETERMINED BY THE COMMISSION UPON RECOMMENDATION OF THEIR
8 DEPARTMENT OR AGENCY HEAD. IN MAKING SUCH A RECOMMENDATION,
9 THE DEPARTMENT OR AGENCY HEAD SHALL CONSIDER SUCH FACTORS AS
10 THE EMPLOYEE'S RESPONSIBILITY FOR DECISION MAKING AND POLICY
11 RECOMMENDATION IN THE AREAS OF CONTRACTING, PROCUREMENT,
12 ADMINISTRATION AND/OR MONITORING OF GRANTS AND SUBSIDIES,
13 PLANNING OR ZONING, INSPECTING, LICENSING, REGULATING, AUDITING
14 AND BUDGETING; AND

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

- 16 (1) BOARD OF APPEALS;
17 (2) PLANNING BOARD;
18 (3) RECREATION AND PARKS BOARD;
19 (4) PUBLIC WORKS BOARD;
20 (5) ETHICS COMMISSION;
21 (6) HOUSING AND COMMUNITY DEVELOPMENT BOARD;
22 (7) AGRICULTURAL LAND PRESERVATION ADVISORY BOARD;
23 (8) EQUAL BUSINESS OPPORTUNITY COMMISSION;
24 (9) HISTORIC DISTRICT COMMISSION;
25 (10) BOARD OF LIBRARY TRUSTEES;
26 (11) HOWARD COUNTY HOUSING COMMISSION;
27 (12) ECONOMIC DEVELOPMENT AUTHORITY BOARD;
28 (13) HOWARD COUNTY ~~RETIREMENT PLAN~~ PENSION OVERSIGHT COMMISSION;
29 (14) HOWARD COUNTY MENTAL HEALTH AUTHORITY BOARD;
30 (15) HOWARD COUNTY ALCOHOLIC BEVERAGE HEARING BOARD;

- 1 (16) HOWARD COUNTY REVENUE AUTHORITY BOARD; ~~AND~~
- 2 (17) DESIGN ADVISORY ~~PANEL- PANEL;~~
- 3 (18) ANIMAL MATTERS HEARING BOARD;
- 4 (19) ADVISORY BOARD ON CONSUMER AFFAIRS;
- 5 (20) BOARD OF ELECTRICAL EXAMINERS;
- 6 (21) BOARD OF HEALTH; AND
- 7 (22) HUMAN RIGHTS COMMISSION.

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

- 10 (1) A HIGH SCHOOL STUDENT MEMBER OF A BOARD OR COMMISSION LISTED IN
11 SUBSECTION (C) OF THIS SECTION SHALL FILE A STATEMENT OF FINANCIAL
12 INTEREST ON A FORM THAT THE COMMISSION PROVIDES.
- 13 (2) THE HIGH SCHOOL STUDENT MEMBER STATEMENT SHALL ONLY INCLUDE
14 THE FOLLOWING INFORMATION REGARDING INTERESTS THAT MAY CREATE A
15 CONFLICT BETWEEN THE STUDENT MEMBER'S PERSONAL INTERESTS AND
16 THE INDIVIDUAL'S DUTIES AS A BOARD OR COMMISSION MEMBER:
 - 17 ~~(i) SOURCES OF INCOME IN ACCORDANCE WITH SUBSECTION (j)(8) OF~~
18 ~~THIS SECTION;~~
 - 19 ~~(ii) GIFTS IN ACCORDANCE WITH SUBSECTION (j)(4) OF THIS SECTION;~~
20 ~~AND~~
 - 21 (i) A SCHEDULE OF SOURCES OF EARNED INCOME OF THE HIGH SCHOOL
22 STUDENT MEMBER AND OF THE MEMBER'S PARENT(S) OR LEGAL
23 GUARDIAN(S) THAT EXCEED \$100.00, INCLUDING THE NAME AND
24 ADDRESS OF EACH PLACE OF SALARIED EMPLOYMENT AND OF EACH
25 BUSINESS ENTITY SOLELY OR PARTIALLY OWNED AND FROM WHERE
26 INCOME WAS EARNED. WHERE THE SOURCE OF INCOME IS AN
27 ATTORNEY-CLIENT OR A PHYSICIAN/PSYCHIATRIST/PSYCHOLOGIST-
28 PATIENT RELATIONSHIP, THE NAMES OF INDIVIDUAL CLIENTS OR
29 PATIENTS NEED NOT BE DISCLOSED;
 - 30 (ii) A SCHEDULE OF EACH GIFT IN EXCESS OF \$20.00 IN VALUE (OR AN
31 AGGREGATE OF \$100.00 FROM ANY ONE PERSON) DIRECTLY OR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

INDIRECTLY FROM A PERSON(S) WHO DOES BUSINESS WITH HOWARD COUNTY. THIS SCHEDULE AS TO EACH SUCH GIFT, SHALL INCLUDE:

- A. THE NATURE AND VALUE OF THE GIFT; AND
- B. THE IDENTITY OF THE PERSON FROM WHOM, DIRECTLY OR INDIRECTLY, THE GIFT WAS RECEIVED;
- C. FOR PURPOSES OF THIS SUBSECTION, GIFT DOES NOT INCLUDE:
 - I. CEREMONIAL GIFTS OR AWARDS OF INSIGNIFICANT MONETARY VALUE; OR
 - II. UNSOLICITED GIFTS OF NOMINAL VALUE OR TRIVIAL ITEMS OF INFORMATIONAL VALUE; AND

(III) A LIST OF FAMILY MEMBERS EMPLOYED BY THE COUNTY IN ACCORDANCE WITH SUBSECTION (J)(7) OF THIS SECTION; AND

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

- (1) ON A FORM PROVIDED BY THE COMMISSION;
- (2) UNDER OATH OR AFFIRMATION;
- (3) WITH THE COMMISSION; AND
- (4) THE COMMISSION MAY REQUIRE THAT A FINANCIAL DISCLOSURE STATEMENT BE SUBMITTED THROUGH AN ELECTRONIC PROCESS FOR WHICH THE OATH OR AFFIRMATION SHALL BE MADE BY AN ELECTRONIC SIGNATURE THAT:
 - (i) IS ATTACHED TO AND MADE PART OF THE FINANCIAL DISCLOSURE STATEMENT;
 - (ii) IS MADE EXPRESSLY UNDER THE PENALTIES OF PERJURY; AND
 - (iii) SUBJECTS THE INDIVIDUAL MAKING THE SIGNATURE TO THE PENALTIES OF PERJURY TO THE SAME EXTENT AS AN OATH OR AFFIRMATION BEFORE AN INDIVIDUAL AUTHORIZED TO ADMINISTER OATHS.

1 (F) *DEADLINES FOR FILING STATEMENTS.*

- 2 (1) AN INCUMBENT OFFICIAL OR EMPLOYEE SHALL FILE A FINANCIAL
3 DISCLOSURE STATEMENT ANNUALLY NO LATER THAN APRIL 30TH OF EACH
4 YEAR FOR THE PRECEDING CALENDAR YEAR.
- 5 (2) AN OFFICIAL OR EMPLOYEE WHO IS APPOINTED TO FILL A VACANCY IN AN
6 OFFICE FOR WHICH A FINANCIAL DISCLOSURE STATEMENT IS REQUIRED AND
7 WHO HAS NOT ALREADY FILED A FINANCIAL DISCLOSURE STATEMENT SHALL
8 FILE A STATEMENT FOR THE PRECEDING CALENDAR YEAR WITHIN 30 DAYS
9 AFTER APPOINTMENT.
- 10 (3) (I) AN INDIVIDUAL WHO, OTHER THAN BY REASONS OF DEATH, LEAVES
11 AN OFFICE FOR WHICH A STATEMENT IS REQUIRED SHALL FILE A
12 STATEMENT UPON RESIGNATION OR TERMINATION OF OFFICE.
- 13 (II) THE STATEMENT SHALL COVER:
- 14 A. THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR
15 IN WHICH THE INDIVIDUAL LEFT OFFICE, UNLESS A
16 STATEMENT COVERING THAT YEAR HAS ALREADY BEEN
17 FILED BY THE INDIVIDUAL; AND
- 18 B. THE PORTION OF THE CURRENT CALENDAR YEAR DURING
19 WHICH THE INDIVIDUAL HELD THE OFFICE.

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

- 21 (1) EXCEPT AN OFFICIAL OR EMPLOYEE WHO HAS FILED A FINANCIAL
22 DISCLOSURE STATEMENT UNDER ANOTHER PROVISION OF THIS SECTION FOR
23 THE REPORTING PERIOD, A CANDIDATE TO BE AN ELECTED OFFICIAL SHALL
24 FILE A FINANCIAL DISCLOSURE STATEMENT EACH YEAR BEGINNING WITH
25 THE YEAR IN WHICH THE CERTIFICATE OF CANDIDACY IS FILED THROUGH
26 THE YEAR OF THE ELECTION.
- 27 (2) A CANDIDATE TO BE AN ELECTED OFFICIAL SHALL FILE A STATEMENT
28 REQUIRED UNDER THIS SECTION:
- 29 (I) IN THE YEAR THE CERTIFICATE OF CANDIDACY IS FILED, NO LATER
30 THAT THE FILING OF THE CERTIFICATE OF CANDIDACY;

- 1 (ii) IN THE YEAR OF THE ELECTION, ON OR BEFORE THE EARLIER OF
- 2 APRIL 30 OR THE LAST DAY FOR THE WITHDRAWAL OF CANDIDACY;
- 3 AND
- 4 (iii) IN ALL OTHER YEARS FOR WHICH A STATEMENT IS REQUIRED, ON OR
- 5 BEFORE APRIL 30.
- 6 (3) A CANDIDATE TO BE AN ELECTED OFFICIAL:
- 7 (i) MAY FILE THE STATEMENT REQUIRED UNDER SUBSECTION (G)(2)(I)
- 8 OF THIS SECTION WITH THE COUNTY BOARD OF ELECTION
- 9 SUPERVISORS WITH THE CERTIFICATE OF CANDIDACY OR WITH THE
- 10 COMMISSION PRIOR TO FILING THE CERTIFICATE OF CANDIDACY;
- 11 AND
- 12 (ii) SHALL FILE THE STATEMENTS REQUIRED UNDER SUBSECTION
- 13 (G)(2)(II) AND (III) OF THIS SECTION WITH THE COMMISSION.
- 14 (4) IF A CANDIDATE FAILS TO FILE A STATEMENT REQUIRED BY THIS SECTION
- 15 AFTER WRITTEN NOTICE IS PROVIDED BY THE COUNTY BOARD OF ELECTION
- 16 SUPERVISORS AT LEAST 20 DAYS BEFORE THE LAST DAY FOR THE
- 17 WITHDRAWAL OF CANDIDACY, THE CANDIDATE IS DEEMED TO HAVE
- 18 WITHDRAWN THE CANDIDACY.
- 19 (5) THE COUNTY BOARD OF ELECTION SUPERVISORS MAY NOT ACCEPT ANY
- 20 CERTIFICATE OF CANDIDACY UNLESS A STATEMENT REQUIRED UNDER THIS
- 21 SECTION HAS BEEN FILED IN PROPER FORM.
- 22 (6) WITHIN 30 DAYS OF THE RECEIPT OF A STATEMENT REQUIRED UNDER THIS
- 23 SECTION, THE COUNTY BOARD OF ELECTION SUPERVISORS SHALL FORWARD
- 24 THE STATEMENT TO THE COMMISSION, OR AN OFFICE DESIGNATED BY THE
- 25 COMMISSION.

26 (H) *PUBLIC RECORD.*

- 27 (1) THE COMMISSION, OR AN OFFICE DESIGNATED BY THE COMMISSION, SHALL
- 28 MAINTAIN ALL FINANCIAL DISCLOSURE STATEMENTS FILED UNDER THIS
- 29 SECTION.
- 30 (2) THE COMMISSION, OR AN OFFICE DESIGNATED BY THE COMMISSION, SHALL
- 31 MAKE FINANCIAL DISCLOSURE STATEMENTS AVAILABLE DURING NORMAL

1 OFFICE HOURS, FOR EXAMINATION AND COPYING BY THE PUBLIC SUBJECT TO
2 REASONABLE FEES AND ADMINISTRATIVE PROCEDURES ESTABLISHED BY
3 THE COUNTY.

4 (3) IF AN INDIVIDUAL EXAMINES OR COPIES A FINANCIAL DISCLOSURE
5 STATEMENT, THE COMMISSION OR THE OFFICE DESIGNATED BY THE
6 COMMISSION SHALL RECORD:

7 (I) THE NAME AND HOME ADDRESS OF THE INDIVIDUAL REVIEWING OR
8 COPYING THE STATEMENT; AND

9 (II) THE NAME OF THE PERSON WHOSE FINANCIAL DISCLOSURE
10 STATEMENT WAS EXAMINED OR COPIED.

11 (4) UPON REQUEST BY THE INDIVIDUAL WHOSE FINANCIAL DISCLOSURE
12 STATEMENT WAS EXAMINED OR COPIED, THE COMMISSION, OR THE OFFICE
13 DESIGNATED BY THE COMMISSION, SHALL PROVIDE THE OFFICIAL OR
14 EMPLOYEE WITH A COPY OF THE NAME AND HOME ADDRESS OF THE PERSON
15 WHO REVIEWED THE OFFICIAL'S OR EMPLOYEE'S FINANCIAL DISCLOSURE
16 STATEMENT.

17 (5) A FINANCIAL DISCLOSURE STATEMENT REQUIRED BY THIS SUBTITLE SHALL
18 NOT BE USED IN ANY WAY FOR, OR BE MADE AVAILABLE FOR COMMERCIAL
19 PURPOSES.

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

23 (J) *CONTENTS OF STATEMENT.* EMPLOYEES AND ELECTED OFFICIALS SHALL DISCLOSE ALL
24 THE INFORMATION REQUIRED BY THIS SUBSECTION. MEMBERS OF BOARDS AND
25 COMMISSIONS LISTED IN SUBSECTION (C) OF THIS SECTION SHALL DISCLOSE THE
26 INFORMATION REQUIRED BY THIS SUBSECTION ONLY WITH RESPECT TO THOSE INTERESTS,
27 GIFTS, COMPENSATED POSITIONS, AND LIABILITIES THAT MAY CREATE A CONFLICT, AS
28 PROHIBITED BY SECTION 22.204 OF THIS SUBTITLE, BETWEEN THE MEMBER'S PERSONAL
29 INTERESTS AND THE MEMBER'S OFFICIAL LOCAL DUTIES AS A BOARD OR COMMISSION
30 MEMBER.

31 (1) *INTERESTS IN REAL PROPERTY.*

- 1 (i) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
- 2 SCHEDULE OF ALL INTERESTS IN REAL PROPERTY WHEREVER
- 3 LOCATED.
- 4 (ii) FOR EACH INTEREST IN REAL PROPERTY, THE SCHEDULE SHALL
- 5 INCLUDE:
- 6 A. THE NATURE OF THE PROPERTY AND THE LOCATION BY
- 7 STREET ADDRESS, MAILING ADDRESS, OR LEGAL
- 8 DESCRIPTION OF THE PROPERTY;
- 9 B. THE NATURE AND EXTENT OF THE INTEREST HELD,
- 10 INCLUDING ANY CONDITIONS AND ENCUMBRANCES ON THE
- 11 INTEREST;
- 12 C. THE DATE WHEN, THE MANNER IN WHICH, AND THE IDENTITY
- 13 OF THE PERSON FROM WHOM THE INTEREST WAS ACQUIRED;
- 14 D. THE NATURE AND AMOUNT OF THE CONSIDERATION GIVEN IN
- 15 EXCHANGE FOR THE INTEREST OR, IF ACQUIRED OTHER THAN
- 16 BY PURCHASE, THE FAIR MARKET VALUE OF THE INTEREST AT
- 17 THE TIME ACQUIRED;
- 18 E. IF ANY INTEREST WAS TRANSFERRED, IN WHOLE OR IN PART,
- 19 AT ANY TIME DURING THE REPORTING PERIOD, A
- 20 DESCRIPTION OF THE INTEREST TRANSFERRED, THE NATURE
- 21 AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE
- 22 INTEREST, AND THE IDENTITY OF THE PERSON TO WHOM THE
- 23 INTEREST WAS TRANSFERRED; AND
- 24 F. THE IDENTITY OF ANY OTHER PERSON WITH AN INTEREST IN
- 25 THE PROPERTY.

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

- 27 (i) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
- 28 SCHEDULE OF ALL INTERESTS IN ANY CORPORATION, PARTNERSHIP,
- 29 LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY
- 30 CORPORATION, REGARDLESS OF WHETHER THE CORPORATION OR
- 31 PARTNERSHIP DOES BUSINESS WITH THE COUNTY.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

- (ii) FOR EACH INTEREST REPORTED UNDER THIS PARAGRAPH, THE SCHEDULE SHALL INCLUDE:
 - A. THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE CORPORATION, PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY CORPORATION;
 - B. THE NATURE AND AMOUNT OF THE INTEREST HELD, INCLUDING ANY CONDITIONS AND ENCUMBRANCES ON THE INTEREST;
 - C. WITH RESPECT TO ANY INTEREST TRANSFERRED, IN WHOLE OR IN PART, AT ANY TIME DURING THE REPORTING PERIOD, A DESCRIPTION OF THE INTEREST TRANSFERRED, THE NATURE AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE INTEREST AND, IF KNOWN, THE IDENTITY OF THE PERSON TO WHOM THE INTEREST WAS TRANSFERRED;
 - D. WITH RESPECT TO ANY INTEREST ACQUIRED DURING THE REPORTING PERIOD:
 - 1. THE DATE WHEN, THE MANNER IN WHICH, AND THE IDENTITY OF THE PERSON FROM WHOM THE INTEREST WAS ACQUIRED; AND
 - 2. THE NATURE AND THE AMOUNT OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE INTEREST OR, IF ACQUIRED OTHER THAN BY PURCHASE, THE FAIR MARKET VALUE OF THE INTEREST AT THE TIME ACQUIRED.
- (iii) AN INDIVIDUAL MAY SATISFY THE REQUIREMENT TO REPORT THE AMOUNT OF THE INTEREST HELD UNDER ITEM (ii)(B) OF THIS PARAGRAPH BY REPORTING, INSTEAD OF A DOLLAR AMOUNT:
 - A. FOR AN EQUITY INTEREST IN A CORPORATION, THE NUMBER OF SHARES HELD AND, UNLESS THE CORPORATION'S STOCK IS PUBLICLY TRADED, THE PERCENTAGE OF EQUITY INTEREST HELD; OR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

B. FOR AN EQUITY INTEREST IN A PARTNERSHIP, THE PERCENTAGE OF EQUITY INTEREST HELD.

(3) *INTERESTS IN BUSINESS ENTITIES DOING BUSINESS WITH THE COUNTY.*

(i) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A SCHEDULE OF ALL INTERESTS IN ANY BUSINESS ENTITY THAT DOES BUSINESS WITH THE COUNTY, OTHER THAN INTERESTS REPORTED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(ii) FOR EACH INTEREST REPORTED UNDER THIS PARAGRAPH, THE SCHEDULE SHALL INCLUDE:

- A. THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE BUSINESS ENTITY;
- B. THE NATURE AND AMOUNT OF THE INTEREST HELD, INCLUDING ANY CONDITIONS TO AND ENCUMBRANCES ON THE INTEREST;
- C. WITH RESPECT TO ANY INTEREST TRANSFERRED, IN WHOLE OR IN PART, AT ANY TIME DURING THE REPORTING PERIOD, A DESCRIPTION OF THE INTEREST TRANSFERRED, THE NATURE AND AMOUNT OF THE CONSIDERATION RECEIVED IN EXCHANGE FOR THE INTEREST AND, IF KNOWN, THE IDENTITY OF THE PERSON TO WHOM THE INTEREST WAS TRANSFERRED; AND
- D. WITH RESPECT TO ANY INTEREST ACQUIRED DURING THE REPORTING PERIOD:
 - 1. THE DATE WHEN, THE MANNER IN WHICH, AND THE IDENTITY OF THE PERSON FROM WHOM THE INTEREST WAS ACQUIRED; AND
 - 2. THE NATURE AND THE AMOUNT OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE INTEREST OR, IF ACQUIRED OTHER THAN BY PURCHASE, THE FAIR MARKET VALUE OF THE INTEREST AT THE TIME ACQUIRED.

- 1 (4) **GIFTS.**
- 2 (I) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
- 3 SCHEDULE OF EACH GIFT IN EXCESS OF \$20 IN VALUE OR A SERIES OF
- 4 GIFTS TOTALING \$100 OR MORE RECEIVED DURING THE REPORTING
- 5 PERIOD FROM OR ON BEHALF OF, DIRECTLY OR INDIRECTLY, ANY
- 6 ONE PERSON WHO DOES BUSINESS WITH THE COUNTY.
- 7 (II) FOR EACH GIFT REPORTED, THE SCHEDULE SHALL INCLUDE:
- 8 A. A DESCRIPTION OF THE NATURE AND VALUE OF THE GIFT;
- 9 AND
- 10 B. THE IDENTITY OF THE PERSON FROM WHOM, OR ON BEHALF
- 11 OF WHOM, DIRECTLY OR INDIRECTLY, THE GIFT WAS
- 12 RECEIVED.
- 13 (5) **EMPLOYMENT WITH OR INTERESTS IN ENTITIES DOING BUSINESS WITH THE**
- 14 **COUNTY.**
- 15 (I) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
- 16 SCHEDULE OF ALL OFFICES, DIRECTORSHIPS, AND SALARIED
- 17 EMPLOYMENT BY THE INDIVIDUAL OR MEMBER OF THE IMMEDIATE
- 18 FAMILY OF THE INDIVIDUAL HELD AT ANY TIME DURING THE
- 19 REPORTING PERIOD WITH ENTITIES DOING BUSINESS WITH THE
- 20 COUNTY.
- 21 (II) FOR EACH POSITION REPORTED UNDER THIS PARAGRAPH, THE
- 22 SCHEDULE SHALL INCLUDE:
- 23 A. THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE
- 24 BUSINESS ENTITY;
- 25 B. THE TITLE AND NATURE OF THE OFFICE, DIRECTORSHIP, OR
- 26 SALARIED EMPLOYMENT HELD AND THE DATE IT
- 27 COMMENCED; AND
- 28 C. THE NAME OF EACH COUNTY AGENCY WITH WHICH THE
- 29 ENTITY IS INVOLVED AS INDICATED BY IDENTIFYING ONE OR
- 30 MORE OF THE THREE CATEGORIES OF "DOING BUSINESS", AS
- 31 DEFINED IN SECTION 22.202 OF THIS SUBTITLE.

- 1 (6) *INDEBTEDNESS TO ENTITIES DOING BUSINESS WITH THE COUNTY.*
- 2 (i) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
- 3 SCHEDULE OF ALL LIABILITIES, EXCLUDING RETAIL CREDIT
- 4 ACCOUNTS, TO PERSONS DOING BUSINESS WITH THE COUNTY OWED
- 5 AT ANY TIME DURING THE REPORTING PERIOD:
- 6 A. BY THE INDIVIDUAL; OR
- 7 B. BY A MEMBER OF THE IMMEDIATE FAMILY OF THE
- 8 INDIVIDUAL IF THE INDIVIDUAL WAS INVOLVED IN THE
- 9 TRANSACTION GIVING RISE TO THE LIABILITY.
- 10 (ii) FOR EACH LIABILITY REPORTED UNDER THIS PARAGRAPH, THE
- 11 SCHEDULE SHALL INCLUDE:
- 12 A. THE IDENTITY OF THE PERSON TO WHOM THE LIABILITY WAS
- 13 OWED AND THE DATE THE LIABILITY WAS INCURRED;
- 14 B. THE AMOUNT OF THE LIABILITY OWED AS OF THE END OF THE
- 15 REPORTING PERIOD;
- 16 C. THE TERMS OF PAYMENT OF THE LIABILITY AND THE EXTENT
- 17 TO WHICH THE PRINCIPAL AMOUNT OF THE LIABILITY WAS
- 18 INCREASED OR REDUCED DURING THE YEAR; AND
- 19 D. THE SECURITY GIVEN, IF ANY, FOR THE LIABILITY.
- 20 (7) *EMPLOYMENT WITH THE COUNTY.* A STATEMENT FILED UNDER THIS SECTION
- 21 SHALL INCLUDE A SCHEDULE OF THE IMMEDIATE FAMILY MEMBERS OF THE
- 22 INDIVIDUAL EMPLOYED BY THE COUNTY IN ANY CAPACITY AT ANY TIME
- 23 DURING THE REPORTING PERIOD.
- 24 (8) *SOURCES OF EARNED INCOME.*
- 25 (i) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A
- 26 SCHEDULE OF THE NAME AND ADDRESS OF EACH PLACE OF
- 27 EMPLOYMENT AND OF EACH BUSINESS ENTITY OF WHICH THE
- 28 INDIVIDUAL OR A MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY
- 29 WAS A SOLE OR PARTIAL OWNER AND FROM WHICH THE INDIVIDUAL
- 30 OR MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY RECEIVED
- 31 EARNED INCOME, AT ANY TIME DURING THE REPORTING PERIOD.

- 1 (II) NOTWITHSTANDING ITEM (I) OF THIS PARAGRAPH, THE SCHEDULE
2 NEED NOT DISCLOSE:
3 A. A MINOR CHILD'S EMPLOYMENT OR BUSINESS OWNERSHIP,
4 ~~NEED NOT BE DISCLOSED~~ IF THE AGENCY THAT EMPLOYS THE
5 INDIVIDUAL DOES NOT REGULATE, EXERCISE AUTHORITY
6 OVER, OR CONTRACT WITH THE PLACE OF EMPLOYMENT OR
7 BUSINESS ENTITY OF THE MINOR CHILD; OR
8 B. THE NAMES OF INDIVIDUAL CLIENTS OR PATIENTS, WHERE
9 THE SOURCE OF INCOME IS AN ATTORNEY-CLIENT OR A
10 PHYSICIAN/PSYCHIATRIST/PSYCHOLOGIST-PATIENT
11 RELATIONSHIP.

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

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

- 18 (1) AN INTEREST HELD BY A MEMBER OF THE INDIVIDUAL'S IMMEDIATE
19 FAMILY, IF THE INTEREST WAS, AT ANY TIME DURING THE REPORTING
20 PERIOD, DIRECTLY OR INDIRECTLY CONTROLLED BY THE INDIVIDUAL.
21 (2) AN INTEREST HELD BY A BUSINESS ENTITY IN WHICH THE INDIVIDUAL HELD
22 A 30% OR GREATER INTEREST AT ANY TIME DURING THE REPORTING PERIOD.
23 (3) AN INTEREST HELD BY A TRUST OR AN ESTATE IN WHICH, AT ANY TIME
24 DURING THE REPORTING PERIOD:

25 (I) THE INDIVIDUAL HELD A REVERSIONARY INTEREST OR WAS A
26 BENEFICIARY, OR

27 (II) IF A REVOCABLE TRUST, THE INDIVIDUAL WAS A SETTLOR.

28 (L) (1) THE COMMISSION SHALL REVIEW THE FINANCIAL DISCLOSURE STATEMENTS
29 SUBMITTED UNDER THIS SECTION FOR COMPLIANCE WITH THE PROVISIONS
30 OF THIS SECTION AND SHALL NOTIFY AN INDIVIDUAL SUBMITTING THE
31 STATEMENT OF ANY OMISSIONS OR DEFICIENCIES.

1 (2) IF, AFTER NOTIFICATION BY THE COMMISSION OF ANY OMISSION OR
2 DEFICIENCY, AN INDIVIDUAL DOES NOT CURE SUCH WITHIN 30 DAYS, THE
3 COMMISSION SHALL REFER EVIDENCE OF ANY NONCOMPLIANCE WITH THIS
4 SECTION TO THE COUNTY SOLICITOR FOR APPROPRIATE ACTION.

5 (3) THE COMMISSION MAY TAKE APPROPRIATE ENFORCEMENT ACTION TO
6 ENSURE COMPLIANCE WITH THIS SECTION.

7 (M) *INCOMPLETE INFORMATION.* WHEN THE INDIVIDUAL REQUIRED TO FILE IS UNABLE TO
8 OBTAIN THE INFORMATION NEEDED TO COMPLETE THE SCHEDULES REQUIRED BY THIS
9 SECTION, THE INDIVIDUAL SHALL REPORT THE UNAVAILABILITY OF CERTAIN INFORMATION
10 AND SHALL PROVIDE A WRITTEN STATEMENT OF THE EFFORTS MADE TO OBTAIN THE
11 INFORMATION. THE COMMISSION SHALL CONDUCT AN INVESTIGATION TO DETERMINE IF
12 THE INDIVIDUAL HAS USED DUE DILIGENCE IN ATTEMPTING TO OBTAIN THE MISSING
13 INFORMATION AND WHETHER, CONSIDERING THE CIRCUMSTANCES, THE OMISSION OF THE
14 MATERIAL IS JUSTIFIED. IN MAKING THIS DETERMINATION, THE COMMISSION SHALL
15 REQUEST AND CONSIDER THE OPINION OF THE COUNTY SOLICITOR. THE SOLICITOR'S
16 OPINION AND THE REPORT OF THE COMMISSION SHALL BE MADE PART OF THE STATEMENT
17 OF THE PERSON REQUIRED TO FILE.

18

19 **SECTION 22.207. LOBBYING.**

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

24 (1) EXPENDS, EXCLUSIVE OF PERSONAL TRAVEL AND SUBSISTENCE EXPENSES,
25 IN EXCESS OF \$100.00 IN FURTHERANCE OF THIS ACTIVITY; OR

26 (2) IS COMPENSATED IN EXCESS OF \$500.00 IN CONNECTION WITH THIS
27 ACTIVITY.

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

29 (1) PROFESSIONAL SERVICES IN DRAFTING BILLS OR IN ADVISING AND
30 RENDERING OPINIONS TO CLIENTS AS TO THE CONSTRUCTION AND EFFECT OF

- 1 PROPOSED OR PENDING COUNTY COUNCIL ACTIONS WHEN THESE SERVICES
2 DO NOT OTHERWISE CONSTITUTE LOBBYING ACTIVITIES;
- 3 (2) APPEARANCES BEFORE THE COUNTY COUNCIL UPON ITS SPECIFIC
4 INVITATION OR REQUEST IF THE PERSON OR ENTITY ENGAGES IN NO FURTHER
5 OR OTHER ACTIVITIES IN CONNECTION WITH THE PASSAGE OR DEFEAT OF
6 COUNTY COUNCIL ACTIONS;
- 7 (3) APPEARANCES BEFORE A COUNTY AGENCY UPON THE SPECIFIC INVITATION
8 OR REQUEST OF THE AGENCY IF THE PERSON OR ENTITY ENGAGES IN NO
9 FURTHER OR OTHER ACTIVITIES IN CONNECTION WITH THE PASSAGE OR
10 DEFEAT OF ANY AGENCY EXECUTIVE ACTION;
- 11 (4) APPEARANCE AS PART OF THE OFFICIAL DUTIES OF A DULY ELECTED OR
12 APPOINTED OFFICIAL OR EMPLOYEE OF THE STATE OR A POLITICAL
13 SUBDIVISION OF THE STATE, OR OF THE UNITED STATES, AND NOT ON
14 BEHALF OF ANY OTHER ENTITY;
- 15 (5) ACTIONS OF A PUBLISHER OR WORKING MEMBER OF THE PRESS, RADIO, OR
16 TELEVISION IN THE ORDINARY COURSE OF THE BUSINESS OF DISSEMINATING
17 NEWS OR MAKING EDITORIAL COMMENT TO THE GENERAL PUBLIC WHO DOES
18 NOT ENGAGE IN FURTHER OR OTHER LOBBYING THAT WOULD DIRECTLY AND
19 SPECIFICALLY BENEFIT THE ECONOMIC, BUSINESS, OR PROFESSIONAL
20 INTERESTS OF THE PERSON OR ENTITY OR THE EMPLOYER OF THE PERSON OR
21 ENTITY;
- 22 (6) APPEARANCES BY AN INDIVIDUAL BEFORE THE COUNTY COUNCIL AT THE
23 SPECIFIC INVITATION OR REQUEST OF A REGISTERED LOBBYIST IF THE
24 PERSON PERFORMS NO OTHER LOBBYING ACT AND NOTIFIES THE COUNTY
25 COUNCIL THAT THE PERSON OR ENTITY IS TESTIFYING AT THE REQUEST OF
26 THE LOBBYIST;
- 27 (7) APPEARANCES BY AN INDIVIDUAL BEFORE A GOVERNMENT AGENCY AT THE
28 SPECIFIC INVITATION OR REQUEST OF A REGISTERED LOBBYIST IF THE
29 PERSON OR ENTITY PERFORMS NO OTHER LOBBYING ACT AND NOTIFIES
30 AGENCY THAT THE PERSON OR ENTITY IS TESTIFYING AT THE REQUEST OF
31 THE LOBBYIST;

- 1 (8) THE REPRESENTATION OF A BONA FIDE RELIGIOUS ORGANIZATION SOLELY
 2 FOR THE PURPOSE OF PROTECTING THE RIGHT OF ITS OWN MEMBERS TO
 3 PRACTICE THE DOCTRINE OF THE ORGANIZATION; AND
 4 (9) APPEARANCE AS PART OF THE OFFICIAL DUTIES OF AN OFFICER, DIRECTOR,
 5 MEMBER, OR EMPLOYEE OF AN ASSOCIATION ENGAGED EXCLUSIVELY IN
 6 LOBBYING FOR COUNTIES AND MUNICIPALITIES AND NOT ON BEHALF OF ANY
 7 OTHER ENTITY.

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

9 (1) A PERSON OR ENTITY WHO COMPENSATES ONE OR MORE LOBBYISTS AND
 10 WHO WOULD OTHERWISE BE REQUIRED TO REGISTER AS A LOBBYIST IS NOT
 11 REQUIRED TO FILE A REGISTRATION AND SUBMIT LOBBYING REPORTS IF THE
 12 PERSON OR ENTITY REASONABLY BELIEVES THAT ALL EXPENSES INCURRED
 13 IN CONNECTION WITH THE LOBBYING ACTIVITIES WILL BE REPORTED BY A
 14 PROPERLY REGISTERED PERSON OR ENTITY ACTING ON BEHALF OF THE
 15 PERSON OR ENTITY.

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

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

23 (2) THE REGISTRATION FILED UNDER THIS SECTION:

24 (i) SHALL BE DATED AND ON A FORM DEVELOPED BY THE COMMISSION;

25 (ii) SHALL INCLUDE:

- 26 A. THE LOBBYIST'S FULL AND LEGAL NAME AND PERMANENT
 27 ADDRESS;
 28 B. THE NAME, ADDRESS, AND NATURE OF BUSINESS OF ANY
 29 PERSON OR ENTITY ON WHOSE BEHALF THE LOBBYIST ACTS;
 30 C. THE WRITTEN AUTHORIZATION OF ANY PERSON OR ENTITY
 31 ON WHOSE BEHALF THE LOBBYIST ACTS OR AN AUTHORIZED

- 1 OFFICER OR AGENT, WHO IS NOT THE LOBBYIST, OF THE
- 2 PERSON OR ENTITY ON WHOSE BEHALF THE LOBBYIST ACTS;
- 3 (III) A STATEMENT OF WHETHER THE PERSON OR ENTITY ON WHOSE
- 4 BEHALF THE LOBBYIST ACTS IS EXEMPT FROM REGISTRATION UNDER
- 5 SUBSECTION (C) OF THIS SECTION;
- 6 (IV) THE IDENTIFICATION, BY FORMAL DESIGNATION, IF KNOWN, OF
- 7 MATTERS ON WHICH THE LOBBYIST EXPECTS TO ACT;
- 8 (V) IDENTIFICATION OF THE PERIOD OF TIME WITHIN A SINGLE
- 9 CALENDAR YEAR DURING WHICH THE LOBBYIST IS AUTHORIZED TO
- 10 ENGAGE IN THESE ACTIVITIES, UNLESS TERMINATED SOONER; AND
- 11 (VI) THE FULL LEGAL SIGNATURE OF THE LOBBYIST AND, WHEN
- 12 APPROPRIATE, THE PERSON OR ENTITY ON WHOSE BEHALF THE
- 13 LOBBYIST ACTS OR AN AGENT OR AUTHORIZED OFFICER OF THE
- 14 PERSON OR ENTITY ON WHOSE BEHALF THE LOBBYIST ACTS.
- 15 (E) A LOBBYIST SHALL FILE A SEPARATE REGISTRATION FOR EACH PERSON OR ENTITY THAT
- 16 HAS ENGAGED OR EMPLOYED THE LOBBYIST FOR LOBBYING PURPOSES.
- 17 (F) A LOBBYIST MAY TERMINATE THE LOBBYIST'S REGISTRATION BY PROVIDING WRITTEN
- 18 NOTICE TO THE COMMISSION AND SUBMITTING ALL OUTSTANDING REPORTS AND
- 19 REGISTRATIONS.
- 20 (G) A PERSON OR ENTITY MAY NOT ENGAGE IN LOBBYING ACTIVITIES ON BEHALF OF
- 21 ANOTHER PERSON OR ENTITY FOR COMPENSATION THAT IS CONTINGENT UPON THE PASSAGE
- 22 OR DEFEAT OF ANY ACTION BY THE COUNTY COUNCIL OR THE OUTCOME OF ANY
- 23 EXECUTIVE ACTION.
- 24 (H) ACTIVITY REPORT.
- 25 (I) A LOBBYIST SHALL FILE WITH THE COMMISSION OR THE OFFICE DESIGNATED
- 26 BY THE COMMISSION:
- 27 (i) By JULY 31, ONE REPORT CONCERNING THE LOBBYIST'S LOBBYING
- 28 ACTIVITIES COVERING THE PERIOD BEGINNING JANUARY 1 THROUGH
- 29 JUNE 30; AND
- 30 (ii) By JANUARY 31, ONE REPORT COVERING THE PERIOD BEGINNING
- 31 JULY 1 THROUGH DECEMBER 31.

- 1 (2) A LOBBYIST SHALL FILE A SEPARATE ACTIVITY REPORT FOR EACH PERSON
2 OR ENTITY ON WHOSE BEHALF THE LOBBYIST ACTS.
- 3 (3) IF THE LOBBYIST IS NOT AN INDIVIDUAL, AN AUTHORIZED OFFICER OR
4 AGENT OF THE ENTITY SHALL SIGN THE FORM.
- 5 (4) THE REPORT SHALL INCLUDE:
- 6 (I) A COMPLETE AND CURRENT STATEMENT OF THE INFORMATION
7 REQUIRED TO BE SUPPLIED WITH THE LOBBYIST'S REGISTRATION
8 FORM.
- 9 (II) TOTAL EXPENDITURES ON LOBBYING ACTIVITIES IN EACH OF THE
10 FOLLOWING CATEGORIES:
- 11 A. TOTAL COMPENSATION PAID TO THE LOBBYIST NOT
12 INCLUDING EXPENSES REPORTED UNDER ITEMS (B) -(I) OF
13 THIS SUBPARAGRAPH;
- 14 B. OFFICE EXPENSES OF THE LOBBYIST;
- 15 C. PROFESSIONAL AND TECHNICAL RESEARCH AND ASSISTANCE
16 NOT REPORTED IN ITEM (I) OF THIS SUBPARAGRAPH;
- 17 D. PUBLICATIONS WHICH EXPRESSLY ENCOURAGE PERSONS TO
18 COMMUNICATE WITH COUNTY OFFICIALS OR EMPLOYEES;
- 19 E. NAMES OF WITNESSES, AND THE FEES AND EXPENSES PAID TO
20 EACH WITNESS;
- 21 F. MEALS AND BEVERAGES FOR COUNTY OFFICIALS AND
22 EMPLOYEES;
- 23 G. REASONABLE EXPENSES FOR FOOD, LODGING, AND
24 SCHEDULED ENTERTAINMENT OF COUNTY OFFICIALS OR
25 EMPLOYEES FOR A MEETING WHICH IS GIVEN IN RETURN FOR
26 PARTICIPATION IN A PANEL OR SPEAKING ENGAGEMENT AT
27 THE MEETING;
- 28 H. OTHER GIFTS TO OR FOR COUNTY OFFICIALS OR EMPLOYEES
29 OR THEIR SPOUSES OR DEPENDENT CHILDREN; AND
- 30 I. OTHER EXPENSES.

- 1 (5) FOR REPORTING PURPOSES, A PRORATED AMOUNT SHALL BE LABELED AS
2 SUCH.
- 3 (1) SPECIAL GIFT REPORT.
- 4 (1) (I) WITH THE SIX-MONTH ACTIVITY REPORT REQUIRED UNDER
5 SUBSECTION (H) OF THIS SECTION, A LOBBYIST SHALL REPORT,
6 EXCEPT FOR GIFTS REPORTED IN ITEMS (H)(4)(II)G OF THIS SECTION,
7 GIFTS FROM THE LOBBYIST WITH A CUMULATIVE VALUE OF \$75 OR
8 MORE DURING THE REPORTING PERIOD TO AN OFFICIAL, EMPLOYEE,
9 OR MEMBER OF THE IMMEDIATE FAMILY OF AN OFFICIAL OR
10 EMPLOYEE.
- 11 (II) THE LOBBYIST SHALL REPORTS GIFTS UNDER THIS PARAGRAPH
12 REGARDLESS OF WHETHER THE GIFT WAS GIVEN IN CONNECTION
13 WITH LOBBYING ACTIVITIES.
- 14 (2) THE REPORT SHALL INCLUDE THE DATE, BENEFICIARY, AMOUNT OR VALUE,
15 AND NATURE OF THE GIFT.
- 16 (J) NOTIFICATION TO OFFICIAL AND CONFIDENTIALITY.
- 17 (1) IF ANY REPORT FILED UNDER THIS SECTION CONTAINS THE NAME OF AN
18 OFFICIAL OR EMPLOYEE OR A MEMBER OF THE IMMEDIATE FAMILY OF AN
19 OFFICIAL OR EMPLOYEE, THE COMMISSION SHALL NOTIFY THE OFFICIAL OR
20 EMPLOYEE WITHIN 30 DAYS.
- 21 (2) THE COMMISSION SHALL KEEP THE REPORT CONFIDENTIAL FOR 60 DAYS
22 FOLLOWING RECEIPT BY THE COMMISSION.
- 23 (3) WITHIN 30 DAYS OF THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
24 SUBSECTION, THE OFFICIAL OR EMPLOYEE MAY FILE A WRITTEN EXCEPTION
25 TO THE INCLUSION IN THE REPORT OF THE NAME OF THE OFFICIAL,
26 EMPLOYEE, OR MEMBER OF THE IMMEDIATE FAMILY OF THE OFFICIAL OR
27 EMPLOYEE.
- 28 (K) THE COMMISSION MAY REQUIRE A LOBBYIST TO SUBMIT OTHER REPORTS THE
29 COMMISSION DETERMINES TO BE NECESSARY.
- 30 (L) THE COMMISSION, OR AN OFFICE DESIGNATED BY THE COMMISSION, SHALL MAINTAIN
31 ALL REGISTRATIONS AND REPORTS FILED UNDER THIS SECTION;

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

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

7 (N) ANNUAL REPORT.

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

11 (2) THE COMMISSION SHALL COMPUTE AND MAKE AVAILABLE THE TOTAL
12 AMOUNT REPORTED BY ALL LOBBYISTS FOR THEIR LOBBYING ACTIVITIES
13 DURING THE REPORTING PERIOD.

14 (O) THE COMMISSION SHALL MAKE LOBBYING REGISTRATIONS AND REPORTS AVAILABLE
15 DURING NORMAL BUSINESS HOURS FOR EXAMINATION AND COPYING SUBJECT TO
16 REASONABLE FEES AND PROCEDURES ESTABLISHED BY THE COMMISSION.

17

18 **SECTION 22.208. ENFORCEMENT.**

19 (A) (1) UPON A FINDING OF A VIOLATION OF ANY PROVISION OF THIS SUBTITLE, THE
20 COMMISSION MAY:

21 (I) ISSUE AN ORDER OF COMPLIANCE DIRECTING THE RESPONDENT TO
22 CEASE AND DESIST FROM THE VIOLATION;

23 (II) ISSUE A REPRIMAND; OR

24 (III) RECOMMEND TO THE APPROPRIATE AUTHORITY OTHER APPROPRIATE
25 DISCIPLINE OF THE RESPONDENT, INCLUDING CENSURE OR REMOVAL
26 IF THAT DISCIPLINE IS AUTHORIZED BY LAW.

27 (2) IF THE COMMISSION FINDS THAT A RESPONDENT HAS VIOLATED LOBBYING
28 PROVISIONS SET FORTH IN SECTION 22.206 AND SECTION 22.207 OF THIS
29 SUBTITLE, THE COMMISSION MAY:

30 (I) REQUIRE A RESPONDENT WHO IS A REGISTERED LOBBYIST TO FILE
31 ANY ADDITIONAL REPORTS OR INFORMATION THAT REASONABLY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

RELATED TO THE INFORMATION THAT IS REQUIRED UNDER SECTION 22.207 OF THIS SUBTITLE;

- (ii) IMPOSE A FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION; AND
- (iii) SUSPEND THE REGISTRATION OF AN INDIVIDUAL REGISTERED LOBBYIST IF THE COMMISSION FINDS THAT THE LOBBYIST HAS KNOWINGLY AND WILLFULLY VIOLATED SECTION 22.207 OF THIS SUBTITLE OR HAS BEEN CONVICTED OF A CRIMINAL OFFENSE ARISING FROM LOBBYING ACTIVITIES.

(B) (1) UPON REQUEST OF THE COMMISSION, THE COUNTY SOLICITOR MAY FILE A PETITION FOR INJUNCTIVE OR OTHER RELIEF IN THE CIRCUIT COURT OF HOWARD COUNTY, OR IN ANY OTHER COURT HAVING PROPER VENUE FOR THE PURPOSE OF REQUIRING COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE.

- (2) (i) THE COURT MAY:
 - A. ISSUE AN ORDER TO CEASE AND DESIST FROM THE VIOLATION;
 - B. EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, VOID AN OFFICIAL ACTION TAKEN BY AN OFFICIAL OR EMPLOYEE WITH A CONFLICT OF INTEREST PROHIBITED BY THIS SUBTITLE WHEN THE ACTION ARISES FROM OR CONCERNS THE SUBJECT MATTER OF THE CONFLICT AND IF THE LEGAL ACTION IS BROUGHT WITHIN 90 DAYS OF THE OCCURRENCE OF THE OFFICIAL ACTION, IF THE COURT DEEMS VOIDING THE ACTION TO BE IN THE BEST INTEREST OF THE PUBLIC; OR
 - C. IMPOSE A FINE OF UP TO \$1,000 FOR ANY VIOLATION OF THE PROVISIONS OF THIS SUBTITLE, WITH EACH DAY UPON WHICH THE VIOLATION OCCURS CONSTITUTING A SEPARATE OFFENSE;

- 1 (II) A COURT MAY NOT VOID ANY OFFICIAL ACTION APPROPRIATING
2 PUBLIC FUNDS, LEVYING TAXES, OR PROVIDING FOR THE ISSUANCE
3 OF BONDS, NOTES, OR OTHER EVIDENCES OF PUBLIC OBLIGATIONS.
- 4 (C) (1) ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THE PROVISIONS
5 OF SECTION 22.207 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR, AND
6 UPON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
7 IMPRISONMENT FOR NOT MORE THAN 6 MONTHS, OR BOTH.
- 8 (2) IF THE PERSON IS A BUSINESS ENTITY AND NOT A NATURAL PERSON, EACH
9 OFFICER AND PARTNER OF THE BUSINESS ENTITY WHO KNOWINGLY
10 AUTHORIZED OR PARTICIPATED IN THE VIOLATION IS GUILTY OF A
11 MISDEMEANOR AND, UPON CONVICTION, IS SUBJECT TO THE SAME
12 PENALTIES AS THE BUSINESS ENTITY.
- 13 (D) IN ADDITION TO ANY OTHER ENFORCEMENT PROVISIONS IN THIS SUBTITLE, A PERSON
14 WHO THE COMMISSION OR A COURT FINDS HAS VIOLATED THIS SUBTITLE:
- 15 (1) IS SUBJECT TO TERMINATION OR OTHER DISCIPLINARY ACTION; AND
16 (2) MAY BE SUSPENDED FROM RECEIVING PAYMENT OF SALARY OR OTHER
17 COMPENSATION PENDING FULL COMPLIANCE WITH THE TERMS OF AN ORDER
18 OF THE COMMISSION OR A COURT.
- 19 (E) (1) A PERSON WHO IS SUBJECT TO THE PROVISIONS OF THIS SUBTITLE SHALL
20 OBTAIN AND PRESERVE ALL ACCOUNTS, BILLS, RECEIPTS, BOOKS, PAPERS,
21 AND DOCUMENTS NECESSARY TO COMPLETE AND SUBSTANTIATE A REPORT,
22 STATEMENT, OR RECORD REQUIRED UNDER THIS SUBTITLE FOR THREE
23 YEARS FROM THE DATE OF FILING THE REPORT, STATEMENT, OR RECORD.
- 24 (2) THESE PAPERS AND DOCUMENTS SHALL BE AVAILABLE FOR INSPECTION
25 UPON REQUEST BY THE COMMISSION OR THE COUNTY COUNCIL AFTER
26 REASONABLE NOTICE.
- 27 (F) IN ADDITION TO ANY OTHER ENFORCEMENT PROVISIONS IN THIS SUBTITLE, A PERSON
28 WHO IS FOUND GUILTY OF A VIOLATION OF SECTION 22.204 OF THIS SUBTITLE IS SUBJECT
29 TO FORFEITURE OF OFFICE IN ACCORDANCE WITH SECTION 901(C) OF THE HOWARD
30 COUNTY CHARTER.
- 31 (G) ANY CONTRACT MADE IN VIOLATION OF SECTION 22.204 OF THIS SUBTITLE MAY BE

1 DECLARED VOID BY THE COUNTY EXECUTIVE OR BY RESOLUTION OF THE COUNTY
2 COUNCIL IN ACCORDANCE WITH SECTION 901(C) OF THE HOWARD COUNTY CHARTER.

3

4 **SECTION 22.209. SEVERABILITY.**

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

8

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

Amendment to Council Bill No. 50 -2011

**BY: Chairperson at the request
of the County Executive**

**Legislative Day No. 11
Date: October 3, 2011**

Amendment No. 1

(This amendment clarifies that employees of the Howard County Library are included in the definition of employee.)

- 1 On page 3, in line 24, after "COUNTY" insert "OR THE HOWARD COUNTY LIBRARY".

ADOPTED November 7, 2011
FAILED _____
SIGNATURE Stephen W. Ballentine

Amendment to Council Bill No. 50 -2011

BY: Chairperson at the request
of the County Executive

Legislative Day No. 11
Date: October 3, 2011

Amendment No. 2

(This amendment adds certain qualifications of members of the Ethics Commission.)

1 On page 5, after line 29, insert:

2 “(B) IN ADDITION TO THE QUALIFICATIONS SET FORTH FOR BOARD AND COMMISSION MEMBERS
3 GENERALLY IN TITLE 6, SUBTITLE 3 OF THIS CODE, MEMBERS OF THE ETHICS COMMISSION SHALL
4 NOT:

- 5 (1) SERVE MORE THAN TWO CONSECUTIVE TERMS;
6 (2) HOLD OR BE A CANDIDATE FOR ANY ELECTED OR APPOINTED OFFICE OF THE UNITED
7 STATES, THE STATE, ANY POLITICAL SUBDIVISION OR INCORPORATED
8 MUNICIPALITY OF THE STATE, OR OF ANY POLITICAL PARTY;
9 (3) BE AN EMPLOYEE OF THE COUNTY OR OF ANY POLITICAL PARTY; AND
10 (4) BE OTHERWISE REQUIRED TO FILE A LOBBYING REGISTRATION PURSUANT THIS
11 SUBTITLE.”
12

- 13 On page 5, in line 30, strike “(B)” and substitute “(C)”.
14 On page 6, in line 2, strike “(C)” and substitute “(D)”.
15 On page 6, in line 4, strike “(D)” and substitute “(E)”.
16 On page 6, in line 11, strike “(E)” and substitute “(F)”.
17 On page 6, in line 13, strike “(F)” and substitute “(G)”.
18 On page 6, in line 16, strike “(G)” and substitute “(H)”.
19 On page 6, in line 19, strike “(H)” and substitute “(I)”.
20 On page 6, in line 24, strike “(I)” and substitute “(J)”.
21 On page 6, in line 26, strike “(J)” and substitute “(K)”.
22 On page 6, in line 30, strike “(K)” and substitute “(L)”.
23 On page 7, in line 7, strike “(L)” and substitute “(M)”.
24 On page 7, in line 20, strike “(M)” and substitute “(N)”.

APPROVED November 7, 2011
FILED _____
SIGNATURE Stephen M. Lott

- 1 On page 8, in line 20, strike "(N)" and substitute "(O)".
- 2 On page 8, in line 28, strike "(O)" and substitute "(P)".
- 3 On page 9, in line 4, strike "(P)" and substitute "(Q)".

Amendment to Council Bill No. 50 -2011

BY: Chairperson at the request
of the County Executive

Legislative Day No. 11
Date: October 3, 2011

Amendment No. 3

(This amendment ensures consistency with current code disclosure requirements for high school members of Boards and Commissions.)

1 On page 20, strike lines 1 through 4, inclusive and in their entirety, and substitute:

- 2 "(I) A SCHEDULE OF SOURCES OF EARNED INCOME OF THE HIGH SCHOOL
- 3 STUDENT MEMBER AND OF THE MEMBER'S PARENT(S) OR LEGAL
- 4 GUARDIAN(S) THAT EXCEED \$100.00, INCLUDING THE NAME AND ADDRESS
- 5 OF EACH PLACE OF SALARIED EMPLOYMENT AND OF EACH BUSINESS ENTITY
- 6 SOLELY OR PARTIALLY OWNED AND FROM WHERE INCOME WAS EARNED,
- 7 WHERE THE SOURCE OF INCOME IS AN ATTORNEY-CLIENT OR A
- 8 PHYSICIAN/PSYCHIATRIST/PSYCHOLOGIST-PATIENT RELATIONSHIP, THE
- 9 NAMES OF INDIVIDUAL CLIENTS OR PATIENTS NEED NOT BE DISCLOSED;
- 10 (II) A SCHEDULE OF EACH GIFT IN EXCESS OF \$20.00 IN VALUE (OR AN
- 11 AGGREGATE OF \$100.00 FROM ANY ONE PERSON) DIRECTLY OR INDIRECTLY
- 12 FROM A PERSON(S) WHO DOES BUSINESS WITH HOWARD COUNTY. THIS
- 13 SCHEDULE AS TO EACH SUCH GIFT, SHALL INCLUDE:
- 14 A. THE NATURE AND VALUE OF THE GIFT; AND
- 15 B. THE IDENTITY OF THE PERSON FROM WHOM, DIRECTLY OR
- 16 INDIRECTLY, THE GIFT WAS RECEIVED;
- 17 C. FOR PURPOSES OF THIS SUBSECTION, GIFT DOES NOT INCLUDE:
- 18 I. CEREMONIAL GIFTS OR AWARDS OF INSIGNIFICANT
- 19 MONETARY VALUE; OR
- 20 II. UNSOLICITED GIFTS OF NOMINAL VALUE OR TRIVIAL ITEMS
- 21 OF INFORMATIONAL VALUE; AND"

APPROVED November 7, 2011
FILED _____
SIGNATURE Stephen M. Ballentine

Amendment to Council Bill No. 50 -2011

BY: Chairperson at the request
of the County Executive

Legislative Day No. 11
Date: October 3, 2011

Amendment No. 4

(This amendment prohibits the commercial use of a financial disclosure statement as is currently prohibited.)

1 On page 23, after line 8, insert:

2 "(5) A FINANCIAL DISCLOSURE STATEMENT REQUIRED BY THIS SUBTITLE SHALL NOT BE
3 USED IN ANY WAY FOR, OR BE MADE AVAILABLE FOR COMMERCIAL PURPOSES."

APPROVED November 7, 2011
SIGNED _____
BY Stephen M. Gendron

Amendment to Council Bill No. 50 -2011

BY: Chairperson at the request
of the County Executive

Legislative Day No. 11
Date: October 3, 2011

Amendment No. 5

(This amendment ensures consistency with current enforcement provisions that relate to failure to comply with financial disclosure requirements.)

- 1 On page 37, in line 24, after "SECTION" insert "22.206 AND SECTION".

ADOPTED November 7, 2011
BY THE BOARD OF SUPERVISORS
SIGNATURE Stephen M. Gendie

Amendment to Council Bill No. 50 -2011

**BY: Chairperson at the request
of the County Executive**

**Legislative Day No. 11
Date: October 3, 2011**

Amendment No. 6

(This amendment makes certain technical corrections.)

- 1 On page 15, in line 9, strike "IN NO RELATED IN ANY WAY" and substitute "NOT RELATED, IN ANY
- 2 WAY."
- 3
- 4 On page 28, in line 20, strike "NEED NOT BE DISCLOSED" and substitute a comma.

ADOPTED November 7, 2011
FILED _____
SIGNATURE Stephen M. Bland

Amendment 7 to Council Bill No. 50 -2011

BY: Chairperson at the request
of the County Executive

Legislative Day No. 12
Date: November 7, 2011

Amendment No. 7

(This amendment adds several boards and commissions whose members will be required to file financial disclosure statements; makes a technical correction; and amends the items required to be disclosed by members of boards and commissions.)

1 On page 19, in line 15, strike "RETIREMENT PLAN" and substitute "PENSION".

2

3 On page 19, in line 18, strike "AND".

4

5 On page 19, in line 19, strike "PANEL." and substitute "PANEL.".

6

7 On page 19, after line 19, insert:

8 "(18) ANIMAL MATTERS HEARING BOARD;

9 (19) ADVISORY BOARD ON CONSUMER AFFAIRS;

10 (20) BOARD OF ELECTRICAL EXAMINERS;

11 (21) BOARD OF HEALTH; AND

12 (22) HUMAN RIGHTS COMMISSION."

13

14 On page 23, in line 12, after "STATEMENT." insert "EMPLOYEES AND ELECTED OFFICIALS SHALL
15 DISCLOSE ALL THE INFORMATION REQUIRED BY THIS SUBSECTION. MEMBERS OF BOARDS AND
16 COMMISSIONS LISTED IN SUBSECTION (C) OF THIS SECTION SHALL DISCLOSE THE INFORMATION
17 REQUIRED BY THIS SUBSECTION ONLY WITH RESPECT TO THOSE INTERESTS, GIFTS, COMPENSATED
18 POSITIONS, AND LIABILITIES THAT MAY CREATE A CONFLICT, AS PROHIBITED BY SECTION 22.204 OF
19 THIS SUBTITLE, BETWEEN THE MEMBER'S PERSONAL INTERESTS AND THE MEMBER'S OFFICIAL
20 LOCAL DUTIES AS A BOARD OR COMMISSION MEMBER."

21

APPROVED November 7, 2011
FILED _____
SIGNATURE Stephen M. Hendon