26-1206 Town of Rising Sun – Proposed Changes to Ethics Law– Staff Recommends Approval

Proposed changes: The Town of Rising Sun proposes to include the changes required by HB 363 and HB 1058 (2021). Rising Sun has also made the changes required by House Bill 879 (2017). Rising Sun is not required to have lobbying provisions.

Local Government Checklist – Town of Rising Sun:

2017

Post-employment - former elected official	x
Candidate Financial Disclosure (8 days)	x
Confidential home address	x

2021

Quasi-Governmental entity	x
Prohibit gift acceptance from local govt associations	x
Prohibit disclosure of confidential info - present and former	x
Prohibit Retaliation	x
Prohibit UMMS et.al. consideration disclosure	x
Business name disclosures	x
Disclosure of gifts including from local govt associations	x
Disclosure of relationship with UMMS et.al.	x
Attributable interest disclosures	x

ARTICLE 6
ETHICS

Section. 2-601. Applicability.

The provisions of this Article shall apply to all officials, employees and appointees to boards, commissions and committees of the Town unless otherwise specified.

Section. 2-602. Ethics Board.

A. Membership; terms. There shall be a Town of Rising Sun Ethics Board, which shall be composed of three (3) members appointed by the Mayor with the approval of the Commissioners. The term of office for each Board Member appointed shall be three (3) years.

B. Chairperson. The Board shall elect a chairperson from among its members. The term of the chairperson shall be for one (1) year. The chairperson shall be eligible for re-election.

C. Counsel. The Board shall be advised by the Town Attorney and the Town Administrator.

D. Responsibilities and Authority. The Board shall have the following responsibilities and authority:

1. To devise, receive and maintain all forms required by this Article;

2. To provide published advisory opinions to persons subject to this Article as to the applicability of the provisions of this Article to them;

3. To process and make determinations as to complaints filed by any person alleging violations of this Article;

4. To conduct a public information program regarding the purposes and application of this Article;

5. To grant exemptions and modifications to the conflict of interest and financial disclosure provisions set forth in Sections 2-603 and 2-604 as authorized by Section 2-606;

6. To investigate any incident occurring after the effective date of this Article within two (2) years prior to the time such incident is called to the Board's attention where there is reasonable grounds to believe there may be a violation of this Article.

7. To conduct hearings, issue summonses and subpoenas, and administer oaths and affirmations. Summonses and subpoenas may be served by certified mail, by private process server or by anyone who could lawfully serve said subpoenas and summonses in a judicial proceeding of a civil nature. Summonses and subpoenas

shall be enforced by legal action in a court of competent jurisdiction, to compel the attendance of parties and witnesses and to require the production by them of books, papers, documents and other materials relevant to any case under consideration.

8. To adopt regulations and establish procedures to implement this Article;

9. To conduct investigations relative to violations of this Article;

10. To develop appropriate forms and instructions for the making of financial disclosure and other functions of the Board, and to cause same to be timely distributed to those persons required to file same; and

11. To initiate complaints and/or investigations on its own motion where it has reason to believe the provisions of this Article have been violated.

12. To certify to the State Ethics Commission on or before October 1 of each year that the Town is in compliance with the requirements of State Law.

13. To determine if changes to this Article are required to be in compliance with the requirements of State Law, and forward any recommended changes and amendments to the Mayor and Commissioners.

14. To adopt any other policies and procedures to assist in the Board in the performance of its duties.

Section. 2-603. Conflict of interest.

A. All Town elected officials, officials appointed to Town boards and commissions, employees and committees are subject to this Section.

B. Participation prohibitions. Except as permitted by Board regulation or opinion, individuals subject to this Section may not participate in:

1. Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the individual, the individual or a qualified relative of the individual, has an interest.

2. Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

a. A business entity in which the individual has a direct financial interest of which the individual may reasonably be expected to know;

b. A business entity for which the individual or qualified relative of the

individual is an officer, director, trustee, partner or employee;

c. A business entity with which the individual or a qualified relative is negotiating employment or has any arrangement concerning prospective employment.

d. A business entity that is a party to an existing contract with the individual or qualified relative which could reasonably be expected to result in a conflict between the private interests of the individual and the official duties of the individual.

e. An entity doing business with the Town in which a direct financial interest is owned by another entity in which the individual has a direct financial interest, if the individual may be reasonably expected to know of both direct financial interests.

f. A business entity that the individual knows is a creditor or obligee of the individual or a qualified relative of the individual with respect to a thing of economic value; and as a creditor or obligee, is in a position to directly and substantially affect the interest of the individual or qualified relative of the individual.

g. In this subsection the term "qualified relative" means a spouse, parent, child, stepchild or sibling.

h. In this subsection the term, "business entity" means any for profit or not for profit enterprise, including a corporation, general or limited partnership, sole proprietorship, joint venture, association, firm institute, trust, or foundation. It shall also include entities such as independent fire departments, rescue squads, homeowners associations, condominium associations, religious and civic organizations.

3. An individual who is disqualified from participating under paragraph (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

a. The disqualification leaves the body with less than a quorum capable of acting;

b. The disqualified individual is required by law to act; or

c. The disqualified individual is the only person authorized to act.

4. The prohibitions of paragraph (1) and (2) of this subsection do not apply if participation is allowed by regulation or opinion of the Board.

C. Employment and financial interest restrictions.

1. Except as permitted by regulation of the Board when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an individual may not:

    a. Be employed by or have a financial interest in an entity subject to the authority of the individual or the Town agency, board or commission with which the individual is affiliated; or that is negotiating or has entered a contract with the agency, board or commission with which the individual is affiliated.

    b. Hold any other employment relationship that would impair the impartiality or independence of judgment of the individual.

2. This prohibition does not apply to:

    a. An individual who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the Town's authority be represented in appointments to said authority.

    b. Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Board.

    c. An individual whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Board.

    d. Employment or financial interests allowed by regulation of the Board if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

D. Post-employment limitations and restrictions.

1. A former elected official, appointee to a board or commission or employee may not assist or represent any party other than the Town for compensation in a case, contract or other specific matter involving the Town if that matter is one in which the former official, appointee or employee significantly participated as an official, appointee or employee.

2. For a period of one (1) year following the termination of service to the Town, a former Mayor or member of the Board of Commissioners may not assist or represent another party for compensation in a matter that is the subject of legislative or regulatory action by the Town.

E. Contingent Compensation. Except in a judicial or quasi-judicial proceeding, an individual may not assist or represent a party for contingent compensation in any matter before or involving the Town.

F. Use of Prestige of Office.

1. An individual may not intentionally use the prestige of office or public position for the private gain of that individual or the private gain of another.

2. The subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.

G. Solicitation and acceptance of gifts.

1. An individual may not solicit any gift.

2. An individual may not directly solicit or facilitate the solicitation of a gift on behalf of another person, from an individual that is a regulated lobbyist.

3. An individual may not knowingly accept a gift, directly or indirectly, from a person that the individual knows or has the reason to know:

a. Is doing business with or seeking to do business with the Town.

b. 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 individual.

c. Is engaged in an activity regulated or controlled by the Town.

d. Is a registered lobbyist with the Town.

e. Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

4. Notwithstanding paragraph (3) of this subsection the individual 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 $20.00 in cost or trivial items of informational value.

d. Reasonable expenses for food, travel, lodging, and scheduled

entertainment of the individual at a meeting which is given in return for the participation of the individual in a panel or speaking engagement at the meeting.

e. Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural or political event, if the purpose of the gift or admission is a courtesy or ceremony extended to the elected official's office with the Town.

f. A specific gift or class of gifts that the Board exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the Town and that the gift is purely personal and private in nature.

g. Gifts from a person related to the individual by blood or marriage, or any other individual who is a member of the household of the individual.

h. Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the individual's position with the Town.

5. Paragraph (4) of this subsection does not apply to gifts:

a. That would tend to impair the impartiality and the independence of judgment of the individual receiving the gift.

b. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the individual.

c. Of significant value that the recipient individual believes or has reason to believe is designed to impair the impartiality and independence of judgment of the individual.

H. Disclosure of Confidential Information. Other than in the discharge of official duties, an individual, whether a current or former official or employee of the Town, may not disclose or use confidential information, that the individual acquired by reason of the individual's position or former public position and that is not available to the public, for economic benefit of the individual or that of another person.

I. All individuals subject to this Article shall not use any Town facilities, vehicles, equipment, materials, or personnel for private purposes or profit, or facilitate or permit such use by others, unless the use of such facilities, property, vehicles, equipment, materials or personnel is:

1. generally available to the public; or

2. authorized by a Town law or regulation; or

3. use of Town telephones for reasonably necessary personal local calls, or for long distance calls in emergencies with permission of the Town Administrator or his designee and reimbursement to the Town.

J. All individuals subject to this Section shall not solicit business from any individual or organization having a decision before a Town board, committee or commission; or

K. All individuals subject to this Section shall not make representations to other governmental organizations that are portrayed as the position of the Town Government unless such positions have been approved in advance by a majority vote of the Board of Commissioners or unless such representations are a legitimate exercise of specific authorities identified in the Code of the Town of Rising Sun. Nothing herein shall be construed as a limitation of the right of officials and employees to attend, participate and speak at public and/or private forums of their choice in the individual's private capacity.

L. An individual shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the individual or Town sufficiently in advance of the action to provide adequate disclosure to the public and Board.

M. All individuals subject to this Section shall not cause or advocate a member of their family to be hired, employed, promoted, transferred or advanced to any position in the Town of Rising Sun. No Town official or employee shall participate in an action relating to the discipline of a member of the Town official's or Town employee's family.

N. Participation in Procurement.

1. An individual or a person that employs an individual who assists the Town in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

2. The Board may establish exemptions from the requirements of this Section for providing descriptive literature, sole source procurements, and written comments solicited by the Town.

Section. 2-604. Financial disclosure.

A. This Section applies to all local elected officials, candidates for local elected office, and the following appointed officials and employees:

1. The Town Administrator
2. All members of the Rising Sun Planning Commission

3. All members of the Rising Sun Board of Zoning Appeals
4. All members of the Rising Sun Ethics Board
5. All members of the Rising Sun Election Board
6. The Town Clerk
7. The Town Treasurer
8. All Town Department Heads

B. All individuals subject to the Section shall file a financial disclosure statement required by this Section with the Board, on the form provided by the Board, under oath or affirmation.

C. Deadlines for Filing Statements.

1. An incumbent local elected official, appointed officials and employees subject to this Section shall file a financial disclosure statement annually no later than January 31 of each year, for the activity of the preceding calendar year.

2. An individual who is appointed to fill a vacancy in position subject to this Section shall file a financial disclosure statement for the activity of the preceding calendar year within thirty (30) days after appointment.

3. An individual who, other than by reason of death, leaves office for which a statement is required shall file a statement within sixty (60) days after leaving office covering the year immediately preceding the year in which the individual left office, unless such a statement has already been filed, and the portion of the current calendar year during which the individual held office.

D. Candidates for Local Elected Office. Candidates for local elected office shall file a financial disclosure statement at the time that they file their certificate of candidacy and each year thereafter through the year of the election, pursuant to the deadlines established in this Section. If a statement required by a candidate is overdue and not filed within eight (8) days after written notice to file is provided by the Board of Elections, the candidate is deemed to have withdrawn the candidacy. The Board of Elections may not accept any certificate of candidacy unless a financial disclosure statement has been filed in proper form.

E. Public Record.

1. The Board shall maintain all financial disclosure statements filed under this Section.

2. Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to the fees established by the Town.

3. If an individual examines or copies a financial disclosure statement, the Board shall record the name and address of the individual reviewing or copying the

statement and the name of the person whose financial disclosure statement was examined or copied.

4. Upon the request by the official whose financial disclosure statement was examined or copied, the Board shall provide the official with a copy of the name and address of the person who reviewed the official's financial disclosure statement.

5. The Board shall retain financial disclosure statements for four years from the date of receipt, after which time the statements shall be destroyed.

6. The Board shall not provide public access to information related to consideration received from:

    a. The University of Maryland Medical System;
    b. A governmental entity of the State or a local government of the State; or
    c. A quasi-governmental entity of the State or local government of the State.

7. For statements file on after January 1, 2019, the Board shall not provide public access to an individual's home address that the individual has designated as the individual's home address.

F. Content of Statement.

1. Interests in Real Property.

    a. A statement filed under this Section shall include a schedule of all interests in real property wherever located, both domestic and international.

    b. For each interest in real property, the schedule shall include:

        i. The nature of the property and the location by street address, mailing address, or legal description of the property.

        ii. The nature and extent of the interest held, including any conditions and encumbrances on the interest.

        iii. The date when acquired, the manner in which the interest was acquired, and the identity of the person from whom the interest was acquired.

        iv. The nature and amount of 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.

v. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred.

vi. The identity of any other person with an interest in the property.

2. Interests in corporations and partnerships

a. A statement filed under this Section shall include a schedule of all interests in any corporation, partnership, limited liability partnership or limited liability corporation, regardless of whether the entity does business with the Town.

b. For each interest reported under this Section, the schedule shall include:

i. The name and address of the principal office of the entity.

ii. The nature and amount of the interest held, including any conditions and encumbrances on the interest.

iii. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and if known the identity of the person to whom the interest was transferred.

iv. The date the interest was acquired, the manner in which it was acquired and the identity of the person from whom the interest was acquired and the nature and amount of consideration given in exchange for the interest or if acquired other than by purchase, the fair market value of the interest at the time acquired.

c. An individual may satisfy the requirement to report the amount of the interest held under this Section by reporting instead of a dollar amount, the number of shares held or the percentage of equity interest held.

3. Interests in business entities doing business with the Town.

a. A statement filed under this Section shall include a schedule of all interests in any business entity that does business with the Town, other than interest reported under paragraph (2) of this Section.

b. For each interest reported under this Section, the schedule shall include:

i. The name and address of the principal office of the business entity.

ii. The nature and amount of the interest held, including any conditions to and encumbrances in the interest.

iii. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and if known the identity of the person to whom the interest was transferred.

iv. The date the interest was acquired, the manner in which it was acquired and the identity of the person from whom the interest was acquired and the nature and amount of consideration given in exchange for the interest or if acquired other than by purchase, the fair market value of the interest at the time acquired.

4. Gifts

a. A statement filed under this Section shall include a schedule of each gift in excess of $20.00 in value or a series of gifts totaling $100.00 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the Town or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

b. For each gift reported, the schedule shall include:

i. A description of the nature and value of the gift.

ii. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

5. Employment with or interests in entities doing business with the Town.

a. A statement filed under this Section shall include a schedule of all offices, directorships and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the Town.

b. For each position reported under this Section, the schedule shall include:

i. The name and address of the principal office of the business entity.

ii. The title and nature of the office, directorship or salaried employment held and the date it commenced.

iii. The name of each Town agency with which the entity is involved.

6. Indebtedness to entities doing business with the Town.

a. A statement filed under this Section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the Town owed at any time during the reporting period by the individual or by a member of the individual's immediate family if the individual was involved in the transaction giving rise to the liability.

b. For each liability reported under this Section, the schedule shall include:

i. The identity of the person to whom the liability was owed and the date the liability was incurred.

ii. The amount of the liability owed as of the end of the reporting period.

iii. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year.

iv. The security given, if any, for the liability.

7. Family Members Employed by Town. The statement filed under this Section shall include a schedule of immediate family members of the individual, employed by the Town in any capacity, at any time during the reporting period.

8. Sources of Earned Income.

a. A statement filed under this Section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

b. A minor child's employment or business ownership need not be disclosed if the Town does not regulate, exercise authority over or contract with the place of employment or business entity of the minor child.

c. An individual shall disclose the information specified in Section 5-607(j)(i) of the General Provisions Article of the Maryland Annotated Code for any financial or contractual relationship with:

i. The University of Maryland Medical System;

ii. A governmental entity of the State or local government in the State.
iii. A quasi-governmental entity of the State or local government in the State.
iv. For each financial or contractual relationship reported pursuant to subsection 8.c. the schedule shall include a description of the relationship; the subject matter of the relationship; and the consideration.

9. Civic Organizations and Similar Entities. A statement filed under this Section shall include a schedule of the names and addresses of all entities, whether for-profit or not-for-profit, which are located in the Town, subject to regulation by the Town or doing business with the Town, which the individual or a member of the individual's immediate family was an officer, director, or holds a fiduciary relationship with that organization. By way of example and not of limitation, this shall include independent fire departments, rescue squads, homeowners associations, condominium associations, religious and service organizations.

10. Additional Information. A statement filed under this Section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

G. For purposes of this Section, the following interests are considered to be the interests of the individual making the financial disclosure statement.

1. An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

2. An interest held, at any time during the applicable period, by:

i. A business entity in which the individual held a ten (10%) percent or greater interest;
ii. A business entity described in section (i) of this subsection in which the business entity held a twenty (25%) percent or greater interest;
iii. A business entity described in section (ii) of this subsection in which the business entity held a fifty (50%) percent or greater interest; and
iv. A business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a ten (10%) or greater interest.

3. An interest held by a trust or an estate in which, at any time during the reporting period the individual held a reversionary interest or was beneficiary, or if the trust revocable was a settlor.

H. Individuals subject to the provisions of this Section shall file supplemental financial disclosure statements with the Board disclosing any interest or employment acquired after the end of the previous calendar year and before the due date of the next annual financial disclosure statement for the current year, where such an interest or employment may require disqualification under Section 2-603.

I. The Board shall review the financial disclosure statements submitted under this Section for compliance with the provisions of this Section and shall notify an individual submitting the statement of any omissions or deficiencies.

J. An individual who is required to disclose the name of a business under this Section shall disclose any other names that the business is trading as or doing business as.

K. For the purposes of this Article, a "quasi-governmental entity" means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but managed privately.

Section. 2-605. Lobbying disclosure.

A. Any person who personally appears before any Town official or employee with the intent to influence that person in performance of his official duties, and who, in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of five hundred dollars ($500.00) on food, entertainment or other gifts for such officials, shall be known as a Registered Lobbyist and shall file a registration statement for that calendar year with the Board not later than January 15 of the calendar year or within five (5) days after first making these appearances.

B. The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances. This registration statement shall be valid for a one calendar year period, and must be re-filed each year as necessary.

C. Registrants under this Section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment or other gift provided to a Town official or employee during the preceding calendar year. When a gift or series of gifts to a single official or employee exceed fifty dollars ($50.00) in value, the official or employee shall also be identified.

D. The registrations and reports filed pursuant to this Section shall be maintained by the Board as public records available for public inspection and copying.

Section. 2-606. Exemptions and modifications.

A. The Board may grant exemptions and modifications to the provisions of Sections 2-603 and 2-604 of this Article to employees and appointed members of boards, commissions

and committees if it determines that application of those provisions would:

1. Constitute an unreasonable invasion of privacy;

2. Significantly reduce the availability of qualified persons for public service; and

3. Not be required to preserve the purpose of this Article.

Section. 2-607. Complaints, Investigations, Hearings and Decisions

A. Complaint.

1. Any person may file a confidential complaint with the Ethics Board. A complaint shall be made under oath, in writing, and be signed by the complainant; however, this does not preclude the Ethics Board from investigating unsigned or anonymous complaints in its discretion. It shall allege reasonable grounds to believe that a violation of this Article may have occurred within two (2) years prior to the filing of the complaint.

2. If the complaint fails to allege facts sufficient to state a violation of this Article, the Ethics Board may dismiss the complaint. The Ethics Board must provide the complainant with an explanation of its decision to dismiss the complaint and shall inform the subject of the complaint that the complaint was filed and dismissed, but shall not disclose the identity of the complainant.

B. Investigation.

1. The Ethics Board shall investigate a complaint that meets the requirement of A.1 of this Section. The Ethics Board may investigate any circumstances that come to its attention from any source, which may involve a violation of this Article. An investigation may include all reasonable sources of relevant information, including the subject of the complaint. In conducting its investigation, the Ethics Board shall utilize its own membership and/or Town staff and private investigators as may be authorized by the Ethics Board. The Ethics Board's investigation and deliberations, including the name of the complainant, the subject of the complaint, and any witness, shall be confidential except as further provided in this Section. All persons involved in the investigation of any complaint shall be bound by the confidentiality provisions of this Section.

2. The Ethics Board shall prepare a written summary of the results of its investigation. It shall provide the subject of the complaint with a copy of its investigation summary but shall not include the identity of the complainant or any witness. If the Ethics Board finds insufficient evidence to conclude, by a preponderance of the evidence, that a violation has occurred, it shall dismiss the complaint. If the Ethics Board finds sufficient facts to conclude that a violation has occurred, it shall advise the subject of the complaint that he/she has a right to request, within thirty (30) days, a hearing before the Ethics Board.

C. Hearing

If a hearing is requested, the following procedures shall apply:

1. The subject of the complaint shall be provided with a copy of the Ethic Board's investigation summary which identifies the complainant and all sources of information on which the Ethics Board relies.

2. The Ethics Board may rely on the facts stated in the investigation summary or may call witnesses and present other evidence at the hearing.

3. The subject of the complaint may request that subpoenas be issued by the Ethics Board pursuant to this Code. The Ethics Board shall issue subpoenas for any reasonably relevant witnesses and evidence.

4. The rules of evidence used in judicial hearings do not apply to hearings before the Ethics Board. The Ethics Board may admit and give appropriate weight to evidence, including hearsay that possesses probative value commonly accepted by reasonable and prudent persons.

5. A hearing is closed to the public. However, the Ethics Board may, in its sole discretion, open the hearing to the public if the subject of the complaint so requests.

6. The Ethics Board must make written findings based on the record made at the hearing. If after a hearing the Ethics Board finds that no violation of this Article has occurred, the Ethics Board must dismiss the complaint.

D. Decision.

If the Ethics Board finds that a violation of this Article has occurred and no hearing is requested within thirty (30) days, the Ethics Board may issue an appropriate order under this Article based on the results of its investigation. Unless the Ethics Board dismisses the complaint without holding a hearing the order and investigation summary, except for the identity of the complainant and the witnesses, shall be public information.

Section 2-608. Enforcement

A. To enforce compliance with the provisions of this Article the Board may:

1. Assess a late fee of $2.00 per day up to a maximum of $250.00 for a failure to timely file a financial disclosure statement required under this Article.

2. Access a late fee of $10.00 per day up to a maximum of $250.00 for failure to file a timely lobbyist registration or lobbyist report required under this Article.

3. Issue a cease and desist order against any person found to be in violation of this Article.

B. Upon finding a violation of any provision of this Article, the Board may:

1. Issue an order of compliance directing the respondent to cease and desist from the violation.

2. Issue a reprimand.

3. Recommend to the appropriate authority other appropriate discipline of the violator, including censure or removal if such is authorized by law, termination, suspension or other personnel action, including suspension of salary or other compensation.

4. If the violation is to Section 16.5 of this Article the Board may:

a. require the violator who is a registered lobbyist to file any additional reports or information that is reasonably related to the information that is required under Section 16.5.

b. Impose a fine not exceeding $5,000 for each violation.

c. Suspend the registration of the individual registered lobbyist if the Board finds that the lobbyist has knowingly and willfully violated this Article or has been convicted of a criminal offense arising from lobbying activities.

C. Upon the request of the Board, the Town may file a petition for injunctive or other relief in any court having proper venue for the purpose of requiring compliance with the provisions of this Article.

D. A finding of a violation of this Article by the Board shall be considered public information under the terms of the applicable State statute.

Section. 2-609. Appeals and reconsideration.

A final decision of the Board on a complaint or request for a waiver may be appealed to the circuit court under the applicable Maryland Rules of Procedure governing administrative appeals. An appeal does not stay the effect of the Board's decision unless the court hearing the appeal orders a stay.

Section. 2-610. Removal of Ethics Board member.

A member of the Board may be removed by the majority vote of the Board of Commissioners after a hearing for neglect of duties, misconduct in office, a disability that make the member unable to discharge the powers and duties of office, or a violation of this Article.

Section. 2-611. Retaliation Prohibited.

An official or employee of the Town may not retaliate against an individual for reporting or participating in an investigation of a potential violation of this Ordinance.