25-0903 City of New Carrollton – Proposed Changes to Ethics Law– Staff Recommends Approval

Proposed changes: The City of New Carrollton proposes to restrict officials and employees from being a party to a business transaction where the official or employee would receive city funds. This additional participation restriction is not inconsistent with State Law.

Ordinance 25-13
An Ordinance to Amend Chapter 12,
Code Of Ethics 12-5 of the City Code
Effective: April 8, 2025

ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF NEW CARROLLTON TO AMEND CHAPTER 12, CODE OF ETHICS, § 12-5 OF THE CITY CODE

WHEREAS, §§ 5-801, *et seq.* of the General Provisions Article of the Annotated Code of Maryland requires municipal corporations to enact ethics laws; and

WHEREAS, The Mayor and Council of the City of New Carrollton desires to maintain the highest trust in their public officials and employees; and

WHEREAS, The Mayor and Council deem it necessary and in the public interest to amend the City's ethics laws to expressly prohibit elected officials from receiving City funds in personal business transactions.

Section 1. NOW, THEREFORE, BE IT ORDAINED, that § 12-5 "Prohibited conduct and interests" of Chapter 2, Article 4 of the City Code is hereby amended as follows:

§ 12-5 Prohibited conduct and interests.

A. Participation prohibitions.

(1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

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

(b) 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:

[1] 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;

[2] 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;

[3] A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;

[4] 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;

[5] An entity, doing business with the City in which THE OFFICIAL OR EMPLOYEE has a direct financial interest, or is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

[6] A business entity that:

[a] 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

[b] 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.

[7] BE A PARTY TO ANY BUSINESS TRANSACTION WHEREBY AN OFFICIAL WILL RECEIVE CITY FUNDS.

B. – E. UNCHANGED

F. Solicitation and acceptance of gifts.

(1) - (3) UNCHANGED

(4) Applicability.

(a) This subsection does apply to a gift:

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

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

[3] Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

(b) Notwithstanding Subsection F(3) of this section, an official or employee may accept the following:

[1] Meals and beverages consumed in the presence of the donor or sponsoring entity;

[2] Ceremonial gifts or awards that have significant monetary value;

[3] Unsolicited gifts of nominal value that do not exceed twenty dollars ($20.) in cost or trivial items of informational value;

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

[5] Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

[6] A specific gift or class of gifts that the Commission exempts from the operation of this section 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 City of New Carrollton and that the gift is purely personal and private in nature;

[7] Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

[8] Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the official's or employee's official position.

SECTION 2. This ordinance shall take effect twenty (20) calendar days after its passage.

INTRODUCED BY THE CITY COUNCIL OF NEW CARROLLTON, MARYLAND ON THE 5TH DAY OF MARCH 2025.

PASSED, APPROVED, AND ADOPTED THE 19th OF MARCH, 2025.

EFFECTIVE DATE: APRIL 8, 2025.

Attest: Kaitlyn E Schisler

Kaitlyn Schisler
City Clerk

City of New Carrollton

Briana Urbina, Council Chair

Date: 3/19/2025

Approved for Legal Sufficiency:

Jason A. DeLoach, Esq., City Attorney

Approved: Katrina R Dodro

Katrina R. Dodro, Mayor

Date: 3/28/2025

ALL CAPS indicate matter added to existing law.

25-1006 Town of Centreville – Proposed Changes to Ethics Law– Staff Recommends Approval

Proposed changes: The Town of Centreville proposes to include the changes required by HB 363 and HB 1058 (2021). Centreville has also made the changes required by House Bill 879 (2017).

<u>House Bills 363 and 1058 (2021) Checklist</u>		
<u>Jurisdiction</u>: Town of Centreville		
Required Changes	**Compliance?**	
	YES	**NO**
1. Definition for "Quasi-governmental entity" (Md. Code Ann., Gen'l. Prov. Art. § 5-101(gg-1)). *"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 is managed privately.*	**X**	
QUASI-GOVERNMENTAL ENTITY. 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 is managed privately.		
2. Prohibit gift acceptance from associations engaged in representing counties or municipal corporations. (Md. Code Ann., Gen'l. Prov. Art. § 5-505(b)(2)(v)). *Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.*	**X**	
Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.		
3. Prohibit disclosure of confidential information by former official or employee. (Md. Code Ann., Gen'l. Prov. Art. § 5-507). *Disclosure of confidential information. Other than in the discharge of official duties, an official or former official may not disclose or use confidential information, that the official acquired by reason of the individual's public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.*	**X**	
Disclosure of confidential information. Other than in the discharge of official duties, an official or employee ***or former official or employee*** may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position ***or former public position*** and that is not available to the public, for the economic benefit of the official or employee or that of another person.		
4. Prohibit retaliation against individual for reporting ethics violation or participating in ethics investigation. (Md. Code Ann., Gen'l. Prov. Art. § 5-509). *An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics policy.*	**X**	
An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.		
5. Prohibit disclosure of amount of consideration received from: UMMS, State or local governmental entities and quasi-governmental entities. (Md. Code Ann., Gen'l. Prov. Art. § 5-606(a)(3)(ii)).	**X**	

The Commission or office designated by the Commission shall not provide public access to information related to consideration received from: *(i) The University of Maryland Medical System;* *(ii) A governmental entity of the State or a local government in the State; or* *(iii) A quasi-governmental entity of the State or local government in the State.*		
The Commission or office designated by the Commission shall not provide public access to information related to consideration received from: The University of Maryland Medical System; a governmental entity of the State or a local government in the State; or a quasi-governmental entity of the State or local government in the State.		
6. Disclosure of name business trades as or does business under. (Md. Code Ann., Gen'l. Prov. Art. § 5-507(a-1)). *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.*	**X**	
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.		
7. Disclosure of gifts from association engaged in only representing counties or municipal corporations. (Md. Code Ann., Gen'l. Prov. Art § 5-509). *A statement filed under this section shall include a schedule of each gift in excess of $20 in value or a series of gifts totaling $100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the [County, City, or Town] or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.*	**X**	
A statement filed under this section shall include a schedule of each gift in excess of $20 in value or series of gifts totaling $100 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 of Centreville***, or from an association, or any entity acting on behalf of an association that is engaged in representing municipal corporations***; and for each gift reported, the schedule shall include a description of the nature and value of the gift and the identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.		
8. Disclosure of relationships with UMMS, State or local government or quasi-governmental entity. (Md. Code Ann., Gen'l. Prov. Art. § 5-607(j)(1-2)). *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.* *(i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:* *(A) The University of Maryland Medical System;* *(B) A governmental entity of the State or a local government in the State; or* *(C) A quasi-governmental entity of the State or local government in the State.*	**X**	

<table>
<tr><td>(ii) For each financial or contractual relationship reported, the schedule shall include:

(A) A description of the relationship;

(B) The subject matter of the relationship; and

(C) The consideration.</td><td></td><td></td></tr>
<tr><td colspan="3">Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity. An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:
a. The University of Maryland Medical System;
b. A governmental entity of the State or a local government in the State; or
c. A quasi-governmental entity of the State or local government in the State.
An individual shall disclose the information specified in the General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with the University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity. For each financial or contractual relationship reported, the schedule shall include a description of the relationship, the subject matter of the relationship, and the consideration.</td></tr>
<tr><td>9. Attributable interests in business entities that must be disclosed. (Md. Code Ann., Gen'l. Prov. Art. § 5-608(a)(2)(i-iv)).

For the purposes of . . . of this chapter, the following interests are considered to be the interests of the individual making the statement:

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

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

(i) A business entity in which the individual held a (10)% or greater interest;

(ii) A business entity described in section (i) of this subsection in which the business entity held a 25% or greater interest;

(iii) A business entity described in section (ii) of this subsection in which the business entity held a 50% or greater interest; and

(iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.

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

(i) The individual held a reversionary interest or was a beneficiary; or

(ii) If a revocable trust, the individual was a settlor.</td><td>X</td><td></td></tr>
<tr><td colspan="3">For the purposes of Subsection G H (1), (2) and (3) of this section, the following interests are considered to be the interests of the individual making the statement:
a. 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.</td></tr>
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b. An interest held by

1. a business entity in which the individual held a ~~**thirty**~~ ***ten*** percent or greater interest at any time during the reporting period.

2. A business entity described in (a) of this subsection in which the business entity held a twenty-five percent or greater interest;

3. A business entity described in (b) of this subsection in which the business entity held a fifty percent or greater interest; and

4. A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a ten percent or greater interest.

c. 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 a beneficiary or, if a revocable trust, the individual was a settlor.

54-2 Statement of Purpose.

A. ***The Town of Centreville, recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.***

B. ***It is evident that this confidence and trust is eroded when the conduct of the Town of Centreville's business is subject to improper influence and even the appearance of improper influence.***

C. ***For the purpose of guarding against improper influence, the Town Council of Centreville enacts this Public Ethics Ordinance to require the Town of Centreville elected officials, officials, employees, and individuals appointed to boards and commissions to disclose their financial affairs and to set minimum standards for the conduct of local government business.***

D. ***It is the intention of the Town Council of Centreville that this chapter, except its provisions for criminal sanctions, be liberally construed to accomplish this purpose.***

~~**54-2**~~ ***54-3*** Definitions

COMPENSATION.

Any money or thing of value, regardless of form, received or to be received by any individual covered by this chapter from an employer for service rendered.
For the purposes of § 54-~~7~~ ***8*** of this chapter, if lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.

DESIGNATED SECOND HOME.

A. ***If an individual owns one second home, the individual's second home; or***
B. ***If an individual owns more than one second home, any one second home the individual identifies to the Commission as the individual's designated second home.***

DOING BUSINESS WITH.

A. Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of $5,000 or more of Town-controlled funds;
B. Being regulated by or otherwise subject to the authority of the Town; or
C. Being registered as a lobbyist under § 54-~~7~~ ***8*** of this chapter.

HOME ADDRESS. The address of an individual's principal home and designated second home, if any.

INTEREST.

1. A legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.
2. For purposes of § 54-~~6~~*7* of this chapter, "interest" includes any interest held at any time during the reporting period.
3. "Interest" does not include:
    1. An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
    2. An interest in a time or demand deposit in a financial institution;
    3. An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
    4. A common trust fund or a trust which forms part of a pension or profit-sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; ~~**or**~~
    5. A college savings plan under the Internal Revenue Code~~.~~***; or***
    6. ***A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.***

PRINCIPAL HOME. The sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

QUASI-GOVERNMENTAL ENTITY. 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 is managed privately.

SECOND HOME. A residential property that an individual occupies for some portion of the filing year and is not a rental property or a time share.

54-~~3~~*4* Ethics Commission

A. Establishment, membership; terms.
    1. There is a Town of Centreville Ethics Commission that consists of three members appointed by the Town Council of Centreville. All members of the Ethics Commission must be municipal residents living within the corporate limits of the Town for a minimum of 180 days prior to their appointment. If a member of the Ethics Commission ceases to be a municipal resident living within the corporate limits of the Town of Centreville, they shall be considered to have resigned.
    2. The Commission members shall serve three-year overlapping terms that shall expire on the second Thursday following the election for member(s) of the Town Council. In 2011, one member's term shall expire in 2012, one member's term shall expire in 2013, and one member's term shall expire in 2014. Any

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Commission members appointed pursuant to law prior to the adoption of this chapter shall continue to serve as Commission members until the Town Council appoints Commission members in accordance with this section.
3. A Commission member may serve until a successor is appointed and qualifies.

B. Chair.
1. The Commission shall elect a Chairman from among its members.
2. The term of the Chairman is one year.
3. The Chairman may be reelected.

C. Attorney.
1. The Town Council shall provide sufficient funds for an attorney to assist the Commission in carrying out the Commission's duties.
2. If a conflict of interest under § 54-~~**5**~~***6*** of this chapter or other conflict prohibits the Commission's attorney from assisting the Commission in a matter, the Town Council shall provide sufficient funds for the Commission to hire independent counsel for the duration of the conflict.

D. The Commission is the advisory body responsible for interpreting this chapter and advising persons subject to this chapter regarding its application.

E. The Commission shall hear and decide, with the advice of its attorney or other legal counsel, if appropriate, all complaints filed regarding alleged violations of this chapter by any person.

F. The Town Clerk shall retain as a public record all forms submitted by any person under this chapter for at least four years after receipt by the Commission.

G. The Commission shall conduct a public information and education program regarding the purpose and implementation of this chapter.

H. The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the Town of Centreville is in compliance with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, for elected local officials.

I. ~~**G.**~~ The Commission shall:
1. Determine if changes to this chapter are required to be in compliance with the requirements of ~~**State Government Article**~~ ***General Provisions Article***, Title ~~**15**~~ ***5***, Subtitle 8, Annotated Code of Maryland; and
2. Forward any recommended changes and amendments to the Town Council for enactment.

J. ~~**H.**~~ Advisory opinions.
1. Any person subject to this chapter may request an advisory opinion from the Commission concerning the application of this chapter.
2. The Commission shall respond promptly to a request for an advisory opinion and shall provide interpretations of this chapter based on the facts provided or reasonably available to the Commission within 60 days of the request.
3. In accordance with all applicable state and Town laws regarding public records, the Commission shall publish or otherwise make available to the public copies of the advisory opinions, with the identities of the subjects deleted.
4. ***The Commission may adopt additional policies and procedures related to the advisory opinion request process.***

K. ~~**I.**~~ Complaints.

1. Any person may file a complaint with the Commission alleging a violation of any of the provisions of this chapter.
2. A complaint shall be in writing and under oath.
3. The Commission may refer a complaint to its attorney or other legal counsel, if appropriate, for investigation and review.
4. The Commission may dismiss a complaint if, after receiving an investigative report, the Commission determines that there are insufficient facts upon which to base a determination of a violation.
5. If there is a reasonable basis for believing a violation has occurred, the subject of the complaint shall be given an opportunity for a hearing conducted in accordance with the applicable ***Town*** rules of procedure.
6. A final determination of a violation resulting from the hearing shall include findings of fact and conclusions of law.
7. Upon finding of a violation, the Commission may take any enforcement action provided for in § 54-~~9~~***10*** of this chapter.
8. After a complaint is filed and until a final finding of a violation by the Commission, all actions regarding a complaint are confidential. A finding of a violation is public information.
9. ***The Commission may adopt additional policies and procedures related to complaints, complaint hearings, the use of independent investigators and staff, the use of witness and document subpoenas, and cure and settlement agreements.***

L. The Commission may grant exemptions to or modifications of the conflict of interest and financial disclosure provisions of this chapter to officials or employees serving as members of the Town of Centreville boards and commissions, when the Commission finds that the exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:

1. ***Constitute an unreasonable invasion of privacy; and***
2. ***Significantly reduce the availability of qualified persons for public service.***

M. ~~J.~~ The Commission may:

1. Assess a late fee of $~~2~~ ***5*** per day up to a maximum of $~~250~~ ***500*** for a failure to timely file a financial disclosure statement required under § 54-~~5~~ ***6*** or 54-~~6~~ *7* of this chapter; and
2. Assess a late fee of $10 per day up to a maximum of $~~250~~ ***1,000*** for a failure to file a timely lobbyist registration of lobbyist report required under § 54-~~7~~ ***8*** of this chapter.

N. ~~K.~~ The Commission shall:

1. Devise, receive and maintain all forms required by this chapter;
2. Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;
3. Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; and
4. Conduct a public information program regarding the purposes and application of this chapter.

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O. ~~*L.*~~The Commission shall 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 Government Article**~~ ***General Provisions Article,*** Title ~~1~~5, Subtitle 8, Annotated Code of Maryland, for elected local officials.

54-**4** ***5*** Conflicts Of Interest

A. In this section, "qualified relative" means a spouse, parent, child, or sibling.

B. All Town of Centreville ***elected*** officials***, officials appointed to Town of Centreville boards and commissions,*** and employees ~~**subject to this chapter**~~ are subject to this section.

C. Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

   A. Any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee, has an interest, except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter.

   B. 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:

      1. 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;
      2. 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;
      3. A business entity with which the official or employee, or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;
      4. 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 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;
      5. An entity, doing business with the Town of Centreville, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or
      6. A business entity that 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, 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.

   C. A person who is disqualified from participating under Subsection C(1) or (2) of this section shall disclose the nature and circumstances of the conflict and may participate or act if the disqualification leaves a body with less than a quorum

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capable of acting, the disqualified official or employee is required by law to act, or the disqualified official or employee is the only person authorized to act.

D. The prohibitions of Subsection C(1) or (2) of this section do not apply if participation is allowed by regulation or opinion of the Commission.

5. A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

D. Employment and financial interest restrictions.

A. 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:

1. Be employed by or have a financial interest in any entity subject to the authority of the official or employee or a Town of Centreville agency, board, or commission with which the official or employee is affiliated or an entity that is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
2. ***That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or***
3. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

B. This prohibition does not apply to:

1. An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
2. 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 Commission;
3. An official or employee 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 and in accordance with regulations adopted by the Commission; or
4. Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

E. Post-employment limitations and restrictions.

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

B. ~~**Until the conclusion of the next regular session that begins after the**~~ ***For one calendar year after the*** elected official leaves office, a former member of the Town Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.

F. Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town of Centreville.

G. Use of prestige of office. An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another~~**. This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.**~~ **o*r to influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.***

1. ***An official may not directly or indirectly initiate solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.***
    a. ***This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without added compensation.***
    b. ***An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.***
    c. ***An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.***

H. Solicitation and acceptance of gifts.

A. An official or employee may not solicit any gift.

B. An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

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

1. Is doing business with or seeking to do business with the Town of Centreville office, agency, board or commission with which the official or employee is affiliated;
2. 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;
3. Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
4. Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
5. ***Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.***

D. Notwithstanding Subsection H(3) of this section, an official or employee may accept the following:

1. Meals and beverages consumed in the presence of the donor or sponsoring entity;
2. Ceremonial gifts or awards that have insignificant monetary value;
3. Unsolicited gifts of nominal value that do not exceed $20 in cost or trivial items of informational value;
4. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which are given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
5. Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
6. A specific gift or class of gifts that the Commission 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;
7. Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
8. Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

E. Subsection H(4) does not apply to a gift:
   1. That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
   2. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
   3. Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

I. Disclosure of confidential information. Other than in the discharge of official duties, an official or employee ***or former official or employee*** may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position ***or former public position*** and that is not available to the public, for the economic benefit of the official or employee or that of another person.

J. An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

K. ~~J.~~ Participation in procurement.

1. An individual or a person that employs an individual who assists a Town of Centreville agency 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 Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole-source procurements, and written comments solicited by the procuring agency.

54-~~5~~6 Financial Disclosure: Local Elected Officials And Candidates To Be Local Elected Officials

A. This section shall apply to all local elected officials and candidates to be local elected officials.
B. Except as provided in Subsection D of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section on a form provided by the Commission, under oath or affirmation, and with the Commission.
C. Deadlines for filing statements.
   1. An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
   2. An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
   3. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover the calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual, and the portion of the current calendar year during which the individual held the office.
D. Candidates to be local elected officials.
   1. Except an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
   2. A candidate to be an elected local official shall file a statement required under this section: in the year the certificate of candidacy is filed, with the Town of Centreville Clerk or Board of ***Supervisors of Elections*** ~~**Election Supervisors**~~ with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy and no later than the filing of the certificate of candidacy; in the year of the election, with the Commission on or before 4:00 p.m. by the filing deadline for elections; and in all other years that a statement is required, with the Commission on or before April 30.
   3. A candidate to be an elected official shall file the statement required §54-6.D.1 and 2 of this chapter with the Town Clerk or Board of Supervisors of Elections with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy.
   4. ~~**3.**~~ ***If a statement required to be filed by a candidate is overdue and not filed within 8 days after written notice of the failure to file is provided by the Town Clerk or Board of Supervisors of Elections, the candidate is deemed to have withdrawn the candidacy.***

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~~**If a candidate fails to file a statement required by this section after written notice is provided by the Town of Centreville Clerk or Board of Election Supervisors, the candidate is deemed to have withdrawn the candidacy.**~~

5. ~~**3.**~~ The Town of Centreville Clerk or Board of ***Supervisors of Elections*** ~~**Election Supervisors**~~ may not accept any certificate of candidacy unless a statement has been filed in proper form.

6. ~~**3.**~~ Within 30 days of the receipt of a statement required under this section, the Town of Centreville Clerk or Board of ***Supervisors of Elections*** ~~**Election Supervisors**~~ shall forward the statement to the Commission or the office designated by the Commission.

E. Public record.

1. The Commission or office designated by the Commission 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 reasonable fees and administrative procedures established by the Commission.
3. If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record the name and home address of the individual reviewing or copying the statement and the name of the person whose financial disclosure statement was examined or copied.
4. Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
5. ***For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address.***
6. ***The Commission or office designated by the Commission shall not provide public access to information related to consideration received from: The University of Maryland Medical System; a governmental entity of the State or a local government in the State; or a quasi-governmental entity of the State or local government in the State.***

F. Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.

G. 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.

H. ~~**G.**~~ Contents of statement.

1. Interests in real property. A statement filed under this section shall include a schedule of all interests in real property, wherever located, and for each interest in real property, the schedule shall include:
   a. The nature of the property and the location, by street address, mailing address, or legal description, of the property;
   b. The nature and extent of the interest held, including any conditions and encumbrances on the interest;

c. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
d. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
e. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
f. The identity of any other person with an interest in the property.

2. Interests in corporations and partnerships. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the Town of Centreville; and for each interest reported under this subsection, 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. An individual may satisfy the requirement to report the amount of the interest held by reporting, instead of a dollar amount: 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 for an equity interest in a partnership, the percentage of equity interest held.
   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, the date when, the manner in which, and the identity of the person from whom the interest was acquired, and 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.
3. Interests in business entities doing business with the Town of Centreville. A statement filed under this section shall include a schedule of all interests in any business entity that does business with the Town of Centreville, other than interests reported under Subsection G(2) of this section; and for each interest reported under this subsection, 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 ~~in~~ ***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, the date when, the manner in which, and the identity of the person from whom the interest was acquired, and the nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
4. Gifts. A statement filed under this section shall include a schedule of each gift in excess of $20 in value or series of gifts totaling $100 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 of Centreville***, or from an association, or any entity acting on behalf of an association that is engaged in representing municipal corporations***; and for each gift reported, the schedule shall include a description of the nature and value of the gift and 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 of Centreville. 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 of Centreville; and for each position reported under this subsection, the schedule shall include:
   a. The name and address of the principal office of the business entity;
   b. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
   c. The name of each Town of Centreville agency with which the entity is involved.
6. Indebtedness to entities doing business with the Town of Centreville. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with ***or regulated by the individual’s*** Town of Centreville ***department*** owed at any time during the reporting period by the individual or by a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability; and for each liability reported under this subsection, the schedule shall include:
   a. The identity of the person to whom the liability was owed and the date the liability was incurred;
   b. The amount of the liability owed as of the end of the reporting period;
   c. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
   d. The security given, if any, for the liability.
7. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the Town of Centreville in any capacity at any time during the reporting period.
8. Sources of earned income. 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. A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

9. ~~**A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.**~~ ***For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the Town of Centreville, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.***
10. ***Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.***
    a. ***An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:***
        1. ***The University of Maryland Medical System;***
        2. ***A governmental entity of the State or a local government in the State; or***
        3. ***A quasi-governmental entity of the State or local government in the State.***

    . ***b. For each financial or contractual relationship reported, the schedule shall include a description of the relationship, the subject matter of the relationship, and the consideration.***

    11. 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.

12. ~~10.~~ For the purposes of Subsection **G** ***H*** (1), (2) and (3) of this section, the following interests are considered to be the interests of the individual making the statement:
    a. An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
    b. An interest held by
        1. a business entity in which the individual held a ~~**thirty**~~ ***ten*** percent or greater interest at any time during the reporting period.

        2. A business entity described in (a) of this subsection in which the business entity held a twenty-five percent or greater interest;

        3. A business entity described in (b) of this subsection in which the business entity held a fifty percent or greater interest; and

        4. A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a ten percent or greater interest.

    c. 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 a beneficiary or, if a revocable trust, the individual was a settlor.

I. ~~***H.***~~ The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies. In addition, the Commission may take appropriate enforcement action to ensure compliance with this section.

54-~~6~~ ***7*** **Financial Disclosure: Employees and** ***Appointed Officials*** **~~Members Of All Boards And Commissions~~**.

A. This section only applies to **~~employees and members of Town of Centreville boards and commissions~~** ***to the following appointed officials and employees:***
   1. ***All members of the: Centreville Planning Commission, Centreville Board of Zoning Appeals, Centreville Ethics Commission, Centreville Board of Supervisors of Elections, Centreville Park Advisory Board, Centreville Economic Development Authority, and Centreville Personnel Review Board.***
   2. ***The following employees: Town Manager, Chief of Police, Finance Officer, Director of Public Works, Human Resources Manager, Town Clerk, Zoning Administrator, Finance Specialist, Administrative Assistant, Operations Manager, Water/Wastewater Superintendent, Utility Worker, Program Manager, Main Street Manager, Code Enforcement Officer, Lieutenant, Sergeant, Corporal, Officer First Class, and Officer.***

B. A statement filed under this section shall be filed with the Commission under oath or affirmation.

C. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the Town of Centreville, including the name of the donor of the gift and the approximate retail value at the time or receipt.

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

E. 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.

F. An individual shall disclose the information specified in the General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with the University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity. For each financial or contractual relationship reported, the schedule shall include a description of the relationship, the subject matter of the relationship, and the consideration.

G. **~~5.~~** The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 54-**4** ***5*** of this chapter.

54-~~7~~ ***8*** **Lobbying**

A. A person shall file a lobbying registration statement with the Commission if the person personally appears before a Town of Centreville official or employee with the intent to influence that person in performance of the official duties of the official or employee and, in connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of $250 on food, entertainment or other gifts for officials or employees of the Town of Centreville.

B. A person shall file the registration statement required under this section on or before the latter of January 15 of the calendar year or within five days after first performing an act that requires registration in the calendar year.
C. The registration statement shall identify the registrant, any other person on whose behalf the registrant acts, and the subject matter on which the registrant proposes to make appearances specified in Subsection A of this section. The registration statement shall cover a defined registration period not to exceed one calendar year.
D. Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing the value, date, and nature of any food, entertainment or other gift provided to a Town of Centreville official or employee. If a gift or series of gifts to a single official or employee exceeds $100 in value, the official or employee shall also be identified.
E. The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Commission.

54-~~8~~ *9* Exemptions And Modifications

The Commission may grant exemptions and modifications to the provisions of §§ 54-**4** ***5*** and 54-~~**6**~~ *7* of this chapter as they relate to employees and to members of Town of Centreville boards and commissions when the Commission finds that an exemption or modification would not be contrary to the purposes of this chapter and the application of this chapter would constitute an unreasonable invasion of privacy and significantly reduce the availability of qualified persons for public service.

54-~~9~~ *10* Enforcement

1. ~~**The Commission may issue a cease-and-desist order against any person found to be in violation of this chapter and may seek enforcement of this order in the Circuit Court of Queen Anne's County.**~~
2. ~~**A Town official or employee found to have violated this chapter may be subject to disciplinary or other appropriate personnel action, including suspension of Town salary or other compensation.**~~
3. ~~**Violation of § 54-3, 54-4 or 54-5 of this chapter shall be a misdemeanor, subject to a fine of up to $1,000 or imprisonment of up to six months, or both.**~~

A. The Commission may:

1. ***Assess a fee of $5 per day up to a maximum of $500 for a failure to timely file a financial disclosure statement required under §§ 54-4 and 54-5 of this chapter;***
2. ***Assess a late fee of $10 per day up to a maximum of $1,000 for a failure to file a timely lobbyist registration or lobbyist report required under §54-6 of this chapter; and***
3. ***Issue a cease and desist order against any person found to be in violation of this chapter.***

B. Upon a finding of a violation of any provision of this chapter, the Commission may:

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1. ***Issue an order of compliance directing the respondent to cease and desist from the violation;***
2. ***Issue a reprimand; or***
3. ***Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.***

C. ***If the Commission finds that a responding has violated §54-8 of this chapter, the Commission may:***
   1. ***Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably relates to the information that is required under §54-8 of this chapter;***
   2. ***Impose a fine not exceeding $5,000 for each violation; and***
   3. ***Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated §54-8 of this chapter or has been convicted of a criminal offense arising from lobbying activities.***

D. ***Upon request by the Commission, the Town of Centreville Attorney may file a petition for injunctive or other relief in the Circuit Court of Queen Anne's County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.***
   1. ***The Court may:***
      a. ***Issue an order to cease and desist from the violation;***
      b. ***Except as provided in subparagraph 2 of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or***
      c. ***Impose a fine up to $5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.***
   2. ***A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.***

E. ***In addition to any other enforcement provisions in this chapter, a person who the Commission or a court finds has violated this chapter is subject to termination or other disciplinary action and may be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.***

F. ***A Town of Centreville official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.***

G. ***Violation of §54-8 of this chapter shall be a misdemeanor subject to a fine up to $10,000 or imprisonment of up to one year.***

H. ***A finding of a violation of this chapter by the Commission is public information.***

25-1074 Town of Smithsburg – Proposed Changes to Ethics Law– Staff Recommends Approval

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

<table>
<tr><td colspan="3"><u>House Bills 363 and 1058 (2021) Checklist</u></td></tr>
<tr><td colspan="3"><u>Jurisdiction</u>: Town of Smithsburg</td></tr>
<tr><td>Required Changes</td><td colspan="2">Compliance?</td></tr>
<tr><td></td><td>YES</td><td>NO</td></tr>
<tr><td>1. Definition for “Quasi-governmental entity” (Md. Code Ann., Gen’l. Prov. Art. § 5-101(gg-1)).

“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 is managed privately.</td><td>X</td><td></td></tr>
<tr><td colspan="3">“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 is managed privately</td></tr>
<tr><td>2. Prohibit gift acceptance from associations engaged in representing counties or municipal corporations. (Md. Code Ann., Gen’l. Prov. Art. § 5-505(b)(2)(v)).

Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</td><td>X</td><td></td></tr>
<tr><td colspan="3">Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</td></tr>
<tr><td>3. Prohibit disclosure of confidential information by former official or employee. (Md. Code Ann., Gen’l. Prov. Art. § 5-507).

Disclosure of confidential information. Other than in the discharge of official duties, an official or former official may not disclose or use confidential information, that the official acquired by reason of the individual’s public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.</td><td>X</td><td></td></tr>
<tr><td colspan="3">Disclosure of confidential information. Other than in the discharge of official duties, an official or former official may not disclose or use confidential information, that the official acquired by reason of the individual’s public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.</td></tr>
<tr><td>4. Prohibit retaliation against individual for reporting ethics violation or participating in ethics investigation. (Md. Code Ann., Gen’l. Prov. Art. § 5-509).

An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics policy.</td><td>X</td><td></td></tr>
<tr><td colspan="3">An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics policy.</td></tr>
</table>

5. Prohibit disclosure of amount of consideration received from: UMMS, State or local governmental entities and quasi-governmental entities. (Md. Code Ann., Gen'l. Prov. Art. § 5-606(a)(3)(ii)). *The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:* *(i) The University of Maryland Medical System;* *(ii) A governmental entity of the State or a local government in the State; or* *(iii) A quasi-governmental entity of the State or local government in the State.*	**X**	
The Commission or office designated by the Commission shall not provide public access to information related to consideration received from: (i) The University of Maryland Medical System; (ii) A governmental entity of the State or a local government in the State; or (iii) A quasi-governmental entity of the State or local government in the State.		
6. Disclosure of name business trades as or does business under. (Md. Code Ann., Gen'l. Prov. Art. § 5-507(a-1)). *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.*	**X**	
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.		
7. Disclosure of gifts from association engaged in only representing counties or municipal corporations. (Md. Code Ann., Gen'l. Prov. Art § 5-509). *A statement filed under this section shall include a schedule of each gift in excess of $20 in value or a series of gifts totaling $100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the [County, City, or Town] or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.*	**X**	
A statement filed under this section shall include a schedule of each gift in excess of $20 in value or a series of gifts totaling $100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the [County, City, or Town] or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.		
8. Disclosure of relationships with UMMS, State or local government or quasi-governmental entity. (Md. Code Ann., Gen'l. Prov. Art. § 5-607(j)(1-2)). *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.* *(i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:* *(A) The University of Maryland Medical System;*	**X**	

<table>
<tr><td>(B) A governmental entity of the State or a local government in the State; or

(C) A quasi-governmental entity of the State or local government in the State.

(ii) For each financial or contractual relationship reported, the schedule shall include:

(A) A description of the relationship;

(B) The subject matter of the relationship; and

(C) The consideration.</td><td></td><td></td></tr>
<tr><td colspan="3">Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

(i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:

(A) The University of Maryland Medical System;

(B) A governmental entity of the State or a local government in the State; or

(C) A quasi-governmental entity of the State or local government in the State.

(ii) For each financial or contractual relationship reported, the schedule shall include:

(A) A description of the relationship;

(B) The subject matter of the relationship; and

(C) The consideration.</td></tr>
<tr><td>9. Attributable interests in business entities that must be disclosed. (Md. Code Ann., Gen’l. Prov. Art. § 5-608(a)(2)(i-iv)).

For the purposes of . . . of this chapter, the following interests are considered to be the interests of the individual making the statement:

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

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

(i) A business entity in which the individual held a (10)% or greater interest;

(ii) A business entity described in section (i) of this subsection in which the business entity held a 25% or greater interest;

(iii) A business entity described in section (ii) of this subsection in which the business entity held a 50% or greater interest; and

(iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.</td><td>X</td><td></td></tr>
</table>

(3) An interest held by a trust or an estate in which, at any time during the reporting period: *(i) The individual held a reversionary interest or was a beneficiary; or* *(ii) If a revocable trust, the individual was a settlor.*		
For the purposes of . . . of this chapter, the following interests are considered to be the interests of the individual making the statement: (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual. (2) An interest held, at any time during the applicable period, by: (i) A business entity in which the individual held a (10)% or greater interest; (ii) A business entity described in section (i) of this subsection in which the business entity held a 25% or greater interest; (iii) A business entity described in section (ii) of this subsection in which the business entity held a 50% or greater interest; and (iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest. (3) An interest held by a trust or an estate in which, at any time during the reporting period: (i) The individual held a reversionary interest or was a beneficiary; or (ii) If a revocable trust, the individual was a settlor.		

Chapter 33

ETHICS

HISTORY: Adopted by the Mayor and Council of the Town of Smithsburg 2-7-2012 (Ch. 2, Title 6, of the 2004 Code). Amendments noted where applicable.]

Section 33-1. Short title.

This Chapter may be cited as the ***Town of Smithsburg Public Ethics Ordinance***.

Section 33-2. Applicability and Definitions.

(a) The provisions of this Chapter apply to all Smithsburg elected officials, employees, and appointees to boards and commissions of Smithsburg.

(b) "Designated second home" means:

(1) If an individual owns one second home, the individual's second home; or

(2) If an individual owns more than one second home, any one second home the individual identifies to the Commission as the individual's designated second home.

(c) "Home address" means the address of an individual's:

(1) Principal home; and

(2) Designated second home, if any.

(d) "Principal home" means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

(e) "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 is managed privately.

(f) "Second home" means a residential property that:

(1) An individual occupies for some portion of the filing year; and

(2) Is not a rental property or a time share.

Section 33-3. Ethics Commission.

(a) There is an Ethics Commission for the Town of Smithsburg, Maryland that consists of members appointed by the Board of County Commissioners of Washington County, Maryland pursuant to and under the provisions of an Ordinance enacting an Ethics Law for Washington County, Maryland, originally passed on February 23, 1982 and as subsequently amended.

(b) The Commission shall be advised by the County Attorney who has authority, if the need arises, to consult with the Town Attorney.

(c) The Commission shall:

(1) Devise, receive, and maintain all forms required by this Chapter necessary for the proper administration of same;

(2) Develop procedures and policies for Advisory Opinion requests and provide published Advisory Opinions permitted and/or required under this Chapter;

(3) Develop procedures and policies for the processing of Complaints to make appropriate determinations regarding Complaints filed by any person alleging violations of this Chapter;

(4) Conduct any hearings or other proceedings necessary for the administration of this Chapter; and

(5) Conduct a public information program regarding the purposes and application of this Chapter.

(d) The Town shall certify to the State Ethics Commission on or before October 1 of each year that the Town is in compliance with the requirements of *General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland.*

(e) The Commission shall determine if changes to this Chapter are required to remain in compliance with the requirements of *General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland*, and shall forward any recommended changes and amendments to the Town Council for enactment.

(f) The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this Chapter.

(g) In fulfilling its responsibilities as set forth above while acting as the Town Ethics Commission, the Washington County Ethics Commission shall utilize the processes and procedures it follows in carrying out its responsibilities under the *Washington County Ethics Ordinance*, except that it shall apply the substantive provisions of this Chapter (not the *Washington County Ethics Ordinance*) in providing advisory opinions and in processing and making determinations in connection with filed Complaints.

Section 33-4. Conflicts of interest.

(a) In this section, "qualified relative" means a spouse, parent, child, or sibling.

(b) All Smithsburg elected officials, officials appointed to Smithsburg boards and commissions subject to this Chapter, and employees are subject to this section.

(c) Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest;

(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 employment or has any arrangement concerning prospective employment;
(D) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
(E) An entity, doing business with the Town, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, , if the official or employee may be reasonably expected to know of both direct financial interests; or
(F) A business entity that:

1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(2) A person who is disqualified from participating under paragraphs (1)(i) or (ii) 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)(i) or (ii) of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

(4) A former regulated lobbyist who is or becomes subject to this Chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(d) 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:

(A) Subject to the authority of the official or employee or the Town agency, board, commission with which the official or employee is affiliated; or

(B) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

(ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(ii) 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 Commission;

(iii) An official or employee 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 Commission; or

(iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

(e) Post-employment limitations and restrictions.

(1) A former official 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 or employee significantly participated as an official or employee.

(2) A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.

(f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town.

(g) Use of prestige of office.

(1) (i) An official or employee may not intentionally use the prestige of office or public position:

(A) For the private gain of that official or employee or the private gain of another; or

(B) To influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.

(ii) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

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

(3) (i) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.

(ii) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

(h) Solicitation and acceptance of gifts.

(1) An official or employee may not solicit any gift.

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

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(i) Is doing business with or seeking to do business with the Town office, agency, board, or commission with which the official or employee is affiliated;

(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;

(iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee; or

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

(4) Paragraph (5) of this subsection does not apply to a gift:

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

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

(iii) 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.

(5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

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

(ii) Ceremonial gifts or awards that have insignificant monetary value;

(iii) Unsolicited gifts of nominal value that do not exceed $20 in cost or trivial items of informational value;

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

(v) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(vi) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, inwriting, 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;

(vii) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

(i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the individual's public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(j) An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

Section 33-5. Financial disclosure — local elected officials and candidates to be local elected officials.

(a) (1) This section applies to all local elected officials and candidates to be local elected officials.

(2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:

(i) On a form provided by the Commission;

(ii) Under oath or affirmation; and(iii) With the Commission.

(3) Deadlines for filing statements.

(i) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(ii) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

(iii) (A) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.

(B) The statement shall cover:

1. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
2. The portion of the current calendar year during which the individual held the office.

(b) Candidates to be local elected officials.

(1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

(2) A candidate to be an elected local official shall file a statement required under this section:

(i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

(ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and

(iii) In all other years for which a statement is required, on or before April 30.

(3) A candidate to be an elected official:

(i) May file the statement required under §5(b)(2)(i) of this Chapter with the Smithsburg Clerk or Board of Election Supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and

(ii) Shall file the statements required under §5(b)(2)(ii) and (iii) with the Commission.

(4) If a statement required to be filed by a candidate is overdue and not filed within 8 days after written notice of the failure to file is provided by the Town Clerk or Board of Election Supervisor, the candidate is deemed to have withdrawn the candidacy.

(5) The Smithsburg Clerk or Board of Election Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.

(6) Within 30 days of the receipt of a statement required under this section, the Town Clerk or Board of Election Supervisors shall forward the statement to the Commission or the office designated by the Commission.

(c) Public record.

(1) The Commission or office designated by the Commission 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 reasonable fees and administrative procedures established by the Commission.

(3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:

(i) The name and home address of the individual reviewing or copying the statement; and

(ii) The name of the person whose financial disclosure statement was examined or copied.

(4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

(5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address.

(6) The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:

(i) The University of Maryland Medical System;

(ii) A governmental entity of the State or a local government in the State; or

(iii) A quasi-governmental entity of the State or local government in the State.

(d) Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.

(e) 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.

(f) Contents of statement.

(1) Interests in real property.

(i) A statement filed under this section shall include a schedule of all interests in real property wherever located.

(ii) For each interest in real property, the schedule shall include:

(A) The nature of the property and the location by street address, mailing address, or legal description of the property;

(B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

(C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

(D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

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

(F) The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

(i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with Smithsburg.

(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; 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.

(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

(B) For an equity interest in a partnership, the percentage of equity interest held.

(3) Interests in business entities doing business with Smithsburg.

(i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with Smithsburg, 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.

(4)Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of $20 in value or a series of gifts totaling$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with 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.

(ii) For each gift reported, the schedule shall include:

(A) A description of the nature and value of the gift; and

(B) 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 Smithsburg.

(i) 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.

(ii) For each position reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(C) The name of each Smithsburg agency with which the entity is involved.

(6)Indebtedness to entities doing business with or regulated by the individual's Town unit or department.

(i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's Town unit or department owed at any time during the reporting period:

(A) By the individual; or

(B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(ii) For each liability reported under this paragraph, the schedule shall include:

(A) The identity of the person to whom the liability was owed and the date the liability was incurred;

(B) The amount of the liability owed as of the end of the reporting period;

(C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

(D) The security given, if any, for the liability.

(7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.

(8) Sources of earned income.

(i) 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.

(ii) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the Town, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

(9) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

(i) An individual shall disclose the information specified in *General Provisions Article §5-607(j)(1), Annotated Code of Maryland*, for any financial or contractual relationship with:

(A) The University of Maryland Medical System;

(B) A governmental entity of the State or a local government in the State; or

(C) A quasi-governmental entity of the State or local government in the State.

(ii) For each financial or contractual relationship reported, the schedule shall include:

(A) A description of the relationship;

(B) The subject matter of the relationship; and

(C) The consideration.

(10) 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 the purposes of §5(f)(1), (2), and (3) of this Chapter, the following interests are considered to be the interests of the individual making the statement:

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

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

(i) A business entity in which the individual held a 10% or greater interest;

(ii) A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;

(iii) A business entity described in item (ii) of this subsection in which the business entity held a 50% 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 10% or greater interest.

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

(i) The individual held a reversionary interest or was a beneficiary; or

(ii) If a revocable trust, the individual was a settlor.

(h) (1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

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

Section 33-6. Financial disclosure — employees and appointed officials.

(a) This section only applies to the following appointed officials and employees:

TOWN MANAGER

CLERK-TREASURER

(b) A statement filed under this section shall be filed with the Commission under oath or affirmation.

(c) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by Smithsburg, including the name of the donor of the gift and the approximate retail value at the time or receipt.

(d) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

(e) 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.

(f) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

(1) An individual shall disclose the information specified in *General Provisions Article §5-607(j)(1), Annotated Code of Maryland*, for any financial or contractual relationship with:

(i) The University of Maryland Medical System;

(ii) A governmental entity of the State or a local government in the State;

(iii) Or, a quasi-governmental entity of the State or local government in the State.

(2) For each financial or contractual relationship reported, the schedule shall include:

(i) A description of the relationship;

(ii) The subject matter of the relationship; and

(iii) The consideration.

(g) The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §5(c) and (d) of this Chapter.

Section 33-7. Lobbying.

(a) A person shall file a lobbying registration statement with the Commission if the person:

(1) Personally appears before a Smithsburg official or employee with the intent to influence that person in performance of the official duties of the official or employee; and

(2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of $500 on food, entertainment, or other gifts for officials or employees of Smithsburg.

(b) A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within 5 days after first performing an act that requires registration in the calendar year.

(c) (1) The registration statement shall identify:

(i) The registrant;

(ii) Any other person on whose behalf the registrant acts; and

(iii) The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.

(2) The registration statement shall cover a defined registration period not to exceed one calendar year.

(d) Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:

(1) The value, date, and nature of any food, entertainment, or other gift provided to a Smithsburg official or employee; and

(2) If a gift or series of gifts to a single official or employee exceeds $500 in value, the identity of the official or employee.

(e) The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Commission.

Section 33-8. Exemptions and modifications.

The Commission may grant exemptions and modifications to the provisions of §§4 and 6 of this Chapter to employees and to appointed members of Smithsburg Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this Chapter, and the application of this Chapter would:

(a) Constitute an unreasonable invasion of privacy; and

(b) Significantly reduce the availability of qualified persons for public service.

Section 33-9. Enforcement.

(a) The Commission may:

(1) Assess a late fee of $5 per day up to a maximum of $500 for a failure to timely file a financial disclosure statement required under §5 or 6 of this Chapter;

(2) Assess a late fee of $10 per day up to a maximum of $1,000 for a failure to file a timely lobbyist registration or lobbyist report required under §7 of this Chapter; and

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

(b) (1) Upon a finding of a violation of any provision of this Chapter, the Commission may:

(i) Issue an order of compliance directing the respondent to cease and desist from the violation;

(ii) Issue a reprimand; or

(iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(2) If the Commission finds that a respondent has violated §7 of this Chapter, the Commission may:

(i) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably relates to the information that is required under §7 of this Chapter;

(ii) Impose a fine not exceeding $5,000 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 §7 of this Chapter or has been convicted of a criminal offense arising from lobbying activities.

(c) (1) Upon request of the Commission, the County Attorney and/or Town Attorney may file a petition for injunctive or other relief in the Circuit Court of Washington County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this Chapter.

(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 Chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(C) Impose a fine of up to $5,000 for any violation of the provisions of this Chapter, with each day upon which the violation occurs constituting a separate offense.

(ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(d) In addition to any other enforcement provisions in this Chapter, a person who the Commission or a court finds has violated this Chapter:

(1) Is subject to termination or other disciplinary action; and

(2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

(e) A Smithsburg official or employee found to have violated this Chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

(f) Violation of §7 of this Chapter shall be a misdemeanor subject to a fine of up to $10,000 or imprisonment of up to one year.

A Finding of a violation of this Chapter by the Commission is public information.

25-1075 Town of Williamsport – Proposed Changes to Ethics Law– Staff Recommends Approval

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

<table>
<tr><th colspan="3"><u>House Bills 363 and 1058 (2021) Checklist</u></th></tr>
<tr><td colspan="3"><u>Jurisdiction</u>: Town of Williamsport</td></tr>
<tr><td rowspan="2">Required Changes</td><td colspan="2">Compliance?</td></tr>
<tr><td>YES</td><td>NO</td></tr>
<tr><td>1. Definition for “Quasi-governmental entity” (Md. Code Ann., Gen’l. Prov. Art. § 5-101(gg-1)).

“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 is managed privately.</td><td>X</td><td></td></tr>
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<tr><td>2. Prohibit gift acceptance from associations engaged in representing counties or municipal corporations. (Md. Code Ann., Gen’l. Prov. Art. § 5-505(b)(2)(v)).

Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.</td><td>X</td><td></td></tr>
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<tr><td>3. Prohibit disclosure of confidential information by former official or employee. (Md. Code Ann., Gen’l. Prov. Art. § 5-507).

Disclosure of confidential information. Other than in the discharge of official duties, an official or former official may not disclose or use confidential information, that the official acquired by reason of the individual’s public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.</td><td>X</td><td></td></tr>
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<tr><td>4. Prohibit retaliation against individual for reporting ethics violation or participating in ethics investigation. (Md. Code Ann., Gen’l. Prov. Art. § 5-509).

An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics policy.</td><td>X</td><td></td></tr>
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</table>

5. Prohibit disclosure of amount of consideration received from: UMMS, State or local governmental entities and quasi-governmental entities. (Md. Code Ann., Gen'l. Prov. Art. § 5-606(a)(3)(ii)). *The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:* *(i) The University of Maryland Medical System;* *(ii) A governmental entity of the State or a local government in the State; or* *(iii) A quasi-governmental entity of the State or local government in the State.*	**X**	
The Commission or office designated by the Commission shall not provide public access to information related to consideration received from: (i) The University of Maryland Medical System; (ii) A governmental entity of the State or a local government in the State; or (iii) A quasi-governmental entity of the State or local government in the State.		
6. Disclosure of name business trades as or does business under. (Md. Code Ann., Gen'l. Prov. Art. § 5-507(a-1)). *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.*	**X**	
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.		
7. Disclosure of gifts from association engaged in only representing counties or municipal corporations. (Md. Code Ann., Gen'l. Prov. Art § 5-509). *A statement filed under this section shall include a schedule of each gift in excess of $20 in value or a series of gifts totaling $100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the [County, City, or Town] or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.*	**X**	
A statement filed under this section shall include a schedule of each gift in excess of $20 in value or a series of gifts totaling $100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with 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.		
8. Disclosure of relationships with UMMS, State or local government or quasi-governmental entity. (Md. Code Ann., Gen'l. Prov. Art. § 5-607(j)(1-2)). *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.* *(i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:* *(A) The University of Maryland Medical System;*	**X**	

<table>
<tr><td>(B) A governmental entity of the State or a local government in the State; or

(C) A quasi-governmental entity of the State or local government in the State.

(ii) For each financial or contractual relationship reported, the schedule shall include:

(A) A description of the relationship;

(B) The subject matter of the relationship; and

(C) The consideration.</td><td></td><td></td></tr>
<tr><td colspan="3">Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

(i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:

(A) The University of Maryland Medical System;

(B) A governmental entity of the State or a local government in the State; or

(C) A quasi-governmental entity of the State or local government in the State.

(ii) For each financial or contractual relationship reported, the schedule shall include:

(A) A description of the relationship;

(B) The subject matter of the relationship; and

(C) The consideration.</td></tr>
<tr><td>9. Attributable interests in business entities that must be disclosed. (Md. Code Ann., Gen'l. Prov. Art. § 5-608(a)(2)(i-iv)).

For the purposes of . . . of this chapter, the following interests are considered to be the interests of the individual making the statement:

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

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

(i) A business entity in which the individual held a (10)% or greater interest;

(ii) A business entity described in section (i) of this subsection in which the business entity held a 25% or greater interest;

(iii) A business entity described in section (ii) of this subsection in which the business entity held a 50% or greater interest; and

(iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.</td><td>X</td><td></td></tr>
</table>

(3) An interest held by a trust or an estate in which, at any time during the reporting period: *(i) The individual held a reversionary interest or was a beneficiary; or* *(ii) If a revocable trust, the individual was a settlor.*		
For the purposes of . . . of this chapter, the following interests are considered to be the interests of the individual making the statement: (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual. (2) An interest held, at any time during the applicable period, by: (i) A business entity in which the individual held a (10)% or greater interest; (ii) A business entity described in section (i) of this subsection in which the business entity held a 25% or greater interest; (iii) A business entity described in section (ii) of this subsection in which the business entity held a 50% or greater interest; and (iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest. (3) An interest held by a trust or an estate in which, at any time during the reporting period: (i) The individual held a reversionary interest or was a beneficiary; or (ii) If a revocable trust, the individual was a settlor.		

CHAPTER 14 ETHICS

Section 1. Short title.

This Chapter may be cited as the ***Town of Williamsport Public Ethics Ordinance***.

Section 2. Applicability and Definitions.

(a) The provisions of this Chapter apply to all Williamsport elected officials, employees, and appointees to boards and commissions of Williamsport.

(b) "Designated second home" means:

(1) If an individual owns one second home, the individual's second home; or

(2) If an individual owns more than one second home, any one second home the individual identifies to the Commission as the individual's designated second home.

(c) "Home address" means the address of an individual's:

(1) Principal home; and

(2) Designated second home, if any.

(d) "Principal home" means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

(e) "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 is managed privately.

(f) "Second home" means a residential property that:

(1) An individual occupies for some portion of the filing year; and

(2) Is not a rental property or a time share.

Section 3. Ethics Commission.

(a) There is an Ethics Commission for the Town of Williamsport, Maryland that consists of members appointed by the Board of County Commissioners of Washington County, Maryland pursuant to and under the provisions of an Ordinance enacting an ethics law for Washington County, Maryland, passed on February 23, 1982 and as subsequently amended.

(b) The Commission shall:

(1) Devise, receive, and maintain all forms required by this Chapter;

(2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this Chapter regarding the applicability of the provisions of this Chapter to them;

(3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this Chapter; and

(4) Conduct a public information program regarding the purposes and application of this Chapter.

(c) The Town Attorney shall advise the Commission.

(d) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the Town is in compliance with the requirements of *General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland*, for elected local officials.

(e) The Commission shall determine if changes to this Chapter are required to be in compliance with the requirements of *General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland*, and shall forward any recommended changes and amendments to the Town Council for enactment.

(f) The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this Chapter.

Section 4. Conflicts of interest.

(a) In this section, "qualified relative" means a spouse, parent, child, or sibling.

(b) All Williamsport elected officials, officials appointed to Williamsport boards and commissions subject to this Chapter, and employees are subject to this section.

(c) Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest;

(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 employment or has any arrangement concerning prospective employment;

(D) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

(E) An entity, doing business with the Town, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

(F) A business entity that:

1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(2) A person who is disqualified from participating under paragraphs (1)(i) or (ii) 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)(i) or (ii) of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

(4) A former regulated lobbyist who is or becomes subject to this Chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(d) 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:

(A) Subject to the authority of the official or employee or the Town agency, board, commission with which the official or employee is affiliated; or

(B) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

(ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(ii) 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 Commission;

(iii) An official or employee 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 Commission; or

(iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

(e) Post-employment limitations and restrictions.

(1) A former official 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 or employee significantly participated as an official or employee.

(2) A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.

(f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town.

(g) Use of prestige of office.

(1) (i) An official or employee may not intentionally use the prestige of office or public position:

(A) For the private gain of that official or employee or the private gain of another; or

(B) To influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.

(ii) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

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

(3) (i) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the *Election Law Article*.

(ii) An elected official may not use public resources to solicit a contribution as that term is defined in the *Election Law Article*.

(h) Solicitation and acceptance of gifts.

(1) An official or employee may not solicit any gift.

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

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(i) Is doing business with or seeking to do business with the Town office, agency, board, or commission with which the official or employee is affiliated;

(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;

(iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee; or

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

(4) Paragraph (5) of this subsection does not apply to a gift:

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

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

(iii) 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.

(5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

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

(ii) Ceremonial gifts or awards that have insignificant monetary value;

(iii) Unsolicited gifts of nominal value that do not exceed $20 in cost or trivial items of informational value;

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

(v) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(vi) A specific gift or class of gifts that the Commission 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;

(vii) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

(i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the individual's public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(j) An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

Section 5. Financial disclosure — local elected officials and candidates to be local elected officials.

(a) (1) This section applies to all local elected officials and candidates to be local elected officials.

(2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:

(i) On a form provided by the Commission;

(ii) Under oath or affirmation; and(iii) With the Commission.

(3) Deadlines for filing statements.

(i) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(ii) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

(iii) (A) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.

(B) The statement shall cover:

1. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
2. The portion of the current calendar year during which the individual held the office.

(b) Candidates to be local elected officials.

(1)Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

(2) A candidate to be an elected local official shall file a statement required under this section:

(i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

(ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and(iii) In all other years for which a statement is required, on or before April 30.

(3) A candidate to be an elected official:

(i) May file the statement required under §5(b)(2)(i) of this Chapter with the Williamsport Clerk or Board of Election Supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and

(ii) Shall file the statements required under §5(b)(2)(ii) and (iii) with the Commission.

(4) If a statement required to be filed by a candidate is overdue and not filed within 8 days after written notice of the failure to file is provided by the Town Clerk or Board of Election Supervisor, the candidate is deemed to have withdrawn the candidacy.

(5) The Williamsport Clerk or Board of Election Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.

(6) Within 30 days of the receipt of a statement required under this section, the Town Clerk or Board of Election Supervisors shall forward the statement to the Commission or the office designated by the Commission.

(c) Public record.

(1) The Commission or office designated by the Commission 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 reasonable fees and administrative procedures established by the Commission.

(3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:

(i) The name and home address of the individual reviewing or copying the statement; and

(ii) The name of the person whose financial disclosure statement was examined or copied.

(4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

(5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address.

(6) The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:

(i) The University of Maryland Medical System;

(ii) A governmental entity of the State or a local government in the State; or

(iii) A quasi-governmental entity of the State or local government in the State.

(d) Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.

(e) 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.

(f) Contents of statement.

(1) Interests in real property.

(i) A statement filed under this section shall include a schedule of all interests in real property wherever located.

(ii) For each interest in real property, the schedule shall include:

(A) The nature of the property and the location by street address, mailing address, or legal description of the property;

(B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

(C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

(D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

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

(F) The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

(i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with Williamsport.

(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; 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.

(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

(B) For an equity interest in a partnership, the percentage of equity interest held.

(3) Interests in business entities doing business with Williamsport.

(i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with Williamsport, 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.

(4) Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of $20 in value or a series of gifts totaling$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with 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.

(ii) For each gift reported, the schedule shall include:

(A) A description of the nature and value of the gift; and

(B) 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 Williamsport.

(i) 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.

(ii) For each position reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(C) The name of each Williamsport agency with which the entity is involved.

(6) Indebtedness to entities doing business with or regulated by the individual's Town unit or department.

(i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's Town unit or department owed at any time during the reporting period:

(A) By the individual; or

(B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(ii) For each liability reported under this paragraph, the schedule shall include:

(A) The identity of the person to whom the liability was owed and the date the liability was incurred;

(B) The amount of the liability owed as of the end of the reporting period;

(C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

(D) The security given, if any, for the liability.

(7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.

(8) Sources of earned income.

(i) 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.

(ii) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the Town, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

(9) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

(i) An individual shall disclose the information specified in *General Provisions Article §5-607(j)(1), Annotated Code of Maryland*, for any financial or contractual relationship with:

(A) The University of Maryland Medical System;

(B) A governmental entity of the State or a local government in the State; or

(C) A quasi-governmental entity of the State or local government in the State.

(ii) For each financial or contractual relationship reported, the schedule shall include:

(A) A description of the relationship;

(B) The subject matter of the relationship; and

(C) The consideration.

(10) 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 the purposes of §5(f)(1), (2), and (3) of this Chapter, the following interests are considered to be the interests of the individual making the statement:

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

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

(i) A business entity in which the individual held a 10% or greater interest;

(ii) A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;

(iii) A business entity described in item (ii) of this subsection in which the business entity held a 50% 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 10% or greater interest.

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

(i) The individual held a reversionary interest or was a beneficiary; or

(ii) If a revocable trust, the individual was a settlor.

(h) (1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

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

Section 6. Financial disclosure — employees and appointed officials.

(a) This section only applies to the following appointed officials and employees:

TOWN MANAGER

CLERK-TREASURER

(b) A statement filed under this section shall be filed with the Commission under oath or affirmation.

(c) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by Williamsport, including the name of the donor of the gift and the approximate retail value at the time or receipt.

(d) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

(e) 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.

(f) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

(1) An individual shall disclose the information specified in *General Provisions Article §5-607(j)(1), Annotated Code of Maryland*, for any financial or contractual relationship with:

(i) The University of Maryland Medical System;

(ii) A governmental entity of the State or a local government in the State;

(iii) Or, a quasi-governmental entity of the State or local government in the State.

(2) For each financial or contractual relationship reported, the schedule shall include:

(i) A description of the relationship;

(ii) The subject matter of the relationship; and

(iii) The consideration.

(g) The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §5(c) and (d) of this Chapter.

Section 7. Lobbying.

(a) A person shall file a lobbying registration statement with the Commission if the person:

(1) Personally appears before a Williamsport official or employee with the intent to influence that person in performance of the official duties of the official or employee; and

(2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of $500 on food, entertainment, or other gifts for officials or employees of Williamsport.

(b) A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within 5 days after first performing an act that requires registration in the calendar year.

(c) (1) The registration statement shall identify:

(i) The registrant;

(ii) Any other person on whose behalf the registrant acts; and

(iii) The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.

(2) The registration statement shall cover a defined registration period not to exceed one calendar year.

(d) Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:

(1) The value, date, and nature of any food, entertainment, or other gift provided to a Williamsport official or employee; and

(2) If a gift or series of gifts to a single official or employee exceeds $500 in value, the identity of the official or employee.

(e) The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Commission.

Section 8. Exemptions and modifications.

The Commission may grant exemptions and modifications to the provisions of §§4 and 6 of this Chapter to employees and to appointed members of Williamsport Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this Chapter, and the application of this Chapter would:

(a) Constitute an unreasonable invasion of privacy; and

(b) Significantly reduce the availability of qualified persons for public service.

Section 9. Enforcement.

(a) The Commission may:

(1) Assess a late fee of $5 per day up to a maximum of $500 for a failure to timely file a financial disclosure statement required under §5 or 6 of this Chapter;

(2) Assess a late fee of $10 per day up to a maximum of $1,000 for a failure to file a timely lobbyist registration or lobbyist report required under §7 of this Chapter; and

(3) Issue a cease-and-desist order against any person found to be in violation of this Chapter.

(b) (1) Upon a finding of a violation of any provision of this Chapter, the Commission may:

(i) Issue an order of compliance directing the respondent to cease and desist from the violation;

(ii) Issue a reprimand; or

(iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(2) If the Commission finds that a respondent has violated §7 of this Chapter, the Commission may:

(i) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably relates to the information that is required under §7 of this Chapter;

(ii) Impose a fine not exceeding $5,000 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 §7 of this Chapter or has been convicted of a criminal offense arising from lobbying activities.

(c) (1) Upon request of the Commission, the Town Attorney may file a petition for injunctive or other relief in the circuit court of Washington County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this Chapter.

(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 Chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(C) Impose a fine of up to $5,000 for any violation of the provisions of this Chapter, with each day upon which the violation occurs constituting a separate offense.

(ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(d) In addition to any other enforcement provisions in this Chapter, a person who the Commission or a court finds has violated this CAhapter:

(1) Is subject to termination or other disciplinary action; and

(2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

(e) A Williamsport official or employee found to have violated this Chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

(f) Violation of §7 of this Chapter shall be a misdemeanor subject to a fine of up to $10,000 or imprisonment of up to one year.

A finding of a violation of this Chapter by the Commission is pub

Section 4. Conflicts of interest.

(j) In this section, "qualified relative" means a spouse, parent, child, or sibling.

(k) All Williamsport elected officials, officials appointed to Williamsport boards and commissions subject to this Chapter, and employees are subject to this section.

(l) Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest;

(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 employment or has any arrangement concerning prospective employment;
(D) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
(E) An entity, doing business with the Town, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, , if the official or employee may be reasonably expected to know of both direct financial interests; or
(F) A business entity that:

1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(2) A person who is disqualified from participating under paragraphs (1)(i) or (ii) 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)(i) or (ii) of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

(4) A former regulated lobbyist who is or becomes subject to this Chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(m) 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:

(A) Subject to the authority of the official or employee or the Town agency, board, commission with which the official or employee is affiliated; or

(B) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

(ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(ii) 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 Commission;

(iii) An official or employee 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 Commission; or

(iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

(n) Post-employment limitations and restrictions.

(1) A former official 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 or employee significantly participated as an official or employee.

(2) A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.

(o) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town.

(p) Use of prestige of office.

(1) (i) An official or employee may not intentionally use the prestige of office or public position:

(A) For the private gain of that official or employee or the private gain of another; or

(B) To influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.

(ii) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

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

(3) (i) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.

(ii) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

(q) Solicitation and acceptance of gifts.

(1) An official or employee may not solicit any gift.

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

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(r) Is doing business with or seeking to do business with the Town office, agency, board, or commission with which the official or employee is affiliated;

(vi) 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;

(vii) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit;

(viii) Is a lobbyist with respect to matters within the jurisdiction of the official or employee; or

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

(6) Paragraph (5) of this subsection does not apply to a gift:

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

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

(iii) 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.

(7) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

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

(ii) Ceremonial gifts or awards that have insignificant monetary value;

(iii) Unsolicited gifts of nominal value that do not exceed $20 in cost or trivial items of informational value;

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

(v) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(vi) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, inwriting, 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;

(vii) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

(k) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the individual's public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(l) An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

Section 5. Financial disclosure — local elected officials and candidates to be local elected officials.

(i) (1) This section applies to all local elected officials and candidates to be local elected officials.

(2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:

(i) On a form provided by the Commission;

(ii) Under oath or affirmation; and(iii) With the Commission.

(3) Deadlines for filing statements.

(iv) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(v) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

(vi) (A) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.

(B) The statement shall cover:

1. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
2. The portion of the current calendar year during which the individual held the office.

(j) Candidates to be local elected officials.

(1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

(2) A candidate to be an elected local official shall file a statement required under this section:

(i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

(ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and(iii) In all other years for which a statement is required, on or before April 30.

(3) A candidate to be an elected official:

(i) May file the statement required under §5(b)(2)(i) of this Chapter with the Williamsport Clerk or Board of Election Supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and

(ii) Shall file the statements required under §5(b)(2)(ii) and (iii) with the Commission.

(4) If a statement required to be filed by a candidate is overdue and not filed within 8 days after written notice of the failure to file is provided by the Town Clerk or Board of Election Supervisor, the candidate is deemed to have withdrawn the candidacy.

(5) The Williamsport Clerk or Board of Election Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.

(6) Within 30 days of the receipt of a statement required under this section, the Town Clerk or Board of Election Supervisors shall forward the statement to the Commission or the office designated by the Commission.

(k) Public record.

(1) The Commission or office designated by the Commission 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 reasonable fees and administrative procedures established by the Commission.

(3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:

(i) The name and home address of the individual reviewing or copying the statement; and

(ii) The name of the person whose financial disclosure statement was examined or copied.

(4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

(5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address.

(6) The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:

(i) The University of Maryland Medical System;

(ii) A governmental entity of the State or a local government in the State; or

(iii) A quasi-governmental entity of the State or local government in the State.

(l) Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.

(m) 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.

(n) Contents of statement.

(1) Interests in real property.

(i) A statement filed under this section shall include a schedule of all interests in real property wherever located.

(ii) For each interest in real property, the schedule shall include:

(A) The nature of the property and the location by street address, mailing address, or legal description of the property;

(B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

(C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

(D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

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

(F) The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

(i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with Williamsport.

(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; 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.

(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

(B) For an equity interest in a partnership, the percentage of equity interest held.

(3) Interests in business entities doing business with Williamsport.

(i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with Williamsport, 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.

(4) Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of $20 in value or a series of gifts totaling$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with 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.

(ii) For each gift reported, the schedule shall include:

(A) A description of the nature and value of the gift; and

(B) 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 Williamsport.

(i) 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.

(ii) For each position reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(C) The name of each Williamsport agency with which the entity is involved.

(6) Indebtedness to entities doing business with or regulated by the individual's Town unit or department.

(i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's Town unit or department owed at any time during the reporting period:

(A) By the individual; or

(B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(ii) For each liability reported under this paragraph, the schedule shall include:

(A) The identity of the person to whom the liability was owed and the date the liability was incurred;

(B) The amount of the liability owed as of the end of the reporting period;

(C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

(D) The security given, if any, for the liability.

(7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.

(8) Sources of earned income.

(i) 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.

(ii) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the Town, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

(9) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

(i) An individual shall disclose the information specified in *General Provisions Article §5-607(j)(1), Annotated Code of Maryland*, for any financial or contractual relationship with:

(A) The University of Maryland Medical System;

(B) A governmental entity of the State or a local government in the State; or

(C) A quasi-governmental entity of the State or local government in the State.

(ii) For each financial or contractual relationship reported, the schedule shall include:

(A) A description of the relationship;

(B) The subject matter of the relationship; and

(C) The consideration.

(10) 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.

(o) For the purposes of §5(f)(1), (2), and (3) of this Chapter, the following interests are considered to be the interests of the individual making the statement:

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

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

(i) A business entity in which the individual held a 10% or greater interest;

(ii) A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;

(iii) A business entity described in item (ii) of this subsection in which the business entity held a 50% 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 10% or greater interest.

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

(i) The individual held a reversionary interest or was a beneficiary; or

(ii) If a revocable trust, the individual was a settlor.

(p) (1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

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

Section 6. Financial disclosure — employees and appointed officials.

(h) This section only applies to the following appointed officials and employees:

(list of appointed official titles and employee titles)

(i) A statement filed under this section shall be filed with the Commission under oath or affirmation.

(j) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by Williamsport, including the name of the donor of the gift and the approximate retail value at the time or receipt.

(k) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

(l) 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.

(m) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

(1) An individual shall disclose the information specified in *General Provisions Article §5-607(j)(1), Annotated Code of Maryland*, for any financial or contractual relationship with:

(i) The University of Maryland Medical System;

(ii) A governmental entity of the State or a local government in the State;

(iii) Or, a quasi-governmental entity of the State or local government in the State.

(2) For each financial or contractual relationship reported, the schedule shall include:

(i) A description of the relationship;

(ii) The subject matter of the relationship; and

(iii) The consideration.

(n) The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §5(c) and (d) of this Chapter.

Section 7. Lobbying.

(f) A person shall file a lobbying registration statement with the Commission if the person:

(1) Personally appears before a Williamsport official or employee with the intent to influence that person in performance of the official duties of the official or employee; and

(2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of $500 on food, entertainment, or other gifts for officials or employees of Williamsport.

(g) A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within 5 days after first performing an act that requires registration in the calendar year.

(h) (1) The registration statement shall identify:

(iv) The registrant;

(v) Any other person on whose behalf the registrant acts; and

(vi) The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.

(2) The registration statement shall cover a defined registration period not to exceed one calendar year.

(i) Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:

(1) The value, date, and nature of any food, entertainment, or other gift provided to a Williamsport official or employee; and

(2) If a gift or series of gifts to a single official or employee exceeds $500 in value, the identity of the official or employee.

(j) The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Commission.

Section 8. Exemptions and modifications.

The Commission may grant exemptions and modifications to the provisions of §§4 and 6 of this Chapter to employees and to appointed members of Williamsport Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this Chapter, and the application of this Chapter would:

(c) Constitute an unreasonable invasion of privacy; and

(d) Significantly reduce the availability of qualified persons for public service.

Section 9. Enforcement.

(g) The Commission may:

(1) Assess a late fee of $5 per day up to a maximum of $500 for a failure to timely file a financial disclosure statement required under §5 or 6 of this Chapter;

(2) Assess a late fee of $10 per day up to a maximum of $1,000 for a failure to file a timely lobbyist registration or lobbyist report required under §7 of this Chapter; and

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

(h) (1) Upon a finding of a violation of any provision of this Chapter, the Commission may:

(iii) Issue an order of compliance directing the respondent to cease and desist from the violation;

(iv) Issue a reprimand; or

(iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(2) If the Commission finds that a respondent has violated §7 of this Chapter, the Commission may:

(i) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably relates to the information that is required under §7 of this Chapter;

(ii) Impose a fine not exceeding $5,000 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 §7 of this Chapter or has been convicted of a criminal offense arising from lobbying activities.

(i) (1) Upon request of the Commission, the County Attorney and/or Town Attorney may file a petition for injunctive or other relief in the circuit court of Washington County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this Chapter.

(2) (i) The court may:

(D) Issue an order to cease and desist from the violation;

(E) Except as provided in subparagraph (ii) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this Chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(F) Impose a fine of up to $5,000 for any violation of the provisions of this Chapter, with each day upon which the violation occurs constituting a separate offense.

(ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(j) In addition to any other enforcement provisions in this Chapter, a person who the Commission or a court finds has violated this Chapter:

(1) Is subject to termination or other disciplinary action; and

(2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

(k) A Williamsport official or employee found to have violated this Chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

(l) Violation of §7 of this Chapter shall be a misdemeanor subject to a fine of up to $10,000 or imprisonment of up to one year.

A finding of a violation of this Chapter by the Commission is public information.

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