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ORDINANCE

TO REPEAL AND RE-ENACT CHAPTER 158 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND THE ST. MARY'S COUNTY PUBLIC ETHICS ORDINANCE

WHEREAS, the Commissioners of St. Mary's County, Maryland updated the St. Mary's County Ethics Ordinance on January 3, 2019 to conform the Ordinance to Subtitle 8 of the General Provisions Article of the Annotated Code of Maryland, pursuant to House Bill 879 passed during the 2017 Session of the Maryland General Assembly; and

WHEREAS, the Commissioners of St. Mary's County, Maryland, now find that it is in the best interest of the health, safety, and welfare of the citizens of St. Mary's County to revise the record retention and Financial Disclosure Statements sections of the Ordinance.

WHEREAS, the Commissioners of St. Mary's County, Maryland, now find that it is in the best interest of the health, safety, and welfare of the citizens of St. Mary's County to clarify certain sections of the Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, Maryland, that Chapter 158 of the Code of St. Mary's County, Maryland, be repealed and re-enacted to read as follows:

CHAPTER 158 — ETHICS PROVISIONS

Section 158-1. Short title.

This chapter may be cited as the St. Mary's County Public Ethics Ordinance.

Section 158-2. Statement of purpose and policy.

- (a) The Commissioners of St. Mary's County, 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 St. Mary's County Government's business is subject to improper influence and even the appearance of improper influence.
- (c) For the purpose of guarding against improper influence, the Commissioners of St. Mary's County enact this Public Ethics Ordinance to require St. Mary's County 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.

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- (d) It is the intention of the Commissioners of St. Mary's County that this chapter, except its provisions for criminal sanctions, be liberally construed to accomplish this purpose.

Section 158-3. Definitions.

In this chapter, the following terms have the meanings indicated.

(a) (1) "Business entity" means a corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.

(2) Business entity does not include a governmental entity.

(b) "Commission" means the St. Mary's County Ethics Commission established under § 4(a) of this Chapter.

(c) (1) "Compensation" means 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.

(2) For the purposes of § 14 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.

(d) "Doing business with" means:

(1) Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$5,000.00 or more of St. Mary's County Government controlled funds;

(2) Being regulated by or otherwise subject to the authority of the St. Mary's County Government; or

(3) Being registered as a lobbyist under § 14 of this Chapter.

(e) (1) "Elected official" means any individual who holds an elective office of St. Mary's County.

(2) "Elected official" does not include the Sheriff, State's Attorney, Register of Wills, or Clerk of the Court.

(f) (1) "Employee" means an individual who is employed by the St. Mary's County Government or the St. Mary's County Metropolitan Commission.

(2) "Employee" does not include an elected local official.

(3) "Employee" does not include an employee of:

(i) The offices of the Sheriff, State's Attorney, Register of Wills, or Clerk of the Court;

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(ii) The County Health Department; or

(iii) The County Department of Social Services.

(4) "Employee" includes an attorney providing services as general counsel.

(g) "Financial interest" means:

(1) Ownership of any interest as the result of which the owner has received, within the past 3 years, or is presently receiving, or in the future is entitled to receive, more than \$1,000.00 per year; or

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than three (3) percent of a business entity by a St. Mary's County Government official or employee, or the spouse of an official or employee.

(h) (1) "Gift" means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.

(2) "Gift" does not include a political campaign contribution regulated under Election Law Article, Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.

(i) "Immediate family" means a spouse and dependent children.

(j) (1) "Interest" means 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 § 12 of this Chapter, "interest" includes any interest held at any time during the reporting period.

(3) "Interest" does not include:

(i) 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;

(ii) An interest in a time or demand deposit in a financial institution;

(iii) 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;

(iv) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than twenty-five (25) participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; or

(v) A college savings plan under the Internal Revenue Code; or

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(vi) 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.

(k) "Lobbyist" means a person required to register and report expenses related to lobbying under § 14 of this Chapter.

(l) "Lobbying" means:

(1) Communicating in the presence of a St. Mary's County Government official or employee with the intent to influence any official action of that official or employee; or

(2) Engaging in activities with the express purpose of soliciting others to communicate with a St. Mary's County Government official or employee with the intent to influence that official or employee.

(m) "Official" means an elected official, an employee of the St. Mary's County Government, or a person appointed to or employed by the Commissioners of St. Mary's County or any St. Mary's County Government agency, board, commission, or similar entity:

(1) Whether or not paid in whole or in part with St. Mary's County Government funds;
and

(2) Whether or not compensated.

(n) "Person" includes an individual or business entity.

(o) "Qualified relative" means a spouse, parent, child, brother, or sister.

(p) "St. Mary's County Government" includes the following bodies corporate and politic: the County Commissioners for St. Mary's County, Maryland and the St. Mary's County Metropolitan Commission.

Section 158-4. Administration.

(a) (1) There is a St. Mary's County Ethics Commission that consists of five (5) members, and one (1) alternate member, appointed by the Commissioners of St. Mary's County.

(2) The Commission members shall serve three (3) year overlapping terms.

(3) A Commission member may serve until a successor is appointed and qualifies.

(b) (1) The Commission shall elect a chairman from among its members.

(2) The term of the chairman is one (1) year.

(3) The chairman may be reelected.

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(4) The Commission shall meet at least quarterly at the St. Mary's County Governmental Center at a time convenient to all members. In addition, the Commission shall meet as necessary to issue advisory opinions or to conduct proceedings related to complaints. All proceedings shall be open to the public in accordance with the St. Mary's County Open Meetings Act, except as specifically provided herein with respect to complaints.

(5) Three (3) members shall constitute a quorum. The concurrence of three members shall be required for an advisory opinion or a final determination of a complaint.

(c) (1) The Office of the County Attorney for St. Mary's County ("County Attorney") shall assist the Commission in carrying out the Commission's duties.

(2) If a conflict of interest under this Chapter or other conflict prohibits the County Attorney from assisting the Commission in a specific matter, the Commissioners of St. Mary's County 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 the County Attorney or independent counsel if authorized, all complaints filed regarding alleged violations of this Chapter by any person.

(f) The County Attorney shall retain as a public record all forms submitted by any person under this chapter for at least four (4) years after receipt by the Commission.

(g) The Commission shall be responsible for conducting a public information and education programs 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 St. Mary's County Government is in compliance with the requirements of Annotated Code of Maryland, General Provisions, Title 5, Subtitle 8 for elected local officials.

(i) The Commission shall:

(1) Determine if changes to this chapter are required to comply with the requirements of General Provisions Article, Title 5; and

(2) Shall forward any recommended changes and amendments to the Commissioners of St. Mary's County for enactment.

(j) (1) Any person subject to this Chapter may request an advisory opinion from the Commission concerning the application of this Chapter. The request shall be a public record, with the identity of the requestor deleted.

(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.

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(3) In accordance with all applicable State and County 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.

(k) (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 or affirmation under penalties of perjury that the statements therein are true and correct to the best of the complainant's knowledge, information, and belief.

(3) The Commission may dismiss a complaint that fails to allege a violation of this Ordinance, permit an amendment of a deficient complaint, or refer a complaint to the County Attorney, or independent counsel if authorized, 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.

(6) A final determination of a violation resulting from the hearing shall include findings of fact and conclusions of law. The form and legal sufficiency of the findings and conclusions shall be approved by the County Attorney, or independent counsel if authorized.

(7) Upon finding of a violation, the Commission may take any enforcement action provided for in § 16 of this Chapter.

(8) (i) After a complaint is filed and until a final finding of a violation by the Commission, all actions, including any enforcement or other judicial action, regarding a complaint are confidential.

(ii) Upon conclusion of the actions, including any enforcement or other judicial action, regarding a complaint, a finding of a violation is public information.

(9) The following provisions apply to all complaints:

(i) The complainant is not a party to any proceedings regarding a complaint and is not entitled to any notice or information regarding the complaint to which the public is not entitled, other than acknowledgment of receipt of the complaint and notice of a dismissal of the complaint.

(ii) The subject of a complaint shall be provided with a copy of the complaint within 5 days after the next meeting of the Commission. Unless the complaint is dismissed pursuant to subsection (k)(3), the subject of the complaint shall be given an opportunity to respond in writing prior to commencement of any investigation.

(iii) The subject of a complaint may be represented by counsel at all stages of the proceeding.

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(iv) The Commission may, and shall at the request of the subject of a complaint, issue subpoenas to compel attendance and testimony of witnesses and for the production of documents and tangible objects. Such subpoenas may be issued in aid of investigation and in connection with hearings. In the event of noncompliance with a subpoena, the County Attorney, or independent counsel if authorized, may apply to the Circuit Court for St. Mary's County for relief in aid of the enforcement of the subpoena.

(v) If the complaint is not dismissed pursuant to subsection (k)(3) or (k)(4), the subject of a complaint shall be given access to all information, documents, and tangible objects received or acquired by the Commission in sufficient time to prepare for a hearing or to otherwise respond to the complaint.

(vi) 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.

(vii) At a hearing:

- A. The examination of witnesses shall be conducted on behalf of the County Attorney, or independent counsel if authorized. Members of the Commission may also question witnesses as to relevant and material matters.
- B. The subject of a complaint shall have the right to introduce evidence, the right to question witnesses, the right to testify, and the right to be heard.
- C. The formal rules of evidence shall not apply, provided that all statements shall be under oath, the authenticity of any document shall be established, and no statement made outside the hearing shall be admitted into evidence over objection unless an opportunity for cross-examination is afforded.

(viii) All hearings shall be recorded.

(ix) At any time after the filing of a complaint, the Commission and the subject of a complaint may enter into an agreement that the complaint will be dismissed, if a dismissal would not be inconsistent with the purposes and policies of this Ordinance, upon compliance with condition(s) that the subject of the complaint will take specified actions to cure the violation(s) and that subject will take any other specified actions, including a penalty or remediation, that the Commission may lawfully impose.

(x) At any time after the filing of a complaint, if the complaint alleges the commission of a criminal offense, or if the Commission has reasonable grounds to believe that the subject of the complaint has committed a criminal offense, the Commission shall promptly refer the matter to the appropriate prosecutorial authority, suspend further proceedings, and forward all information received or acquired by the Commission to that authority.

(l) The Commission may:

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(1) Assess a late fee of \$2.00 per day up to a maximum of \$250.00 for a failure to timely file a financial disclosure statement required under §§ 12 or 13 of this Chapter; and

(2) Assess a late fee of \$10.00 per day up to a maximum of \$250.00 for a failure to file a timely lobbyist registration or lobbyist report required under § 14 of this Chapter.

(m) The Commission shall not comment on any person or the conduct of government except in an advisory opinion or in the final determination of a complaint. This provision shall not limit the exercise of the right to free speech by any member of the Commission acting in the member's individual capacity as a citizen.

Section 158-5. Restrictions on participation.

(a) *In General.* Except as otherwise provided in subsection (c) of this section, an official or employee may not participate in:

(1) Any matter in which the official, employee, or a qualified relative of the official or employee has an interest and the official or employee knows of the interest; or

(2) Any matter in which any of the following is a party:

(i) 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;

(ii) 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;

(iii) 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;

(iv) 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;

(v) An entity, doing business with the St. Mary's County Government, 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

(vi) 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

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(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.

(a-1) *Former regulated lobbyists.* 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.

(b) *Exceptions.*

(1) The prohibitions of subsection (a) of this section do not apply if participation is allowed:

(i) By Commission regulation or opinion; or

(ii) By another provision of this Ordinance.

(2) This section does not prohibit participation by an official or employee that is limited to the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter,

(c) *Participation notwithstanding conflict.* A person who is disqualified from participating under subsection (a) of this section shall disclose the nature and circumstances of the conflict, and may participate or act, if:

(1) The disqualification leaves a body with less than a quorum capable of acting;

(2) The disqualified official or employee is required by law to act; or

(3) The disqualified official or employee is the only person authorized to act.

Section 158-6. Employment or Financial Interest Restrictions.

(a) An official or employee may not:

(1) Be employed by or have a financial interest in any entity:

(i) Subject to the authority of the official or employee or the St. Mary's County Government agency, board, or commission with which the official or employee is affiliated; or

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

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

(b) The prohibitions of subsection (a) of this section do not apply:

(1) To employment or financial interest allowed by regulation of the Commission, if:

(i) The financial interest is disclosed; or

(ii) The employment does not create a conflict of interest or appearance of conflict of interest;

(2) To 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;

(3) Subject to other provisions of law, to a member of a board or commission who holds a financial interest or employment when appointed, if the financial interest or employment is publicly disclosed to the appointing authority and the Commission; or

(4) In accordance with regulations adopted by the Commission, to 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.

Section 158-7. Post-employment limitations and restrictions.

(a) A former official or employee may not assist or represent any party other than the St. Mary's County Government for compensation in a case, contract, or other specific matter involving the St. Mary's County Government if that matter is one in which the former official or employee significantly participated as an official or employee.

(b) For a period of one year after the elected official leaves office, a former member of the Commissioners of St. Mary's County may not assist or represent another party for compensation in a matter that is the subject of legislative action.

(c) Contingent Compensation.

(1) No St. Mary's County Government official or employee shall represent a person before or involving any St. Mary's County Government agency, board, or commission.

(2) A volunteer member of a board or commission may represent a person before or involving any St. Mary's County Government agency, board, or commission unless the matter is before or involves the board or commission with which the volunteer member is affiliated, whether or not compensated.

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- (3) No volunteer member of a board or commission shall assist or represent a party for contingent compensation in any matter before or involving the St. Mary's County Government.

Section 158-8. Use of prestige of office.

- (a) (1) An official or employee may not intentionally use the prestige of office or public position:
- (i) For the private gain of that official or employee or the private gain of another; or
 - (ii) 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.
- (2) 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.
- (b) This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.
- (c) (1) 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.
- (2) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

Section 158-9. Solicitation and acceptance of gifts and honoraria.

- (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 as defined in § 14.
- (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 reason to know:
- (1) Is doing business with or seeking to do business with the St. Mary's County Government 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;

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

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

(d) (1) This paragraph 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.

(2) Notwithstanding subsection (c) of this Section, 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 \$20.00 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 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 St. Mary's County Government 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

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- (viii) 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 158-10. Disclosure or Use of Confidential Information.

Except in the discharge of official duties, an official or employee may not disclose or use confidential information acquired by reason of the official's or employee's public position and not available to the public:

- (a) For personal economic benefit; or
- (b) For the economic benefit of another.

Section 158-11. Participation in procurement.

(a) An individual or a person that employs an individual who assists a St. Mary's County Government agency or unit 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.

(b) 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.

Section 158-12. Financial disclosure — Local Elected Officials and Candidates To Be Local Elected Officials.

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

(b) Except as provided in subsection (d) of this section, an elected official, employee, or candidate to be an elected official shall file the financial disclosure statement required under this Section:

- (1) On a form provided by the Commission;
- (2) Under oath or affirmation; and
- (3) With the Commission.

(c) Deadlines for filing statements.

- (1) An incumbent official or employee shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

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(2) An official or employee 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) (i) 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.

(ii) The statement shall cover:

(A) 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

(B) The portion of the current calendar year during which the individual held the office.

(d) Candidates to be elected officials.

(1) Except for an official or employee who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected 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 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 § 12(d)(2)(i) of this Chapter with the St. Mary's County 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 § 12(d)(2)(ii) and (iii) of this Chapter with the Commission.

(4) Failure to file. — If a statement required by this section is overdue and is not filed within 8 days after the candidate receives from the election board written notice of the failure to file, the candidate is deemed to have withdrawn the candidacy.

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(5) The St. Mary's County Clerk or Board of Election Supervisors may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.

(6) Within 30 days of the receipt of a statement required under this section, the St. Mary's County Board of Election Supervisors shall forward the statement to the Commission, or an office designated by the Commission.

(e) Public record.

(1) The County Attorney shall maintain all financial disclosure statements filed under this section.

(2) The County Attorney shall make financial disclosure statements 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 County Attorney 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) The County Attorney shall provide the official or employee with a copy of the name and home address of the person who reviewed the official's or employee's financial disclosure statement.

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

(f) Retention requirements. The County Attorney shall retain the original and four most current years of financial disclosure statements.

(g) 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;

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- (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 company, regardless of whether the corporation or partnership or company does business with the St. Mary's County Government.
 - (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 company;
 - (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.

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(iii) An individual may satisfy the requirement to report the amount of the interest held under subsection (g)(2)(ii)(B) of this Section 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 the St. Mary's County Government.

(i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the St. Mary's County Government, other than interests reported under subsection (g)(2) of this Section.

(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 \$20.00 in value or a series of gifts totaling \$100.00 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the St. Mary's County Government.

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

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

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- (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 the St. Mary's County Government.
- (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 St. Mary's County Government.
- (ii) For each position reported under subsection (g)(5) of this Section, 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 St. Mary's County Government agency with which the entity is involved as indicated by identifying one or more of the three categories of "doing business", as defined in § 3(d) of this Chapter.
- (6) Indebtedness to entities doing business with or regulated by the individual's county 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 county 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.

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(7) Employment with the St. Mary's County Government. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the St. Mary's County Government 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 County, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

(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.

(h) For the purposes of § 12(g)(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 by a business entity in which the individual held a thirty percent or greater interest at any time during the reporting period.

(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.

(i) (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 Commission may take appropriate enforcement action to ensure compliance with this Section.

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Section 158-13. Financial Disclosure — Employees and Appointed Officials.

(a) Covered employees and appointed officials. This Section only applies to the following appointed officials, appointees, and employees of the St. Mary's County Government:

- (1) County Administrator
- (2) County Attorney
- (3) Deputy County Attorney
- (4) Chief Financial Officer
- (5) Deputy Director of Finance
- (6) Director of Department of Aging and Human Services
- (7) Deputy Director of Department on Aging and Human Services
- (8) Director of Department of Economic Development
- (9) Deputy Director of Department of Economic Development
- (10) Director of Department of Human Resources
- (11) Deputy Director of Department of Human Resources
- (12) Director of Department of Land Use and Growth Management
- (13) Deputy Director of Department of Land Use and Growth Management
- (14) Director of Department of Emergency Services
- (15) Deputy Director of Department of Emergency Services
- (16) Director of Department of Information Technology
- (17) Deputy Director of Department of Information Technology
- (18) Director of Department of Public Works & Transportation
- (19) Deputy Directors of Department of Public Works & Transportation
- (20) Director of Department of Recreation and Parks
- (21) St. Mary's County Metropolitan Commissioners
- (22) Director of the St. Mary's County Metropolitan Commission
- (23) Deputy Director of the St. Mary's County Metropolitan Commission
- (24) General Counsel to the St. Mary's County Metropolitan Commission

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- (25) Sheriff's Office Retirement Plan Board of Trustees
 - (26) Retiree Benefit Trust of St. Mary's County ("OPEB")
 - (27) St. Mary's County Electrical Examiners Board
 - (28) St. Mary's County Board of Appeals
 - (29) St. Mary's County Planning Commission
 - (30) St. Mary's County Economic Development Commission
 - (31) St. Mary's County Ethics Commission
 - (32) 457(b) Governance Committee
 - (33) Length of Service Awards Program
 - (34) Any person serving on an acting or interim basis in any position designated herein;
 - (35) Any person serving in a position or on a body that is created to perform substantially the same functions and duties as an abolished position or body designated herein; and
 - (36) Any member of a technical evaluation committee, any member of a procurement technical evaluation committee, or any person appointed to any board, committee, commission, or council created by an ordinance, resolution, or public local law adopted by the Commissioners of St. Mary's County and not specifically enumerated above.
- (b) An official or employee listed in subsection (a) of this Section shall file the financial disclosure statement required under this Section:
- (1) On a form provided by the Commission;
 - (2) Under oath or affirmation; and
 - (3) With the Commission
- (c) Deadline for filing statements. On or before April 30 of each year during which an official or employee listed in subsection (a) of this Section holds office, such official or employee shall file a financial disclosure statement for the preceding calendar year.
- (d) Contents of statement. A statement filed under this Section shall disclose:
- (1) The gifts received during the preceding calendar year from any person that contracts with or is regulated by the St. Mary's County Government, including the name of the donor of the gift and the approximate retail value at the time of receipt;

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- (2) Employment and interests that raise conflicts of interest or potential conflicts of interest prior to commencing service or employment; and
- (3) 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) Public record and retention requirements. The County Attorney shall retain all disclosure statements filed under this Section as public records available for public inspection and copying as provided in § 12(e) and (f) of this Chapter.
- (f) (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 Commission may take appropriate enforcement action to ensure compliance with this Section.

Section 158-14. Lobbying.

- (a) A person shall file a lobbying registration statement with the Commission if the person:
 - (1) Personally appears before a St. Mary's County Government 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 \$100.00 on food, entertainment, or other gifts for officials or employees of the St. Mary's County Government.
- (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:

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- (1) The value, date, and nature of any food, entertainment, or other gift provided to a St. Mary's County Government official or employee; and
 - (2) If a gift or series of gifts to a single official or employee exceeds \$100.00 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 158-15. Exemptions and modifications.

- (a) The Commission may exempt from this Chapter or modify the requirements of this Chapter to officials or employees serving as members of St. Mary's County Government boards and commissions when the Commission finds that the exemption or modification:
- (1) Would constitute an unreasonable invasion of privacy; and
 - (2) Would significantly reduce the availability of qualified persons for public service; and
 - (3) Is not necessary to preserve the purposes of this Chapter.

Section 158-16. Enforcement.

- (a) (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 § 14 of this Chapter, the Commission may:
- (i) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under § 14 of this Chapter;
 - (ii) Impose a fine not exceeding \$5,000.00 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 § 14 of

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this Chapter or has been convicted of a criminal offense arising from lobbying activities.

- (b) (1) Upon request of the Commission, the County Attorney, or independent counsel if authorized, may file a petition for injunctive or other relief in the Circuit Court of St. Mary's 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 subsection (b)(2)(ii) of this Section, 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 \$5,000.00 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.
- (c) (1) Any person who knowingly and willfully violates the provisions of § 14 of this Chapter is guilty of a misdemeanor, and upon conviction, is subject to a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both.
- (2) If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, is subject to the same penalties as in subsection (c)(1) of this Section.
- (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) (1) A person who is subject to the provisions of this Chapter shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to complete and substantiate a report, statement, or record required under this chapter for three years from the date of filing the report, statement, or record.

Subject: To Repeal and Re-enact Chapter 158
of the Code of St. Mary's County, Maryland,
the St. Mary's County Public Ethics Ordinance

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(2) These papers and documents shall be available for inspection upon request by the Commission or the Commissioners of St. Mary's County after reasonable notice.

Section 158-17. Severability.

If any section, sentence, clause, or phrase of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, the ruling shall not affect the validity of the remaining portions of this Chapter.

BE IT FURTHER ORDAINED, by the Commissioners of St. Mary's County, Maryland that this Ordinance shall be effective upon the date written below.

Those voting Aye: 5

Those voting Nay: 0

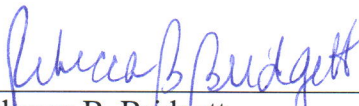
Those Abstaining: 0

Date of Adoption: 5/18/2021

Effective Date: 6/1/2021


ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

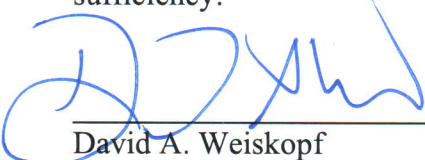

Rebecca B. Bridgett
County Administrator


James R. Guy, Commissioner President

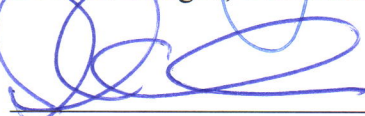

Eric Colvin, Commissioner


Michael L. Hewitt, Commissioner

Approved as to form and legal
sufficiency:


David A. Weiskopf
County Attorney


Todd B. Morgan, Commissioner


John E. O'Connor, Commissioner

DOCUMENT VALIDATION

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LR - Government
Instrument 0.00
Agency Name:
COMMISSIONERS OF ST.
MARY'S COUNTY
Instrument List: Other
Describe Other:
ORDINANCE
Ref: 0029/077 ST.
MARYS COUNTY
COMMISSIONERS

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Total: 0.00
05/20/2021 09:53
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#14979430 CC0704 - St
Mary's
County/CC07.04.06 -
Register 06

Circuit Court for St. Mary's County
PO Box 676
41605 Courthouse Drive
Leonardtown, MD 20650
(301) 475-7844
