

## FINANCIAL DISCLOSURE STATEMENT

### Employees and Appointed Officials

For Calendar Year: 2019

Due on or before: April 30, 2020

In accordance with Section 6 of the Washington County, Maryland Ethics Ordinance, this form shall be completed by the following individuals:

- (1) County Administrator;
- (2) County Clerk;
- (3) Director of Budget and Finance;
- (4) County Attorney;
- (5) All division directors and departmental heads;
- (6) Members of all boards, commissions, and committees appointed by the Board of County Commissioners; and

(7) Members of all boards, commissions, and committees appointed by the Governor of the State of Maryland where such boards, commissions, and committees are declared by the State Ethics Commission not to be executive agencies of the state government.

**Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Board, Commission, or Committee** (if applicable): \_\_\_\_\_

**I. Gifts.** Disclosure of gifts received during the preceding calendar year from any person that contracts with or is regulated by the County, including the name of the donor of the gift and the approximate retail value at the time of receipt. See page 4 for additional information concerning gifts and exceptions to the reporting requirements.

Gift	Donor	Approximate Retail Value at Time of Receipt

**II. Disclosure of conflicts of interest.** 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.

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**III. Conflicts of interest.**

- (a) In this section, “qualified relative” means a spouse, parent, child, or sibling.
- (b) All County elected officials, officials appointed to County boards and commissions subject to this ordinance, 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 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.
  - (2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
    - (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 County, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be 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
      - (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.
  - (3) A person who is disqualified from participating under paragraphs (1) or (2) 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.
  - (4) The prohibitions of paragraph 1 and 2 of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.
- (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 County 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 County for compensation in a case, contract, or other specific matter involving the County if that matter is one in which the former official or employee significantly participated as an official or employee.
  - (2) Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the Board of County Commissioners 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 County.
- (g) Use of prestige of office.
- (1) 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.
  - (2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.
- (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 County 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; or
  - (iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
- (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 County 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 may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's 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) Participation in procurement.
  - (1) An individual or a person that employs an individual who assists a County 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.

**IV. Request for notification.** I would like to be notified if someone examines or copies this form.

I hereby make oath or affirm under the penalties of perjury that the contents of this Financial Disclosure Statement, including any supporting pages attached hereto, are complete, true, and correct to the best of my knowledge, information, and belief.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

**NOTICE:** The Washington County, Maryland Ethics Ordinance and Maryland law require the collection of this information, which will be used primarily for public disclosure and to determine compliance with the law. This is a public record and is required to be made available for public inspection and copying for four years from the date of receipt. The information may be disclosed to any requesting person, including officials of State, local or federal government, who record their name and address, and this record will be provided to the filer upon request. Failure to file this form by the due date can subject you to late fees of \$ 2 per day up to a maximum of \$ 250. Violations of the provisions of the Ethics Ordinance may subject you to civil and administrative penalties, including termination or other disciplinary action, suspension of pay, a late filing fee, and a civil fine of up to \$ 5,000. Willful and false filing can subject you to criminal penalty for perjury.

Please return the completed form to:

Office of the County Attorney  
Depository for the Washington County Ethics Commission  
100 W. Washington Street, Room 202  
Hagerstown, MD 21740  
Telephone: 240-313-2230  
Fax: 240-313-2231

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