

ORDINANCE NO. ORD-2024-21

AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED "ETHICS ORDINANCE," ADOPTED ON MAY 1, 1982, REVISED ON SEPTEMBER 27, 2011, AND TO ENACT A NEW ORDINANCE ENTITLED "WASHINGTON COUNTY, MARYLAND ETHICS ORDINANCE"

The Board of County Commissioners of Washington County, Maryland, adopted Ordinance No. ORD-2024-18 on March 26, 2024, which was recorded at Liber 17, Folio 0016, among the Acts, Ordinances, and Resolutions in the Office of the Clerk of the Circuit Court, Washington County, Maryland. It has been since discovered that the text of the recorded Ethics Ordinance (specifically page ten, section b) was erroneous and did not accurately reflect the correct number of reporting days. Therefore, to cure the discrepancy and evidence the County's true intention, this Curative Ordinance is adopted.

RECITALS

Subtitle 8 of the Public Ethics Law or COMAR 19A.04, requires that each county of the State of Maryland, *inter alia*, enact provisions to govern the public ethics of local officials; requires local ethics commissions to certify to the State Ethics Commission compliance with specified provisions of law relating to elected local officials on or before a specified date each year; and requires conflict of interest and financial disclosure provisions for elected local officials to be equivalent to or exceed certain requirements under certain provisions of law.

The Board of County Commissioners of Washington County, Maryland (the *Board*) adopted an ordinance entitled "Ethics Ordinance" on May 1, 1982.

On September 27, 2011, by Ordinance No. ORD-2011-20, the Board adopted a revised "Ethics Ordinance".

The Board desires to repeal the existing ordinance and enact a new ordinance entitled "Washington County, Maryland Ethics Ordinance" (the *Ordinance*). The new Ordinance shall include language which will bring it into

compliance with the changes made to the Public Ethics Law of the State of Maryland.

NOW, THEREFORE, BE IT ENACTED by the Board of County Commissioners of Washington County, Maryland, that the ordinance entitled "Ethics Ordinance" adopted on September 27, 2011, is hereby repealed and the attached Ordinance entitled "Washington County, Maryland Ethics Ordinance" is hereby enacted in its place.

Adopted the 7th day of May, 2024.

Effective the 26th day of March, 2024.

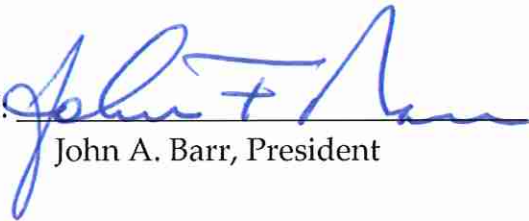
ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND



Dawn L. Marcus, Clerk

BY:



John A. Barr, President

Approved as to form and
legal sufficiency:



Zachary J. Kieffer
County Attorney

WASHINGTON COUNTY, MARYLAND

ETHICS ORDINANCE

Adopted and Effective: March 26, 2024

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Section 1. Short title.

This Ordinance may be cited as the Washington County, Maryland Ethics Ordinance.

Section 2. Applicability and Definitions.

(a) The provisions of this ordinance apply to all Washington County elected officials, employees, and appointees to boards and commissions of Washington County.

(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 a Washington County Ethics Commission that consists of 5 members appointed by the Board of County Commissioners.
- (b) The Commission shall:
 - (1) Devise, receive, and maintain all forms required by this ordinance;
 - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this ordinance regarding the applicability of the provisions of this ordinance 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 ordinance; and
 - (4) Conduct a public information program regarding the purposes and application of this ordinance.
- (c) The County 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 County is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.
- (e) The Commission shall determine if changes to this ordinance are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Board of County Commissioners for enactment.
- (f) The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this ordinance.

Section 4. 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) For one calendar year after the date of leaving 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:

(i) for that official's or employee's private gain or that 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.

(3) An official or employee may not use public resources or the title of the public official or employee to solicit a political contribution that is regulated in accordance with 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 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.
 - (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 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 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 under 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 ordinance with the County Clerk or Board of Elections 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 candidate fails to file a statement required by this section after written notice is provided by the County Clerk or Board of Elections at least 8 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

- (5) The County Clerk or Board of Election 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 County Clerk or Board of Elections 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. If the Commission has the logistical ability to record the information required by paragraph (3) of this subsection through an online registration program, the Commission shall make the financial disclosure statements available on the Internet. Provided however, that the Commission may not provide any public access to a portion of a statement that includes an individual's home address that the individual has identified as the individual's home address.
- (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 the County. Provided however, that for purposes of this subsection, "interest" shall not include 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 Washington 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 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 (B)(2) 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 County.
- (i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the County, other than interests reported under paragraph (2) of this subsection.
 - (ii) For each interest reported under this paragraph, the schedule shall include:
 - (A) The name and address of the principal office of the business entity;

- (B) The nature and amount of the interest held, including any conditions to and encumbrances in 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 or is regulated by the County, 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 County.

- (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 County.
 - (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 County agency with which the entity is involved.
- (6) Indebtedness to entities doing business with the County.
- (i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the County 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 County 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) 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(k)(l), 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 ordinance, 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, 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.

(g)(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 County 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:

- (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.

(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 County, 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) 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 ordinance.

Section 7. Lobbying.

- (a) A person shall file a lobbying registration statement with the Commission if the person:
 - (1) Personally appears before a County 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 on food, entertainment, or other gifts for officials or employees of County.
- (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 County official or employee; and

- (2) If a gift or series of gifts to a single official or employee exceeds \$25 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.
- (f) A former regulated lobbyist who is or becomes subject to regulation under this Ordinance as a public official or employee may not participate in a case, contract, or other specific matter as a public official or employee 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. Provided however, that this subsection does not apply to an individual who is a public official only as a member of a board and who receives no compensation or annual compensation that is less than 25% of the lowest annual compensation of Maryland State employees at grade level 16.
- (g) In the event a regulated lobbyist is appointed to serve on a board or commission, or in the event that a board or commission member becomes subject to the lobbying regulations, the regulated lobbyist shall, within five (5) calendar days of the dual status, file a report under penalty of perjury with the Commission, with a copy sent to the appointing authority, providing the following information:
- (1) For any current representation of a person for compensation before County government, except in a judicial or quasi-judicial proceeding:
- i. The name of the regulated lobbyist;
 - ii. The person or entity represented for compensation;
 - iii. The name of the State agency;
 - iv. The services performed; and
 - v. The monetary consideration;

(2) For any current representation of a State agency for compensation, any contractual relationship with State government, or any transaction with State government for monetary consideration:

i. The name of the regulated lobbyist;

ii. The name of the agency or governmental unit with which the regulated lobbyist has a financial relationship; and

iii. The services performed or details of any contractual relationship or the transaction entered into;

(3) For any current interest held by the regulated lobbyist, the regulated lobbyist's spouse or dependent children, together or separately having either 10 percent or more of the capital stock, or stock worth \$35,000 or more, in a corporation subject to regulation by or doing business with the County, or any interest in a partnership, limited liability partnership, or limited liability company subject to regulation by or doing business with the County:

i. The name of the regulated lobbyist;

ii. The name of the immediate family member and relationship for any interest held together or separately;

iii. The name of the corporation, partnership, limited liability partnership, or limited liability company; and

iv. The nature of the interest held;

(4) The primary employer of the spouse of the regulated lobbyist; and

(5) The name of any business entity from which the regulated lobbyist or the spouse of the regulated lobbyist receives earned income as a result of an ownership interest in the business.

(h) The regulated lobbyist shall update the information required by subsection (g) of this regulation as required to reflect the regulated lobbyist's current registrations throughout each reporting period.

(i) Whenever an issue arises within the board or commission related to the information disclosed in accordance with subsection (g) of this Section, the regulated lobbyist member shall submit a statement of recusal

from discussion of, voting on, or any other action required by the circumstances concerning the issue:

- (1) On a form provided by the Commission;
- (2) To the board or commission for inclusion in the minutes of the meeting;
- (3) Under oath or affirmation;
- (4) Which includes:
 - i. The name of the regulated lobbyist;
 - ii. The subject area of the conflict; and
 - iii. The reason for the recusal.

Section 8. Exemptions and modifications.

The Commission may grant exemptions and modifications to the provisions of Sections 4 and 6 of this ordinance to employees and to appointed members of County Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this ordinance, and the application of this ordinance 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 \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under §§ 5 or 6 of this ordinance;
 - (2) Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to file a timely lobbyist registration or lobbyist report required under § 7 of this ordinance; and

- (3) Issue a cease and desist order against any person found to be in violation of this ordinance.
- (b)(1) Upon a finding of a violation of any provision of this ordinance, 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 ordinance, 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 § 7 of this ordinance;
 - (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 ordinance or has been convicted of a criminal offense arising from lobbying activities.
- (c)(1) Upon request of by the Commission, the County 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 ordinance.
- (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 ordinance 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 willful violation of the provisions of this ordinance, 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 ordinance, a person who the Commission or a court finds has violated this ordinance:

(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 County official or employee found to have violated this ordinance 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 ordinance shall be a misdemeanor subject to a fine of up to \$10,000 or imprisonment of up to one year.

(g) A finding of a violation of this ordinance by the Commission is public information.