

Chapter 170. Ethics, Code of

[HISTORY: Adopted by the Board of County Commissioners of Charles County 11-15-2011 by Bill No. 2011-08. Amendments noted where applicable.]

§ 170-1. Short title.

This chapter may be cited as the "Charles County Code of Ethics."

§ 170-2. Statement of purpose and policy.

- A. The Board of County Commissioners of Charles County, Maryland, 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 County's business is subject to improper influence and even the appearance of improper influence.
- C. For the purpose of guarding against improper influence, the Board of County Commissioners of Charles County enacts this Code of Ethics to require 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.
- D. It is the intention of the Board of County Commissioners of Charles County that this chapter, except its provisions for criminal sanctions, be liberally construed to accomplish this purpose.

§ 170-3. Definitions.

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

BUSINESS ENTITY

- A. 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.
- B. Business entity does not include a governmental entity.

COMMISSION

The Charles County Ethics Commission established under § **170-4A** of this chapter.

COMPENSATION

- A. 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.

- B. For the purposes of § 170-8 of this chapter, if lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.

COUNTY

Charles County, Maryland.

DOING BUSINESS WITH

- A. Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$5,000 or more of County government-controlled funds;
- B. Being regulated by or otherwise subject to the authority of the County; or
- C. Being registered as a lobbyist under § 170-8 of this chapter.

ELECTED OFFICIAL

- A. Any individual who holds an elective office of Charles County.
- B. "Elected official" does not include the Sheriff, State's Attorney, Register of Wills, or Clerk of the Court.

EMPLOYEE

- A. An individual who is employed by the County.
- B. "Employee" does not include an elected local official.
- C. "Employee" does not include an employee of:
 - (1) The offices of the Sheriff, State's Attorney, Register of Wills, or Clerk of the Court;
 - (2) The County Health Department; or
 - (3) The County Department of Social Services.

FINANCIAL INTEREST

- A. Ownership of any interest as the result of which the owner has received, within the past three years, or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or
- B. Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3% of a business entity by a County official or employee, or the spouse of an official or employee.

GIFT

- A. The transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.
- B. "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.

IMMEDIATE FAMILY

A spouse and dependent children.

INTEREST

- A. 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.
- B. For purposes of § 170-6 of this chapter, "interest" includes any interest held at any time during the reporting period.
- C. "Interest" does not include:
 - (1) An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
 - (2) An interest in a time or demand deposit in a financial institution;
 - (3) An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 - (4) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; or
 - (5) A college savings plan under the Internal Revenue Code.

LOBBYIST

A person required to register and report expenses related to lobbying under § 170-8 of this chapter.

LOBBYING

- A. Communicating in the presence of a County government official or employee with the intent to influence any official action of that official or employee; or
- B. Engaging in activities with the express purpose of soliciting others to communicate with a County official or employee with the intent to influence that official or employee.

OFFICIAL

An elected official, an employee of the County government, or a person appointed to or employed by the County or any County agency, board, commission, or similar entity:

- A. Whether or not paid in whole or in part with County government funds; and
- B. Whether or not compensated.

PERSON

Includes an individual or business entity.

QUALIFIED RELATIVE

A spouse, parent, child, brother, or sister.

QUASI-GOVERNMENTAL ENTITY

An entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.

[Added 5-18-2022 by Bill No. 2022-02]

§ 170-4. Administration by County Ethics Commission.

- A. Commission membership and terms.
 - (1) There is a County Ethics Commission that consists of five members, and one alternate member, appointed by the Board of County Commissioners of Charles County. One member

shall be appointed by the Charles County Bar Association to serve a four-year term coexistent with the County Commissioners.

- (2) The remaining Commissioners shall serve staggered four-year terms as follows: two members shall be appointed in December 2012, and two members in December 2013. The alternate member shall serve a four-year term coexistent with the County Commissioners. The members of the Ethics Commission in office on the effective date of this legislation shall be reappointed in accordance with this subsection.
- (3) A Commission member may serve until a successor is appointed and qualifies.

B. Officers, meetings, quorum.

- (1) The Commission shall elect a Chairman and Vice Chairman from among its members.
- (2) The term of the Chairman and Vice Chairman is one year.
- (3) The Chairman and Vice Chairman may be reelected.
- (4) The Commission shall meet at least quarterly 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, except as specifically provided herein with respect to complaints.
- (5) Three 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. Counsel for Commission.

- (1) The County Attorney shall assist the Commission in carrying out the Commission's duties.
- (2) If a conflict of interest under § **170-5** of this chapter or other conflict prohibits the County Attorney from assisting the Commission in a specific matter, the County shall provide sufficient funds for the Commission to hire independent counsel for the duration of the matter.

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 years after receipt by the Commission.

G. The Commission shall be responsible for conducting 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 County is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.

I. The Commission shall:

- (1) Determine if changes to this chapter are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland; and
- (2) Shall forward any recommended changes and amendments to the Board of County Commissioners for Charles County for enactment.

J. Advisory opinions.

- (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.
- (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. Complaints of violation.

- (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 chapter or 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, or to otherwise respond to the Commission concerning the complaint.
- (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 § **170-10** of this chapter.
- (8) Confidentiality of complaints.
 - (a) 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.
 - (b) Upon conclusion of the actions, including any enforcement or other judicial action, regarding a complaint, a finding of a violation is public information.

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

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

M. 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 § **170-6** or **170-7** of this chapter; and
- (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 § **170-8** of this chapter.

§ 170-5. Prohibited conduct and interests.

A. Participation prohibitions.

- (1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:
 - (a) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest.
 - (b) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
 - [1] A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
 - [2] A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 - [3] A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;
 - [4] If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
 - [5] An entity doing business with the 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;
 - [6] A business entity that:
 - [a] The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
 - [b] As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.
- (2) A person who is disqualified from participating under Subsection **A(1)** of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:
 - (a) The disqualification leaves a body with less than a quorum capable of acting;
 - (b) The disqualified official or employee is required by law to act; or
 - (c) The disqualified official or employee is the only person authorized to act.
- (3) The prohibitions of Subsection **A(1)** and **(2)** of this section do not apply if participation is allowed by regulation or opinion of the Commission.

B. 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:
 - (a) Be employed by or have a financial interest in any entity:
 - [1] Subject to the authority of the official or employee or the County agency, Board, or Commission with which the official or employee is affiliated;
 - [2] That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
 - [3] Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
- (2) The prohibitions of Subsection **B(1)** of this section do not apply to:
 - (a) 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;
 - (b) Subject to other provisions of law, a member of a Board or Commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;
 - (c) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the Commission; or
 - (d) 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.

C. 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 a period of one year after the elected official leaves office, a former member of the Board of County Commissioners for Charles County may not assist or represent another party for compensation in a matter that is the subject of legislative action.

D. 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 official without additional compensation.

E. 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 reason to know:

- (a) Is doing business with or seeking to do business with the County government office, agency, board, or commission with which the official or employee is affiliated;
 - (b) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - (c) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit;
 - (d) Is a lobbyist with respect to matters within the jurisdiction of the official or employee; or
 - (e) Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
[Added 5-18-2022 by Bill No. 2022-02]
- (4) Applicability.
- (a) This subsection does not apply to a gift:
 - [1] That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - [2] Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - [3] Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
 - (b) Notwithstanding Subsection **E(3)** of this subsection, an official or employee may accept the following:
 - [1] Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - [2] Ceremonial gifts or awards that have insignificant monetary value;
 - [3] Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
 - [4] Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
 - [5] Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - [6] A specific gift or class of gifts that the Commission exempts from the operation of this 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;
 - [7] Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
 - [8] Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the official's or employee's official position.

F. Disclosure of confidential information other than in the discharge of official duties.

- (1) An official or employee or former official or employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's

public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

[Amended 5-18-2022 by Bill No. 2022-02]

G. Participation in procurement.

- (1) An individual or a person that employs an individual who assists a County 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.
- (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.

H. 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.

[Added 5-18-2022 by Bill No. 2022-02]

§ 170-6. Financial disclosure by local elected officials and candidates to be local elected officials, officials and employees.

A. This section applies to all local elected officials, all candidates to be local elected officials and the following County employees:

- (1) County Administrator.
 - (a) Deputy County Administrator.
- (2) Safety Officer.
- (3) County Attorney.
 - (a) Deputy County Attorney.
 - (b) Associate County Attorney.
- (4) Director of Community Services.
 - (a) Chief of Housing Authority.
 - (b) Chief of Aging and Human Services.

[Amended 1-10-2017 by Bill No. 2016-09^[1]]

[1] *Editor's Note: This bill also repealed former Subsection A(4)(c), Chief of Recreation, and Subsection A(4)(d), Chief of Transportation and Community Programs, and redesignated former Subsection A(4)(e) through (g) as Subsection A(4)(c) through (e).*

- (c) Local Management Board Coordinator.
- (d) Housing Inspector.
- (e) Housing Inspector Supervisor.
- (5) Director of Economic Development.
 - (a) Deputy Director of Economic Development.
[Amended 1-10-2017 by Bill No. 2016-09]
 - (b) Chief of Business Development.
 - (c) Purchasing Programs Outreach Administrator.

[Amended 1-10-2017 by Bill No. 2016-09]

- (d) Redevelopment Manager.
[Added 1-10-2017 by Bill No. 2016-09]
- (6) Director of Emergency Services.
 - (a) Chief of Emergency Medical Services.
 - (b) Chief of Fire and EMS Communications.
 - (c) Chief of Emergency Management.
 - (d) Chief of Animal Control Services.
- (7) Director of Fiscal and Administrative Services.
 - (a) Chief of Information Technology.
 - (b) Chief of Accounting.
 - (c) Assistant Chief of Accounting.
[Amended 1-10-2017 by Bill No. 2016-09^[2]
^[2] *Editor's Note: This bill also redesignated former Subsection A(7)(c) through (g) as Subsection A(7)(d) through (h).*
 - (d) Chief of Budget.
 - (e) Chief of Purchasing.
 - (f) Assistant Chief of Purchasing.
 - (g) Chief of Treasury.
 - (h) Deputy Chief of Treasury.
- (8) Director of Human Resources.
 - (a) Assistant Director of Human Resources.
 - (b) Recruitment and Retention Administrator.
[Amended 1-10-2017 by Bill No. 2016-09]
 - (c) Benefits Administrator.
[Amended 1-10-2017 by Bill No. 2016-09]
 - (d) Benefits Compliance Administrator
[Added 1-10-2017 by Bill No. 2016-09]
 - (e) Human Resources Programs Manager.
[Added 1-10-2017 by Bill No. 2016-09]
- (9) Director of Planning and Growth Management.
 - (a) Planning Director.
 - (b) Chief of Resource and Infrastructure Management.
 - (c) Chief of Codes, Permits and Inspection Services.
 - (d) Building Code Official.
 - (e) Code Enforcement Officer.
 - (f) Chief of Transit.

[Amended 1-10-2017 by Bill No. 2016-09]

(10) Director of Public Works.

[Amended 1-10-2017 by Bill No. 2016-09]

- (a) Assistant Director of Public Works, Facilities.
- (b) Chief of Capital Services.
- (c) Chief of Roads.
- (d) Chief of Building and Trades.
- (e) Facility Maintenance Superintendent.
- (f) Chief of Environmental Resources.
- (g) Construction Superintendent.
- (h) Landfill Superintendent.
- (i) Construction Supervisor.
- (j) Financial Support Manager.
- (k) Fleet Maintenance Superintendent.

(11) Assistant Director of Public Works, Utilities.

- (a) Chief of Operations and Maintenance.
- (b) Chief of Technical Support.
- (c) Equipment Maintenance Superintendent.
- (d) ^[3]Line Maintenance Superintendent.

^[3] *Editor's Note: Former Subsection A(11)(d), Fleet Maintenance Superintendent, was repealed 1-10-2017 by Bill No. 2016-09, which bill also redesignated former Subsection A(11)(e) through (h) as Subsection A(11)(d) through (g).*

- (e) Environmental Operations Superintendent.
- (f) Technical Support Operations Superintendent.
- (g) Meter Superintendent.

(12) Director of Recreation, Parks, and Tourism.

[Added 1-10-2017 by Bill No. 2016-09^[4]]

- (a) Assistant Director of Recreation, Parks and Tourism.
- (b) Chief of Tourism and Special Events.
- (c) Chief of Parks and Grounds.
- (d) Chief of Recreation.

^[4] *Editor's Note: This bill also redesignated former Subsection A(12) as Subsection A(13).*

(13) Any other employee in a similar position which the Commission determines should file.

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 subsection:

- (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.

(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) Filing by individuals who leave office.

(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.

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:

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

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

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

(3) A candidate to be an elected official:

(a) May file the statement required under Subsection **D(2)(a)** of this section with the Charles County Board of Election Supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and

(b) Shall file the statement required under Subsection **D(2)(a)** and **(b)** of this section with the Commission.

(4) If a candidate fails to file a statement required by this section after written notice is provided by the Charles County Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

(5) The Charles County 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 Charles 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:
 - (a) The name and home address of the individual reviewing or copying the statement; and
 - (b) 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) The County Attorney shall not provide public access to information related to consideration received from:

[Added 5-18-2022 by Bill No. 2022-02]

 - (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.

F. Retention requirements. The County Attorney shall retain financial disclosure statements for four years from the date of receipt.

G. Contents of statement.

- (1) Interests in real property.
 - (a) A statement filed under this section shall include a schedule of all interests in real property wherever located.
 - (b) For each interest in real property, the schedule shall include:
 - [1] The nature of the property and the location by street address, mailing address, or legal description of the property;
 - [2] The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - [3] The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - [4] 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;
 - [5] 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
 - [6] The identity of any other person with an interest in the property.
- (2) Interests in corporations and partnerships.
 - (a) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability company, regardless of whether the company, corporation or partnership does business with the County government.

[Amended 5-18-2022 by Bill No. 2022-02]

- (b) For each interest reported under this subsection, the schedule shall include:
 - [1] The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability company;
[Amended 5-18-2022 by Bill No. 2022-02]
 - [2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - [3] 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
 - [4] With respect to any interest acquired during the reporting period:
 - [a] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - [b] 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.
 - [5] Any other names that the business is trading as or doing business as.
[Added 5-18-2022 by Bill No. 2022-02]
- (c) An individual may satisfy the requirement to report the amount of the interest held under Subsection **G(2)(b)[2]** of this section by reporting, instead of a dollar amount:
 - [1] 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
 - [2] For an equity interest in a partnership, the percentage of equity interest held.
- (3) Interests in business entities doing business with the County.
 - (a) 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 Subsection **G(2)** of this section.
 - (b) For each interest reported under this subsection, the schedule shall include:
 - [1] The name and address of the principal office of the business entity;
 - [2] The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
 - [3] 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
 - [4] With respect to any interest acquired during the reporting period:
 - [a] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - [b] 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.

[5] Any other names that the business is trading as or doing business as.
[Added 5-18-2022 by Bill No. 2022-02]

(4) Gifts.

(a) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the County or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

[Amended 5-18-2022 by Bill No. 2022-02]

(b) For each gift reported. The schedule shall include:

[1] A description of the nature and value of the gift; and

[2] 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 County:

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

(b) For each position reported under this subsection, the schedule shall include:

[1] The name and address of the principal office of the business entity;

[2] The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

[3] The name of each County agency with which the entity is involved as indicated by identifying one or more of the three categories of "doing business," as defined in § **170-3** of this chapter.

(6) Indebtedness to entities doing business with the County:

(a) 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:

[1] By the individual; or

[2] By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(b) For each liability reported under this subsection, the schedule shall include:

[1] The identity of the person to whom the liability was owed and the date the liability was incurred;

[2] The amount of the liability owed as of the end of the reporting period;

[3] 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

[4] The security given, if any, for the liability.

(7) Employment with the County. 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.

- (a) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
- (b) A minor child's employment or business ownership need not be disclosed if the 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.
- (c) 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.
[Added 5-18-2022 by Bill No. 2022-02]

(9) Relationship with University of Maryland medical system, state or local government, or quasi-governmental entity.

[Added 5-18-2022 by Bill No. 2022-02^[5]]

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

- [1] The University of Maryland medical system;
- [2] A governmental entity of the state or a local government in the state; or
- [3] A quasi-governmental entity of the state or local government in the state.

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

- [1] A description of the relationship;
- [2] The subject matter of the relationship; and
- [3] The consideration.

[5] *Editor's Note: This bill also redesignated former Subsection G(9) as Subsection G(10).*

(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.

H. For the purposes of Subsection **G(1)**, **(2)**, and **(3)** of this section, 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:
[Amended 5-18-2022 by Bill No. 2022-02]
 - (a) A business entity in which the individual held a 10% or greater interest;
 - (b) A business entity described in Subsection **H(2)(a)** of this subsection in which the business entity held a 25% or greater interest;
 - (c) A business entity described in Subsection **H(2)(b)** of this subsection in which the business entity held a 50% or greater interest; and
 - (d) A business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.
- (3) An interest held by a trust or an estate in which, at any time during the reporting period:

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

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

[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 Charles County Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

§ 170-7. Financial disclosure by members of Boards and Commissions.

A. Disclosure statement; annual deadline.

(1) The County-appointed officials listed in Subsection **B** of this section shall file the statement required by § **170-6** of this chapter.

(2) The appointed officials shall be required to disclose the information specified in § **170-6G** of this chapter only with respect to those interests, gifts, compensated positions, and liabilities that may create a conflict, as provided in § **170-5** of this chapter, between the member's personal interests and the member's official local duties.

(3) An official shall file a statement required under this section annually, not later than April 30 of each calendar year during which the official holds office.

B. Appointed officials required to file:

(1) Boards and Commissions.
[Amended 1-10-2017 by Bill No. 2016-09]

(a) Agricultural Land Preservation Board.

(b) Board of Appeals (Zoning).

(c) Board of Electrical Examiners.

(d) Board of License Commissioners (Liquor Board).

(e) Critical Area Commission.

(f) Ethics Commission.

(g) Disadvantaged Business Loan Review Board.

(h) Planning Commission.

(i) Gaming Permit Review Board.

(j) Historic Preservation Commission.

(k) Nuisance Abatement Hearing Board.

(l) Such other Boards or Commission as may be added by the County Ethics Commission.

C. The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § **170-6E** of this chapter.

§ 170-8. 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 the 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 five days after first performing an act that requires registration in the calendar year.
- C. Registration statement contents.
 - (1) The registration statement shall identify:
 - (a) The registrant;
 - (b) Any other person on whose behalf the registrant acts; and
 - (c) 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 \$100 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.

§ 170-9. Exemptions and modifications.

The Commission may grant exemptions and modifications to the provisions of §§ **170-6** and **170-7** of this chapter 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 chapter, and the application of this chapter would:

- A. Constitute an unreasonable invasion of privacy; and
- B. Significantly reduce the availability of qualified persons for public service.

§ 170-10. Enforcement; violations and penalties.

- A. Findings of violation.
 - (1) Upon a finding of a violation of any provision of this chapter, the Commission may:
 - (a) Issue an order of compliance directing the respondent to cease and desist from the violation;
 - (b) Issue a reprimand; or

- (c) 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 § **170-8** of this chapter, the Commission may:
 - (a) 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 § **170-8** of this chapter;
 - (b) Impose a fine not exceeding \$5,000 for each violation; and
 - (c) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated § **170-8** of this chapter or has been convicted of a criminal offense arising from lobbying activities.
- B. Petition for injunctive or other relief.
 - (1) Upon request of the Commission, the County Attorney may file a petition for injunctive or other relief in the Circuit Court of Charles County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.
 - (2) Court actions.
 - (a) The court may:
 - [1] Issue an order to cease and desist from the violation;
 - [2] Except as provided in Subsection **B(2)(b)** 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
 - [3] Impose a fine of up to \$5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.
 - (b) 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. Violation as misdemeanor.
 - (1) Any person who knowingly and willfully violates the provisions of § **170-8** of this chapter is guilty of a misdemeanor, and upon conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than one 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 the business entity.
- 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. Retention of paper and documents.
 - (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.

- (2) These papers and documents shall be available for inspection upon request by the Commission or the Board of County Commissioners for Charles County after reasonable notice.

§ 170-11. 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.