

Chapter 37

(Senate Bill 129)

AN ACT concerning

Public Ethics – Officials and Regulated Lobbyists – Late-Filing Penalties

FOR the purpose of altering certain fees that an official or a regulated lobbyist must pay for failing to file in a timely manner a required report or financial disclosure statement form with the State Ethics Commission; and generally relating to public ethics, officials, regulated lobbyists, and penalties.

~~BY repealing and reenacting, with amendments,
Article – State Government
Section 15–405
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–405
Annotated Code of Maryland
(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of
2014)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

~~Article – State Government~~

~~15–405.~~

~~(a) After the Ethics Commission considers all of the evidence presented at the hearing, it shall make findings of fact and conclusions of law with respect to each alleged violation.~~

~~(b) If the Ethics Commission determines that the respondent has not violated this title, the Ethics Commission shall:~~

~~(1) dismiss the complaint in a signed order; and~~

~~(2) promptly send a copy of the order to the complainant and the respondent.~~

~~(c) If the Ethics Commission determines that the respondent has violated any provision of this title, the Ethics Commission may:~~

~~(1) issue an order of compliance directing the respondent to cease and desist from the violation;~~

~~(2) issue a reprimand; or~~

~~(3) recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal, if that discipline is authorized by law.~~

~~(d) If the Ethics Commission determines that a respondent has violated Subtitle 7 of this title, the Ethics Commission may:~~

~~(1) require a respondent who is a regulated lobbyist to file any additional reports or information that reasonably relates to information required under §§ 15-703 and 15-704 of this title;~~

~~(2) impose a fine not exceeding \$5,000 for each violation; or~~

~~(3) subject to subsection (c) of this section, suspend the registration of a regulated lobbyist.~~

~~(e) (1) If the Ethics Commission determines it necessary to protect the public interest and the integrity of the governmental process, the Ethics Commission may issue an order to:~~

~~(i) suspend the registration of an individual regulated lobbyist if the Ethics Commission determines that the individual regulated lobbyist:~~

~~1. has knowingly and willfully violated Subtitle 7 of this title; or~~

~~2. has been convicted of a criminal offense arising from lobbying activities; or~~

~~(ii) revoke the registration of an individual regulated lobbyist if the Ethics Commission determines that, based on acts arising from lobbying activities, the individual regulated lobbyist has been convicted of bribery, theft, or other crime involving moral turpitude.~~

~~(2) If the Commission suspends the registration of an individual regulated lobbyist under paragraph (1) of this subsection, the individual regulated lobbyist may not engage in lobbying for compensation for a period, not to exceed 3~~

~~years, that the Commission determines as to that individual regulated lobbyist is necessary to satisfy the purposes of this subsection.~~

~~(3) If the Commission revokes the registration of an individual regulated lobbyist under paragraph (1) of this subsection, the individual regulated lobbyist may not engage in lobbying for compensation.~~

~~(4) If the Ethics Commission initiates a complaint based on a violation or conviction described in paragraph (1) of this subsection, the Ethics Commission shall initiate the complaint within 2 years of:~~

~~(i) the Ethics Commission's knowledge of the violation; or~~

~~(ii) the date the conviction becomes final.~~

~~(5) The termination or expiration of the registration of an individual regulated lobbyist does not limit the authority of the Ethics Commission to issue an order under this subsection.~~

~~(f) (1) Subject to paragraph (2) of this subsection, an individual whose registration as an individual regulated lobbyist is revoked or suspended under subsection (c) of this section may apply to the Ethics Commission for reinstatement.~~

~~(2) The Ethics Commission may reinstate the registration of an individual whose registration as a regulated lobbyist has been revoked or suspended under subsection (c) of this section if the Commission determines that reinstatement of the individual would not be detrimental to the public interest and the integrity of the governmental process, based on:~~

~~(i) the nature and circumstances of the original misconduct or violation leading to revocation or suspension;~~

~~(ii) the individual's subsequent conduct and reformation; and~~

~~(iii) the present ability of the individual to comply with the provisions of the ethics law.~~

~~(g) (1) If the respondent is a regulated lobbyist, for each report required under Subtitle 7 of this title that is filed late the respondent shall pay a fee of \$10 for each late day, not to exceed a total of [\$250] \$1,000.~~

~~(2) If the respondent is an official, for each financial disclosure statement found to have been filed late, the respondent shall pay a fee of [\$2] \$5 for each late day, not to exceed a total of [\$250] \$500.~~

Article – General Provisions

5-405.

(a) After the Ethics Commission considers all of the evidence presented at the hearing, the Ethics Commission shall make findings of fact and conclusions of law with respect to each alleged violation.

(b) If the Ethics Commission determines that the respondent has not violated this title, the Ethics Commission shall:

(1) dismiss the complaint in a signed order; and

(2) promptly send a copy of the order to the complainant and the respondent.

(c) If the Ethics Commission determines that the respondent has violated any provision of this title, the Ethics Commission may:

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

(2) issue a reprimand; or

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

(d) If the Ethics Commission determines that a respondent has violated Subtitle 7 of this title, the Ethics Commission may:

(1) require a respondent who is a regulated lobbyist to file any additional reports or information that reasonably relates to information required under §§ 5-703 and 5-704 of this title;

(2) impose a fine not exceeding \$5,000 for each violation; or

(3) subject to subsection (e) of this section, suspend the registration of a regulated lobbyist.

(e) (1) If the Ethics Commission determines it necessary to protect the public interest and the integrity of the governmental process, the Ethics Commission may issue an order to:

(i) suspend the registration of an individual regulated lobbyist if the Ethics Commission determines that the individual regulated lobbyist:

1. has knowingly and willfully violated Subtitle 7 of this title; or

2. has been convicted of a criminal offense arising from lobbying activities; or

(ii) revoke the registration of an individual regulated lobbyist if the Ethics Commission determines that, based on acts arising from lobbying activities, the individual regulated lobbyist has been convicted of bribery, theft, or other crime involving moral turpitude.

(2) If the Ethics Commission suspends the registration of an individual regulated lobbyist under paragraph (1) of this subsection, the individual regulated lobbyist may not engage in lobbying for compensation for a period, not to exceed 3 years, that the Ethics Commission determines as to that individual regulated lobbyist is necessary to satisfy the purposes of this subsection.

(3) If the Ethics Commission revokes the registration of an individual regulated lobbyist under paragraph (1) of this subsection, the individual regulated lobbyist may not engage in lobbying for compensation.

(4) If the Ethics Commission initiates a complaint based on a violation or conviction described in paragraph (1) of this subsection, the Ethics Commission shall initiate the complaint within 2 years after the earlier of:

(i) the Ethics Commission's knowledge of the violation; or

(ii) the date the conviction becomes final.

(5) The termination or expiration of the registration of an individual regulated lobbyist does not limit the authority of the Ethics Commission to issue an order under this subsection.

(f) (1) An individual whose registration as an individual regulated lobbyist is revoked or suspended under subsection (e) of this section may apply to the Ethics Commission for reinstatement.

(2) The Ethics Commission may reinstate the registration of an individual whose registration as a regulated lobbyist has been revoked or suspended under subsection (e) of this section if the Ethics Commission determines that reinstatement of the individual would not be detrimental to the public interest and the integrity of the governmental process, based on:

(i) the nature and circumstances of the original misconduct or violation leading to revocation or suspension;

(ii) the individual's subsequent conduct and reformation; and
(iii) the present ability of the individual to comply with the ethics law.

(g) (1) If the respondent is a regulated lobbyist, for each report required under Subtitle 7 of this title that is filed late the respondent shall pay a fee of \$10 for each late day, not to exceed a total of [~~\$250~~] **\$1,000.**

(2) If the respondent is an official, for each financial disclosure statement found to have been filed late, the respondent shall pay a fee of [~~\$2~~] **\$5** for each late day, not to exceed a total of [~~\$250~~] **\$500.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 8, 2014.