

Article - General Provisions

§1-101.

Except as otherwise provided in this Code, in this Code the following words have the meanings indicated.

§1-102.

- (a) “Administrator” includes an executor and a personal representative.
- (b) “Executor” includes an administrator and a personal representative.
- (c) “Personal representative” includes an administrator and an executor.

§1-103.

- (a) “Adult” means an individual at least 18 years old.
- (b) Except as provided in § 1-401(b) of this title, as it pertains to legal age and capacity, “minor” means an individual under the age of 18 years.

§1-104.

Except as used in Title 3, Subtitle 2 of the Criminal Law Article, “assault” means assault in any degree unless a specific degree of assault is specified.

§1-105.

In this Code, a code of public local laws, a municipal charter, a resolution or ordinance of a county or municipal corporation, or a rule, regulation, or directive of a unit of the State or a political subdivision of the State:

- (1) “certified mail” and “registered mail” include the uses, procedures, and fees of the United States Postal Service;
- (2) “certified mail” includes “registered mail”; and
- (3) “registered mail” includes “certified mail”.

§1-106.

Except in matters of inheritance, descent, or distribution of property, “child” or an equivalent word includes an illegitimate child.

§1-107.

“County” means a county of the State or Baltimore City.

§1-108.

(a) This section does not apply to the review of cases from:

(1) the Workers’ Compensation Commission;

(2) the Health Care Alternative Dispute Resolution Office; or

(3) the Maryland Insurance Administration under § 27-1001 of the Insurance Article.

(b) In a statute providing for de novo judicial review or appeal of a quasi-judicial administrative agency action, “de novo” means judicial review based on an administrative record and any additional evidence that would be authorized by § 10-222(f) and (g) of the State Government Article.

§1-109.

In a statute that authorizes a gift to or for the use of the State or any of its officers or units, “gift” includes an inter vivos gift, inter vivos endowment, bequest, devise, legacy, or testamentary endowment of any interest in real or personal property.

§1-110.

“Includes” or “including” means includes or including by way of illustration and not by way of limitation.

§1-111.

(a) In this Code and any regulation or directive adopted under it, “legal holiday” means:

(1) January 1, for New Year’s Day;

(2) (i) January 15, for Dr. Martin Luther King, Jr.’s birthday; or

(ii) if the United States Congress designates another day for observance of Dr. Martin Luther King, Jr.'s birthday, the day designated by the United States Congress;

(3) February 12, for Lincoln's birthday;

(4) the third Monday in February, for Washington's birthday;

(5) March 25, for Maryland Day;

(6) Good Friday;

(7) (i) May 30, for Memorial Day; or

(ii) if the United States Congress designates another day for observance of Memorial Day, the day designated by the United States Congress;

(8) July 4, for Independence Day;

(9) the first Monday in September, for Labor Day;

(10) September 12, for Defenders' Day;

(11) (i) October 12, for Columbus Day; or

(ii) if the United States Congress designates another day for observance of Columbus Day, the day designated by the United States Congress;

(12) November 11, for Veterans' Day;

(13) the fourth Thursday in November, for Thanksgiving Day;

(14) the Friday after Thanksgiving Day, for American Indian Heritage Day;

(15) December 25, for Christmas Day;

(16) each statewide general election day in the State; and

(17) each other day that the President of the United States or the Governor designates for general cessation of business.

(b) Except as otherwise expressly provided in the Code, a legal holiday shall be observed on:

- (1) the date specified in subsection (a) of this section; or
- (2) if that date falls on a Sunday, on the next Monday after that date.

§1–112.

“Local department of social services” includes the Montgomery County government.

§1–113.

(a) Unless otherwise provided, in a law, resolution, or court order, judgment, or decree that refers to publishing a legal advertisement or legal notice, words such as “newspaper” or “newspaper in general circulation” mean a publication that:

- (1) has at least four pages;
- (2) habitually contains news items, reports of current events, editorial comments, advertising matter, and other miscellaneous information that is of public interest and is found generally in an ordinary newspaper;
- (3) has been published and distributed, by sale, from an established place of business at least once a week for 6 months or more before publication of the advertisement or notice;
- (4) has general circulation throughout the community where the publication is published; and
- (5) qualifies for Periodicals rates for mailing through the United States Postal Service.

(b) Subject to subsection (a) of this section and for purposes of the public general laws of the State, in Prince George’s County, “newspaper in general circulation” includes a newspaper that:

- (1) is designated by the County Council as a newspaper of record; or
- (2) (i) qualifies under subsection (a) of this section with respect to Prince George’s County; and
- (ii) is published by a small business as defined in § 14–201 of the State Finance and Procurement Article.

§1-114.

“Person” includes an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, corporation, partnership, business trust, statutory trust, limited liability company, firm, association, or other nongovernmental entity.

§1-115.

(a) Except as provided in subsection (b) of this section, “state” means:

(1) a state, possession, territory, or commonwealth of the United States; or

(2) the District of Columbia.

(b) When capitalized, “State” means Maryland.

§1-117.

With respect to any State program of benefits, rights, or privileges applicable to a veteran under this Code, “veteran” includes, if the individual is eligible under 38 U.S.C. § 101, a member of the commissioned corps of:

(1) the Public Health Service; or

(2) the National Oceanic and Atmospheric Administration or its predecessor, the Coast and Geodetic Survey.

§1-201.

Except as otherwise provided, a reference to one gender includes and applies to the other gender.

§1-202.

The singular includes the plural and the plural includes the singular.

§1-203.

In this Code and any regulation or directive adopted under it, the phrase “may not” has a mandatory negative effect and establishes a prohibition.

§1–204.

A reference to “the Annotated Code of Maryland”, “the Annotated Code”, “the Maryland Code”, “the Code”, or “this Code” means a code of the public general laws of the State that has been adopted and made evidence of the public general laws of the State under § 10–201 of the Courts Article.

§1–205.

(a) Except as otherwise expressly provided, the repeal, repeal and reenactment, or amendment of a statute does not release, extinguish, or alter a criminal or civil penalty, forfeiture, or liability imposed or incurred under the statute.

(b) A repealed, repealed and reenacted, or amended statute shall remain in effect for the purpose of sustaining any:

(1) criminal or civil action, suit, proceeding, or prosecution for the enforcement of a penalty, forfeiture, or liability; and

(2) judgment, decree, or order that imposes, inflicts, or declares the penalty, forfeiture, or liability.

§1–206.

Where a public general law and a public local law enacted by the General Assembly are in conflict, the public local law shall prevail.

§1–207.

(a) Except as provided in subsection (b) of this section, if two or more amendments to the same section are enacted at the same or different sessions of the General Assembly, and one of the amendments makes no reference to and takes no account of the other, the amendments shall be construed together and each shall be given effect, if possible, with due regard to the wording of their titles.

(b) If the amendments are irreconcilable and it is not possible to construe them together, the latest in date of final enactment shall prevail.

§1–208.

Unless otherwise provided by law, the caption or catchline of a section or subsection that is printed in bold type, italics, or otherwise:

(1) is intended as a mere catchword to indicate the contents of the section or subsection; and

(2) (i) may not be considered as a title of the section or subsection; and

(ii) may not be considered as a title if the section, subsection, caption, or catchline is amended or reenacted.

§1–209.

(a) The rule of construction established by this section applies to an amendment adopted before, on, or after July 1, 1973.

(b) Except as otherwise provided, when a public general law or public local law refers to a portion of the Code or to any other law, the reference applies to any amendment to that portion of the Code or other law.

§1–210.

(a) Except as otherwise provided, the provisions of all statutes enacted after July 1, 1973, are severable.

(b) The finding by a court that part of a statute is unconstitutional or void does not affect the validity of the remaining portions of the statute, unless the court finds that the remaining valid provisions alone are incomplete and incapable of being executed in accordance with the legislative intent.

§1–301.

(a) The standard time in the State shall be that of the 75th meridian of longitude west from Greenwich.

(b) The standard time described under subsection (a) of this section shall regulate all courts, banking institutions, public offices, and legal or official proceedings.

§1–302.

(a) In computing a period of time described in a statute, the day of the act, event, or default after which the designated period of time begins to run may not be included.

(b) The last day of the period of time computed under subsection (a) of this section shall be included unless:

(1) it is a Sunday or legal holiday, in which case the period runs until the end of the next day that is not a Sunday or legal holiday; or

(2) the act to be done is the filing of a paper in court and the office of the clerk of the court is not open on the last day of the period of time, or is closed for a part of a day, in which case the period runs until the end of the next day that is not a Saturday, Sunday, legal holiday, or day on which the office is not open the entire day during ordinary business hours.

(c) (1) When the period of time exceeds 7 days, intermediate Sundays and legal holidays shall be counted in computing the period of time.

(2) When the period of time is 7 days or less, intermediate Sundays and legal holidays may not be counted in computing the period of time.

§1-303.

(a) Except as provided in subsection (b) of this section, an individual attains a specified age on the day of the anniversary of the individual's birth.

(b) An individual born on February 29 attains a specified age on March 1 of any year that is not a leap year.

§1-401.

(a) (1) The age of majority is 18 years.

(2) Except as provided in subsection (b) of this section or as otherwise specifically provided by statute, an individual at least 18 years old is an adult for all purposes and has the same legal capacity, rights, powers, privileges, duties, liabilities, and responsibilities that an individual at least 21 years old had before July 1, 1973.

(b) An individual who has attained the age of 18 years and who is enrolled in secondary school has the right to receive support and maintenance from both of the individual's parents until the first to occur of the following events:

(1) the individual dies;

(2) the individual marries;

(3) the individual is emancipated;

(4) the individual graduates from or is no longer enrolled in secondary school; or

(5) the individual attains the age of 19 years.

§1-402.

The boundaries and limits of each county shall remain as established unless altered by law.

§1-403.

(a) Except as provided in subsection (b) of this section, unnumbered revised articles of the Annotated Code of Maryland may be cited as: “§ ____ of the _____ Article”.

(b) A section of the Courts and Judicial Proceedings Article may be cited as: “§ ____ of the Courts Article”.

§2-101.

Unless a State or local law requires a different form of oath, an individual appointed to a public position that requires the individual to take an oath, but not subject to the oath required by Article I, § 9 of the Maryland Constitution, shall take an oath to perform faithfully the duties of the office to which the individual is appointed.

§2-102.

No precatory words, including “so help me God”, may be added to an oath not required by the Maryland Constitution.

§2-103.

If an oath is required by the Code, an affirmation is sufficient if made by an individual conscientiously scrupulous of taking an oath.

§2-201.

An individual who administers an oath shall require the individual taking an oath to hold up a hand in recognition of the solemnity of the act unless:

(1) holding up a hand is not practicable; or

(2) it appears that another method would be more binding on the conscience of the individual taking the oath.

§2–202.

(a) The Governor and the Lieutenant Governor shall take and subscribe the oath required by Article I, § 9 of the Maryland Constitution:

(1) on the third Wednesday of January that next follows the election of the Governor, or as soon thereafter as is practicable, between the hours of noon and 2:00 p.m. in the chamber of the Senate of Maryland; and

(2) (i) before the Chief Judge of the Court of Appeals; or

(ii) if the Chief Judge is unable to attend, before one of the associate judges of the Court of Appeals.

(b) The clerk of the Court of Appeals shall maintain a book that records the oaths taken and subscribed under this section.

§2–203.

(a) The oath required by Article I, § 9 of the Maryland Constitution shall be taken and subscribed before the Governor by:

(1) the Adjutant General;

(2) the Attorney General;

(3) the Comptroller;

(4) the judges of the Court of Appeals;

(5) the clerk of the Court of Appeals;

(6) the judges of the Court of Special Appeals;

(7) the clerk of the Court of Special Appeals;

(8) the Secretary of State;

(9) the State Reporter; and

(10) the State Treasurer.

(b) On the third Monday of January that next follows the election of the Comptroller, or as soon thereafter as is practicable, the successful candidate for that office shall qualify by taking the oath required by Article I, § 9 of the Maryland Constitution.

(c) The Secretary of State shall maintain a book that records the oaths taken and subscribed under this section.

§2–204.

(a) (1) A member of the Senate of Maryland shall administer the oath required by Article I, § 9 of the Maryland Constitution to the President of the Senate.

(2) The President of the Senate shall administer the oath required by Article I, § 9 of the Maryland Constitution to the other members and officers of the Senate of Maryland.

(b) (1) A member of the House of Delegates shall administer the oath required by Article I, § 9 of the Maryland Constitution to the Speaker of the House of Delegates.

(2) The Speaker of the House of Delegates shall administer the oath required by Article I, § 9 of the Maryland Constitution to the other members and officers of the House of Delegates.

(c) The members of the General Assembly shall subscribe the oath that the members take under subsections (a) and (b) of this section.

§2–205.

Except for a mayor or chief executive officer of a municipal corporation, all officers of a municipal corporation shall take an oath before the mayor or chief executive officer of the municipal corporation if an oath is required by State or local law.

§2–206.

Except for an officer specified in §§ 2–202 through 2–205 of this subtitle, an officer elected or appointed to any office of trust or profit under the Maryland Constitution or other State law, including a mayor or other chief executive officer of

a municipal corporation, shall take and subscribe the oath required by Article I, § 9 of the Maryland Constitution before a clerk or a deputy clerk of the circuit court.

§2–301.

An individual elected or appointed to an office shall be deemed to have refused the office if the individual declines or neglects to take and subscribe the oath required by Article I, § 9 of the Maryland Constitution or by other State or local law:

(1) within 30 days after the office of a clerk of a circuit court receives the commission of the individual; or

(2) if the commission is not sent to a clerk of a circuit court, within 30 days after the individual receives the commission or the notice of appointment.

§2–302.

(a) At least once each month, the clerk of each circuit court shall report to the Secretary of State the names and offices of all officers who have taken and subscribed an oath before the clerk.

(b) The Secretary of State:

(1) shall preserve a report required by subsection (a) of this section;
and

(2) equally with the clerk of a circuit court, is competent to certify that an officer has qualified by taking and subscribing an oath before the clerk.

§3–101.

(a) In this title the following words have the meanings indicated.

(b) (1) “Administrative function” means the administration of:

(i) a law of the State;

(ii) a law of a political subdivision of the State; or

(iii) a rule, regulation, or bylaw of a public body.

(2) “Administrative function” does not include:

(i) an advisory function;

- (ii) a judicial function;
- (iii) a legislative function;
- (iv) a quasi-judicial function; or
- (v) a quasi-legislative function.

(c) “Advisory function” means the study of a matter of public concern, or the making of recommendations on the matter, under a delegation of responsibility by:

- (1) law;
- (2) the Governor or an official who is subject to the policy direction of the Governor;
- (3) the chief executive officer of a political subdivision of the State or an official who is subject to the policy direction of the chief executive officer; or
- (4) formal action by or for a public body that exercises an administrative function, judicial function, legislative function, quasi-judicial function, or quasi-legislative function.

(d) “Board” means the State Open Meetings Law Compliance Board.

(d-1) “Class on the open meetings law” means:

- (1) an online class on the requirements of the open meetings law offered by the Office of the Attorney General and the University of Maryland’s Institute for Governmental Service and Research;
- (2) a class on the requirements of the open meetings law offered by the Maryland Association of Counties or the Maryland Municipal League through the Academy for Excellence in Local Governance; or
- (3) a class on the requirements of the open meetings law offered by the Maryland Association of Boards of Education through the Boardsmanship Academy Program.

(e) (1) “Judicial function” means the exercise of any power of the Judicial Branch of the State government.

(2) “Judicial function” includes the exercise of:

(i) a power for which Article IV, § 1 of the Maryland Constitution provides;

(ii) a function of a grand jury;

(iii) a function of a petit jury;

(iv) a function of the Commission on Judicial Disabilities; and

(v) a function of a judicial nominating commission.

(3) “Judicial function” does not include the exercise of rulemaking power by a court.

(f) “Legislative function” means the process or act of:

(1) approving, disapproving, enacting, amending, or repealing a law or other measure to set public policy;

(2) approving or disapproving an appointment;

(3) proposing or ratifying a constitution or constitutional amendment; or

(4) proposing or ratifying a charter or charter amendment.

(g) “Meet” means to convene a quorum of a public body to consider or transact public business.

(h) (1) “Public body” means an entity that:

(i) consists of at least two individuals; and

(ii) is created by:

1. the Maryland Constitution;

2. a State statute;

3. a county or municipal charter;

4. a memorandum of understanding or a master agreement to which a majority of the county boards of education and the State Department of Education are signatories;

5. an ordinance;

6. a rule, resolution, or bylaw;

7. an executive order of the Governor; or

8. an executive order of the chief executive authority of a political subdivision of the State.

(2) “Public body” includes:

(i) any multimember board, commission, or committee appointed by the Governor or the chief executive authority of a political subdivision of the State, or appointed by an official who is subject to the policy direction of the Governor or chief executive authority of the political subdivision, if the entity includes in its membership at least two individuals not employed by the State or the political subdivision;

(ii) any multimember board, commission, or committee that:

1. is appointed by:

A. an entity in the Executive Branch of the State government, the members of which are appointed by the Governor, and that otherwise meets the definition of a public body under this subsection; or

B. an official who is subject to the policy direction of an entity described in item A of this item; and

2. includes in its membership at least two individuals who are not members of the appointing entity or employed by the State; and

(iii) The Maryland School for the Blind.

(3) “Public body” does not include:

(i) any single member entity;

(ii) any judicial nominating commission;

(iii) any grand jury;

(iv) any petit jury;

(v) the Appalachian States Low Level Radioactive Waste Commission established in § 7–302 of the Environment Article;

(vi) except when a court is exercising rulemaking power, any court established in accordance with Article IV of the Maryland Constitution;

(vii) the Governor’s cabinet, the Governor’s Executive Council as provided in Title 8, Subtitle 1 of the State Government Article, or any committee of the Executive Council;

(viii) a local government’s counterpart to the Governor’s cabinet, Executive Council, or any committee of the counterpart of the Executive Council;

(ix) except as provided in paragraph (1) of this subsection, a subcommittee of a public body as defined in paragraph (2)(i) of this subsection;

(x) the governing body of a hospital as defined in § 19–301 of the Health – General Article; and

(xi) a self–insurance pool that is established in accordance with Title 19, Subtitle 6 of the Insurance Article or § 9–404 of the Labor and Employment Article by:

1. a public entity, as defined in § 19–602 of the Insurance Article; or

2. a county or municipal corporation, as described in § 9–404 of the Labor and Employment Article.

(i) “Quasi–judicial function” means a determination of:

(1) a contested case to which Title 10, Subtitle 2 of the State Government Article applies;

(2) a proceeding before an administrative agency for which Title 7, Chapter 200 of the Maryland Rules would govern judicial review; or

(3) a complaint by the Board in accordance with this title.

(j) “Quasi–legislative function” means the process or act of:

(1) adopting, disapproving, amending, or repealing a rule, regulation, or bylaw that has the force of law, including a rule of a court;

(2) approving, disapproving, or amending a budget; or

(3) approving, disapproving, or amending a contract.

(k) “Quorum” means:

(1) a majority of the members of a public body; or

(2) the number of members that the law requires.

§3–102.

(a) It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:

(1) public business be conducted openly and publicly; and

(2) the public be allowed to observe:

(i) the performance of public officials; and

(ii) the deliberations and decisions that the making of public policy involves.

(b) (1) The ability of the public, its representatives, and the media to attend, report on, and broadcast meetings of public bodies and to witness the phases of the deliberation, policy formation, and decision making of public bodies ensures the accountability of government to the citizens of the State.

(2) The conduct of public business in open meetings increases the faith of the public in government and enhances the effectiveness of the public in fulfilling its role in a democratic society.

(c) Except in special and appropriate circumstances when meetings of public bodies may be closed under this title, it is the public policy of the State that the public be provided with adequate notice of the time and location of meetings of public bodies, which shall be held in places reasonably accessible to individuals who would like to attend these meetings.

§3–103.

(a) Except as provided in subsection (b) of this section and § 3–104 of this subtitle, this title does not apply to:

(1) a public body when it is carrying out:

(i) an administrative function;

(ii) a judicial function; or

(iii) a quasi-judicial function; or

(2) a chance encounter, a social gathering, or any other occasion that is not intended to circumvent this title.

(b) This title applies to a public body when it is meeting to consider:

(1) granting a license or permit; or

(2) a special exception, variance, conditional use, or zoning classification, the enforcement of any zoning law or regulation, or any other zoning matter.

§3–104.

If a public body recesses an open session to carry out an administrative function in a meeting that is not open to the public, the minutes for the public body's next meeting shall include:

(1) a statement of the date, time, place, and persons present at the administrative function meeting; and

(2) a phrase or sentence identifying the subject matter discussed at the administrative function meeting.

§3–105.

Whenever this title and another law that relates to meetings of public bodies conflict, this title applies unless the other law is more stringent.

§3–201.

There is a State Open Meetings Law Compliance Board.

§3–202.

- (a) (1) The Board consists of three members.
- (2) At least one of the members shall be an attorney admitted to the Maryland Bar.
- (3) The Governor shall appoint the members with the advice and consent of the Senate.
- (b) From among the members of the Board, the Governor shall appoint a chair.
- (c) (1) The term of a member is 3 years.
- (2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 2014.
- (3) At the end of a term, a member continues to serve until a successor is appointed.
- (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.
- (5) A member may not serve for more than two consecutive 3–year terms.

§3–203.

- (a) A majority of the full authorized membership of the Board is a quorum.
- (b) The Board shall determine the times and places of its meetings.
- (c) A member of the Board:
 - (1) may not receive compensation as a member of the Board; but
 - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (d) The Office of the Attorney General shall provide staff for the Board.

§3–204.

(a) The Board shall:

(1) receive, review, and, subject to § 3–207 of this subtitle, resolve complaints from any person alleging a violation of this title; and

(2) issue a written opinion as to whether a violation has occurred.

(b) The Board shall receive and review any complaint alleging a prospective violation of this title as provided under § 3–212 of this subtitle.

(c) The Board shall:

(1) study ongoing compliance with this title by public bodies; and

(2) make recommendations to the General Assembly for improvements in this title.

(d) The Board, in conjunction with the Office of the Attorney General and other interested organizations or persons, shall develop and conduct educational programs and distribute educational materials on the requirements of the open meetings law for the staffs and attorneys of:

(1) public bodies;

(2) the Maryland Municipal League;

(3) the Maryland Association of Counties; and

(4) the Maryland Association of Boards of Education.

(e) (1) On or before October 1 of each year, the Board shall submit an annual report to the Governor and, subject to § 2–1257 of the State Government Article, the General Assembly.

(2) The report shall:

(i) describe the activities of the Board;

(ii) describe the opinions of the Board;

(iii) state the number and nature of complaints filed with the Board and discuss complaints that reasonable notice of a meeting was not given;

(iv) identify the provisions of this title that the Board has found a public body to have violated and the number of times each provision has been violated;

(v) identify each public body that the Board has found to have violated a provision of this title; and

(vi) recommend any improvements to this title.

§3–205.

(a) Any person may file a written complaint with the Board seeking a written opinion from the Board on the application of this title to the action of a public body covered by this title.

(b) The complaint shall:

(1) identify the public body that is the subject of the complaint;

(2) describe the action of the public body, the date of the action, and the circumstances of the action; and

(3) be signed by the complainant.

§3–206.

(a) Except as provided in subsection (c) of this section, on receipt of the written complaint, the Board promptly shall:

(1) send the complaint to the public body identified in the complaint;
and

(2) request that a response to the complaint be sent to the Board.

(b) (1) The public body shall file a written response to the complaint within 30 days after it receives the complaint.

(2) On request of the Board, the public body shall include with its written response to the complaint a copy of:

(i) the notice provided under § 3–302 of this title;

(ii) any written statement made under § 3–305(d)(2)(ii) of this title; and

(iii) the minutes and any recording made by the public body under § 3–306 of this title.

(3) The Board shall maintain the confidentiality of the minutes and any recording submitted by a public body that are sealed in accordance with § 3–306(c)(3)(ii) of this title.

(c) (1) If the public body identified in the complaint no longer exists, the Board promptly shall send the complaint to the official or entity that appointed the public body.

(2) The official or entity that appointed the public body shall comply, to the extent feasible, with the requirements of subsection (b) of this section.

(d) If a written response is not received within 45 days after the notice is sent, the Board shall decide the case on the facts before the Board.

§3–207.

(a) (1) The Board shall review the complaint and any response.

(2) If the information in the complaint and response is sufficient for making a determination, within 30 days after receiving the response the Board shall issue a written opinion as to whether a violation of this title has occurred or will occur.

(b) (1) If the Board is unable to reach a determination based on the written submissions before it, the Board may schedule an informal conference to hear from the complainant, the public body, or any other person with relevant information about the subject of the complaint.

(2) An informal conference scheduled by the Board is not a contested case within the meaning of § 10–202(d) of the State Government Article.

(3) The Board shall issue a written opinion within 30 days after the informal conference.

(c) (1) If the Board is unable to render an opinion on a complaint within the time periods specified in subsection (a) or (b) of this section, the Board shall:

(i) state in writing the reason for its inability to render an opinion; and

(ii) issue an opinion as soon as possible but not later than 90 days after the filing of the complaint.

(2) An opinion of the Board may state that the Board is unable to resolve the complaint.

(d) The Board shall send a copy of the written opinion to the complainant and the affected public body.

§3–208.

(a) The Board may send to any public body in the State any written opinion that will provide the public body with guidance on compliance with this title.

(b) On request, the Board shall provide a copy of a written opinion to any person.

§3–209.

The opinions of the Board are advisory only.

§3–210.

Except as provided in § 3–211 of this subtitle, the Board may not require or compel any specific actions by a public body.

§3–211.

(a) This section does not apply to a public body that is:

- (1) in the Judicial Branch of State government; or
- (2) subject to governance by rules adopted by the Court of Appeals.

(b) If the Board determines that a violation of this title has occurred:

(1) at the next open meeting of the public body after the Board has issued its opinion, a member of the public body shall announce the violation and orally summarize the opinion; and

(2) a majority of the members of the public body shall sign a copy of the opinion and return the signed copy to the Board.

(c) The public body may not designate its counsel or another representative to provide the announcement and summary.

(d) Compliance by a public body or a member of a public body with subsections (b) and (c) of this section:

(1) is not an admission to a violation of this title by the public body; and

(2) may not be used as evidence in a proceeding conducted in accordance with § 3–401 of this title.

(e) If the Board determines that a public body has violated a provision of this title, the Board shall post on the Maryland Open Meetings Act page of the Office of the Attorney General website the name of the public body and the opinion that describes the violation.

§3–212.

(a) On receipt of an oral or written complaint by any person that a meeting required to be open under this title will be closed in violation of this title, the Board, acting through its chair, a designated Board member, or any authorized staff person available to the Board, may contact the public body to determine the nature of the meeting that will be held and the reason for the expected closure of the meeting.

(b) When at least two members of the Board conclude that a violation of this title may occur if the closed meeting is held, the person acting for the Board immediately shall inform the public body of the potential violation and any lawful means that are available for conducting its meeting to achieve the purposes of the public body.

(c) The person acting for the Board shall inform the person who filed the complaint under subsection (a) of this section of the result of any effort to achieve compliance with this title under subsection (b) of this section.

(d) The person acting for the Board shall file a written report with the Board describing the complaint, the effort to achieve compliance, and the results of the effort.

(e) The filing of a complaint under subsection (a) of this section and action by a person acting for the Board under subsections (b), (c), and (d) of this section may not prevent or bar the Board from considering and acting on a written complaint filed in accordance with § 3–205 of this subtitle.

§3-213.

(a) This section does not apply to a public body that is:

- (1) in the Judicial Branch of State government; or
- (2) subject to governance by rules adopted by the Court of Appeals.

(b) Each public body shall designate at least one individual who is an employee, an officer, or a member of the public body to receive training on the requirements of the open meetings law.

(c) Within 90 days after being designated under subsection (b) of this section, an individual shall complete a class on the open meetings law.

(d) (1) This subsection applies only to a public body that meets in a closed session on or after October 1, 2017.

(2) A public body may not meet in a closed session unless the public body has designated at least one member of the public body to receive training on the requirements of the open meetings law.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, at least one individual designated under paragraph (2) of this subsection shall be present at each open meeting of the public body.

(ii) If an individual designated under paragraph (2) of this subsection cannot be present at an open meeting of the public body, the public body shall complete the Compliance Checklist for Meetings Subject to the Maryland Open Meetings Act developed by the Office of the Attorney General and include the completed checklist in the minutes for the meeting.

§3-301.

Except as otherwise expressly provided in this title, a public body shall meet in open session.

§3-302.

(a) Before meeting in a closed or open session, a public body shall give reasonable advance notice of the session.

(b) Whenever reasonable, a notice under this section shall:

- (1) be in writing;
- (2) include the date, time, and place of the session; and
- (3) if appropriate, include a statement that a part or all of a meeting may be conducted in closed session.

(c) A public body may give the notice under this section as follows:

(1) if the public body is a unit of State government, by publication in the Maryland Register;

(2) by delivery to representatives of the news media who regularly report on sessions of the public body or the activities of the government of which the public body is a part;

(3) if the public body previously has given public notice that this method will be used:

(i) by posting or depositing the notice at a convenient public location at or near the place of the session; or

(ii) by posting the notice on an Internet website ordinarily used by the public body to provide information to the public; or

(4) by any other reasonable method.

(d) A public body shall keep a copy of a notice provided under this section for at least 1 year after the date of the session.

§3-302.1.

(a) (1) Subject to subsection (b) of this section, before meeting in an open session, a public body shall make available to the public an agenda:

(i) containing known items of business or topics to be discussed at the portion of the meeting that is open; and

(ii) indicating whether the public body expects to close any portion of the meeting in accordance with § 3-305 of this subtitle.

(2) If an agenda has been determined at the time the public body gives notice of the meeting under § 3-302 of this subtitle, the public body shall make available the agenda at the same time the public body gives notice of the meeting.

(3) If an agenda has not been determined at the time the public body gives notice of the meeting, the public body shall make available the agenda as soon as practicable after the agenda has been determined but no later than 24 hours before the meeting.

(b) If a public body is unable to comply with the provisions of subsection (a) of this section because the meeting was scheduled in response to an emergency, a natural disaster, or any other unanticipated situation, the public body shall make available on request an agenda of the meeting within a reasonable time after the meeting occurs.

(c) A public body is not required to make available any information in the agenda regarding the subject matter of the portion of the meeting that is closed in accordance with § 3–305 of this subtitle.

(d) (1) A public body required to make available an agenda under subsection (a) of this section may make available the agenda using a method authorized for giving notice under § 3–302(c) of this subtitle.

(2) The method a public body uses for making available an agenda may be different from the method a public body uses for giving notice.

(e) Nothing in this section may be construed to prevent a public body from altering the agenda of a meeting after the agenda has been made available to the public.

§3–303.

(a) Whenever a public body meets in open session, the general public is entitled to attend.

(b) A public body shall adopt and enforce reasonable rules regarding the conduct of persons attending its meetings and the videotaping, televising, photographing, broadcasting, or recording of its meetings.

(c) (1) If the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have the individual removed.

(2) Unless the public body or its members or agents act maliciously, the public body, members, and agents are not liable for having an individual removed under this subsection.

§3-304.

(a) This section applies only to the Executive and Legislative branches of the State government.

(b) On request and to the extent feasible, a unit that holds a public hearing shall provide a qualified interpreter to assist deaf individuals to understand the proceeding.

(c) A request for an interpreter must be submitted in writing or by telecommunication at least 5 days before the proceeding begins.

(d) The unit shall determine, in each instance, whether it is feasible to provide an interpreter.

§3-305.

(a) The exceptions in subsection (b) of this section shall be strictly construed in favor of open meetings of public bodies.

(b) Subject to subsection (d) of this section, a public body may meet in closed session or adjourn an open session to a closed session only to:

(1) discuss:

(i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or

(ii) any other personnel matter that affects one or more specific individuals;

(2) protect the privacy or reputation of an individual with respect to a matter that is not related to public business;

(3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition;

(4) consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;

(5) consider the investment of public funds;

(6) consider the marketing of public securities;

- (7) consult with counsel to obtain legal advice;
- (8) consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans;
- (11) prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process; or
- (15) discuss cybersecurity, if the public body determines that public discussion would constitute a risk to:
 - (i) security assessments or deployments relating to information resources technology;
 - (ii) network security information, including information that is:
 - 1. related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity;

2. collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or

3. related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or

(iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

(c) A public body that meets in closed session under this section may not discuss or act on any matter not authorized under subsection (b) of this section.

(d) (1) Unless a majority of the members of a public body present and voting vote in favor of closing the session, the public body may not meet in closed session.

(2) Before a public body meets in closed session, the presiding officer shall:

(i) conduct a recorded vote on the closing of the session; and

(ii) make a written statement of the reason for closing the meeting, including a citation of the authority under this section, and a listing of the topics to be discussed.

(3) If a person objects to the closing of a session, the public body shall send a copy of the written statement to the Board.

(4) The written statement shall be a matter of public record.

(5) A public body shall keep a copy of the written statement for at least 1 year after the date of the session.

§3-306.

(a) This section does not:

(1) require any change in the form or content of the Journal of the Senate of Maryland or Journal of the House of Delegates of Maryland; or

(2) limit the matters that a public body may include in its minutes.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, as soon as practicable after a public body meets, it shall have minutes of its session prepared.

(2) A public body need not prepare minutes of an open session if:

(i) live and archived video or audio streaming of the open session is available; or

(ii) the public body votes on legislation and the individual votes taken by each member of the public body who participates in the voting are posted promptly on the Internet.

(3) The information specified under paragraph (2) of this subsection shall be deemed the minutes of the open session.

(c) (1) The minutes shall reflect:

(i) each item that the public body considered;

(ii) the action that the public body took on each item; and

(iii) each vote that was recorded.

(2) If a public body meets in closed session, the minutes for its next open session shall include:

(i) a statement of the time, place, and purpose of the closed session;

(ii) a record of the vote of each member as to closing the session;

(iii) a citation of the authority under § 3–305 of this subtitle for closing the session; and

(iv) a listing of the topics of discussion, persons present, and each action taken during the session.

(3) (i) A session may be recorded by a public body.

(ii) Except as otherwise provided in paragraph (4) of this subsection, the minutes and any recording of a closed session shall be sealed and may not be open to public inspection.

(4) The minutes and any recording shall be unsealed and open to inspection as follows:

(i) for a meeting closed under § 3–305(b)(5) of this subtitle, when the public body invests the funds;

(ii) for a meeting closed under § 3–305(b)(6) of this subtitle, when the public securities being discussed have been marketed; or

(iii) on request of a person or on the public body's own initiative, if a majority of the members of the public body present and voting vote in favor of unsealing the minutes and any recording.

(d) Except as provided in subsection (c) of this section, minutes of a public body are public records and shall be open to public inspection during ordinary business hours.

(e) (1) A public body shall keep a copy of the minutes of each session and any recording made under subsection (b)(2)(i) or (c)(3)(i) of this section for at least 5 years after the date of the session.

(2) To the extent practicable, a public body shall post online the minutes or recordings required to be kept under paragraph (1) of this subsection.

§3–401.

(a) (1) This section does not apply to the action of:

(i) appropriating public funds;

(ii) imposing a tax; or

(iii) providing for the issuance of bonds, notes, or other evidences of public obligation.

(2) This section does not authorize a court to void an action of a public body because of any violation of this title by another public body.

(3) This section does not affect or prevent the use of any other available remedies.

(b) (1) If a public body fails to comply with § 3–301, § 3–302, § 3–303, § 3–305, or § 3–306(c) of this title, any person may file with a circuit court that has venue a petition that asks the court to:

- (i) determine the applicability of those sections;
- (ii) require the public body to comply with those sections; or
- (iii) void the action of the public body.

(2) If a violation of § 3–302, § 3–305, or § 3–306(c) of this title is alleged, the person shall file the petition within 45 days after the date of the alleged violation.

(3) If a violation of § 3–301 or § 3–303 of this title is alleged, the person shall file the petition within 45 days after the public body includes in the minutes of an open session the information specified in § 3–306(c)(2) of this title.

(4) If a written complaint is filed with the Board in accordance with § 3–205 of this title, the time between the filing of the complaint and the mailing of the written opinion to the complainant and the affected public body under § 3–207(d) of this title may not be included in determining whether a claim against a public body is barred by the statute of limitations set forth in paragraphs (2) and (3) of this subsection.

(c) In an action under this section:

(1) it is presumed that the public body did not violate any provision of this title; and

(2) the complainant has the burden of proving the violation.

(d) A court may:

(1) consolidate a proceeding under this section with another proceeding under this section or an appeal from the action of the public body;

(2) issue an injunction;

(3) determine the applicability of this title to the discussions or decisions of public bodies;

(4) declare the final action of a public body void if the court finds that the public body willfully failed to comply with § 3–301, § 3–302, § 3–303, or § 3–306(c) of this title and that no other remedy is adequate;

(5) as part of its judgment:

(i) assess against any party reasonable counsel fees and other litigation expenses that the party who prevails in the action incurred; and

(ii) require a reasonable bond to ensure the payment of the assessment; and

(6) grant any other appropriate relief.

(e) (1) A person may file a petition under this section without seeking an opinion from the Board.

(2) The failure of a person to file a complaint with the Board is not a ground for the court to stay or dismiss a petition.

§3-402.

(a) In accordance with § 3-401 of this subtitle, a public body that willfully meets with knowledge that the meeting is being held in violation of this subtitle is subject to a civil penalty not to exceed:

(1) \$250 for the first violation; and

(2) \$1,000 for each subsequent violation that occurs within 3 years after the first violation.

(b) When determining the amount of a fine under subsection (a) of this section, the court shall consider the financial resources available to the public body and the ability of the public body to pay the fine.

§3-501.

This title may be cited as the Open Meetings Act.

§4-101.

(a) In this title the following words have the meanings indicated.

(b) “Applicant” means a person or governmental unit that asks to inspect a public record.

(c) “Board” means the State Public Information Act Compliance Board.

(d) “Custodian” means:

(1) the official custodian; or

(2) any other authorized individual who has physical custody and control of a public record.

(e) “News media” means:

(1) newspapers;

(2) magazines;

(3) journals;

(4) press associations;

(5) news agencies;

(6) wire services;

(7) radio;

(8) television; and

(9) any printed, photographic, mechanical, or electronic means of disseminating news and information to the public.

(f) “Official custodian” means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

(g) “Person in interest” means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased’s death.

(h) (1) “Personal information” means information that identifies an individual.

(2) Except as provided in § 4–355 of this title, “personal information” includes an individual’s:

- (i) name;
- (ii) address;
- (iii) driver’s license number or any other identification number;
- (iv) medical or disability information;
- (v) photograph or computer-generated image;
- (vi) Social Security number; and
- (vii) telephone number.

(3) “Personal information” does not include an individual’s:

- (i) driver’s status;
- (ii) driving offenses;
- (iii) five-digit zip code; or
- (iv) information on vehicular accidents.

(i) “Political subdivision” means:

- (1) a county;
- (2) a municipal corporation;
- (3) an unincorporated town;
- (4) a school district; or
- (5) a special district.

(j) (1) “Public record” means the original or any copy of any documentary material that:

(i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

1. a card;
2. a computerized record;
3. correspondence;
4. a drawing;
5. film or microfilm;
6. a form;
7. a map;
8. a photograph or photostat;
9. a recording; or
10. a tape.

(2) “Public record” includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision.

(3) “Public record” does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.

§4–102.

The State, a political subdivision, or a unit of the State or of a political subdivision may keep only the information about a person that:

(1) is needed by the State, the political subdivision, or the unit to accomplish a governmental purpose that is authorized or required to be accomplished under:

- (i) a statute or any other legislative mandate;

- (ii) an executive order of the Governor;
 - (iii) an executive order of the chief executive of a local jurisdiction; or
 - (iv) a judicial rule; and
- (2) is relevant to accomplishment of the purpose.

§4–103.

(a) All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.

(b) To carry out the right set forth in subsection (a) of this section, unless an unwarranted invasion of the privacy of a person in interest would result, this title shall be construed in favor of allowing inspection of a public record, with the least cost and least delay to the person or governmental unit that requests the inspection.

(c) This title does not preclude a member of the General Assembly from acquiring the names and addresses of and statistical information about individuals who are licensed or, as required by a State law, registered.

§4–1A–01.

There is a State Public Information Act Compliance Board.

§4–1A–02.

- (a) (1) The Board consists of five members.
 - (2) (i) One member of the Board shall be a representative:
 - 1. from a nongovernmental nonprofit group that is organized in the State;
 - 2. who works on issues related to transparency or open government; and
 - 3. who is nominated by representatives of the open government and news media communities.
 - (ii) One member of the Board shall:

1. have knowledge of the provisions of this title;
2. have served as an official custodian in the State as defined in § 4–101(d) of this title; and
3. be nominated by the Maryland Association of Counties and the Maryland Municipal League.

(iii) 1. Three members of the Board shall be private citizens of the State.

2. A private citizen member of the Board may not be:

A. a custodian of a public record;

B. a member of the news media; or

C. a staff member or spokesperson for an organization that represents the interests of custodians or applicants for public records.

(3) At least one member of the Board shall be an attorney admitted to the Maryland Bar.

(4) (i) The Governor shall publish, on the website of the Office of the Governor, notice of the Governor's intent to consider applicants for positions on the Board.

(ii) The notice shall include:

1. application procedures;

2. criteria for evaluating an applicant's qualifications;

and

3. procedures for resolving any conflicts of interest.

(iii) The Governor shall solicit recommendations for positions on the Board from representatives of the custodian, news media, and nonprofit communities.

(iv) 1. An individual may submit to the Governor an application for membership on the Board as provided under subparagraph (ii) of this paragraph.

2. The names and qualifications of applicants shall be posted on the website of the Office of the Governor.

(v) When evaluating an applicant, the Governor shall:

1. consider the need for geographic, political, racial, ethnic, cultural, and gender diversity on the Board; and

2. ensure the neutrality of the Board.

(5) Subject to paragraphs (2) and (3) of this subsection and with the advice and consent of the Senate, the Governor shall appoint the members of the Board from the pool of applicants under paragraph (4) of this subsection.

(b) From among the members of the Board, the Governor shall appoint a chair.

(c) (1) The term of a member is 3 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 2015.

(3) At the end of a term, a member continues to serve until a successor is appointed.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(5) A member may not serve for more than two consecutive 3-year terms.

§4-1A-03.

(a) A majority of the full authorized membership of the Board is a quorum.

(b) The Board shall determine the times and places of its meetings.

(c) A member of the Board:

(1) may not receive compensation as a member of the Board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) The Office of the Attorney General shall provide staff and office space for the Board.

§4-1A-04.

(a) The Board shall:

(1) receive, review, and, subject to § 4-1A-07 of this subtitle, resolve complaints filed under § 4-1A-05 of this subtitle from any applicant or the applicant's designated representative alleging that a custodian charged an unreasonable fee under § 4-206 of this title;

(2) issue a written opinion as to whether a violation has occurred;
and

(3) if the Board finds that the custodian charged an unreasonable fee under § 4-206 of this title, order the custodian to reduce the fee to an amount determined by the Board to be reasonable and refund the difference.

(b) The Board shall:

(1) study ongoing compliance with this title by custodians; and

(2) make recommendations to the General Assembly for improvements to this title.

(c) (1) On or before October 1 of each year, the Board shall submit a report to the Governor and, subject to § 2-1257 of the State Government Article, the General Assembly.

(2) The report shall:

(i) describe the activities of the Board;

(ii) describe the opinions of the Board;

(iii) state the number and nature of complaints filed with the Board; and

(iv) recommend any improvements to this title.

§4-1A-05.

(a) Any applicant or the applicant's designated representative may file a written complaint with the Board seeking a written opinion and order from the Board if:

- (1) a custodian charged a fee under § 4–206 of this title of more than \$350; and
- (2) the complainant alleges in the complaint that the fee is unreasonable.

(b) The complaint shall:

- (1) identify the custodian that is the subject of the complaint;
- (2) describe the action of the custodian, the date of the action, and the circumstances of the action;
- (3) be signed by the complainant;
- (4) if available, include a copy of the original request for public records; and
- (5) be filed within 90 days after the action that is the subject of the complaint occurred.

§4–1A–06.

(a) Except as provided in subsection (c) of this section, on receipt of a written complaint, the Board promptly shall:

- (1) send the complaint to the custodian identified in the complaint; and
- (2) request that a response to the complaint be sent to the Board.

(b) (1) The custodian shall file a written response to the complaint within 15 days after the custodian receives the complaint.

(2) On request of the Board, the custodian shall include with its written response to the complaint the basis for the fee that was charged.

(c) If a written response is not received within 45 days after the notice is sent, the Board shall decide the case on the facts before the Board.

§4-1A-07.

(a) (1) The Board shall review the complaint and any response.

(2) If the information in the complaint and response is sufficient for making a determination based on the Board's own interpretation of the evidence, within 30 days after receiving the response, the Board shall issue a written opinion as to whether a violation of this title has occurred or will occur.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, if the Board is unable to reach a determination based on the written submissions before it, the Board may schedule an informal conference to hear from the complainant, the custodian, or any other person with relevant information about the subject of the complaint.

(ii) The Board shall hold the informal conference under subparagraph (i) of this paragraph in a location that is as convenient as practicable to the complainant and the custodian.

(2) When conducting a conference that is scheduled under paragraph (1) of this subsection, the Board may allow the parties to testify by teleconference or submit written testimony by electronic mail.

(3) An informal conference scheduled by the Board is not a contested case within the meaning of § 10-202(d) of the State Government Article.

(4) The Board shall issue a written opinion within 30 days after the informal conference.

(c) (1) If the Board is unable to issue an opinion on a complaint within the time periods specified in subsection (a) or (b) of this section, the Board shall:

(i) state in writing the reason for its inability to issue an opinion; and

(ii) issue an opinion as soon as possible but not later than 90 days after the filing of the complaint.

(2) An opinion of the Board may state that the Board is unable to resolve the complaint.

(d) The Board shall send a copy of the written opinion to the complainant and the affected custodian.

§4-1A-08.

(a) The Board may send to any custodian in the State any written opinion that will provide the custodian with guidance on compliance with this title.

(b) The Attorney General shall post on the website of the Office of the Attorney General all of the Board's written opinions under this subtitle.

§4-1A-09.

Compliance by a custodian with an order of the Board:

(1) is not an admission to a violation of this title by the custodian;
and

(2) may not be used as evidence in a proceeding conducted in accordance with § 4-362 of this title.

§4-1A-10.

(a) A person or governmental unit need not exhaust the administrative remedy under this subtitle before filing suit.

(b) (1) A complainant or custodian may appeal the decision issued by the Board under this subtitle in accordance with § 4-362 of this title.

(2) An appeal under this subsection automatically stays the decision of the Board pending the circuit court's decision or no more than 30 days after the date on which the defendant serves an answer or otherwise pleads to the complaint, whichever is sooner.

§4-1B-01.

In this subtitle, "Ombudsman" means the Public Access Ombudsman.

§4-1B-02.

(a) There is an Office of the Public Access Ombudsman.

(b) The Office of the Attorney General shall provide office space and staff for the Ombudsman, with appropriate steps taken to protect the autonomy and independence of the Ombudsman.

§4-1B-03.

(a) Subject to subsections (b) and (c) of this section, the Attorney General shall appoint the Ombudsman.

(b) The Ombudsman shall have been admitted to practice law in the State.

(c) (1) The Office of the Attorney General shall publish, on its website, notice of the Attorney General's intent to consider applicants for the Ombudsman position.

(2) The notice shall include:

(i) application procedures;

(ii) criteria for evaluating an applicant's qualifications; and

(iii) procedures for resolving any conflicts of interest.

(3) (i) An individual may submit to the Attorney General an application for the Ombudsman position as provided under paragraph (2) of this subsection.

(ii) The Office of the Attorney General shall post on its website the names and qualifications of applicants.

(d) (1) The term of the Ombudsman is 4 years.

(2) At the end of a term, the Ombudsman continues to serve until a successor is appointed and qualifies.

(3) An Ombudsman who is appointed after a term begins serves for the remainder of the term until a successor is appointed and qualifies.

(e) The Ombudsman shall be a full-time State employee.

(f) The Ombudsman is entitled to an annual salary as provided for in the State budget.

§4-1B-04.

(a) Subject to subsection (b) of this section, the Ombudsman shall make reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records under this title, including disputes over:

- (1) the custodian's application of an exemption;
 - (2) redactions of information in the public record;
 - (3) the failure of the custodian to produce a public record in a timely manner or to disclose all records relevant to the request;
 - (4) overly broad requests for public records;
 - (5) the amount of time a custodian needs, given available staff and resources, to produce public records;
 - (6) a request for or denial of a fee waiver under § 4-206(e) of this title;
- and
- (7) repetitive or redundant requests from an applicant.

(b) (1) When resolving disputes under this section, the Ombudsman may not:

(i) compel a custodian to disclose public records or redacted information in the custodian's physical custody to the Ombudsman or an applicant; or

(ii) except as provided in paragraph (2) of this subsection, disclose information received from an applicant or custodian without written consent from the applicant and custodian.

(2) The Ombudsman may disclose information received from an applicant or custodian to the assistant Attorney General assigned to the Office of the Ombudsman.

§4-201.

(a) (1) Except as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time.

(2) Inspection or copying of a public record may be denied only to the extent provided under this title.

(b) To protect public records and to prevent unnecessary interference with official business, each official custodian shall adopt reasonable rules or regulations that, subject to this title, govern timely production and inspection of a public record.

(c) Each official custodian shall:

(1) designate types of public records of the governmental unit that are to be made available to any applicant immediately on request; and

(2) maintain a current list of the types of public records that have been designated as available to any applicant immediately on request.

§4–202.

(a) Except as provided in subsection (b) of this section, a person or governmental unit that wishes to inspect a public record shall submit a written application to the custodian.

(b) A person or governmental unit need not submit a written application to the custodian if:

(1) the person or governmental unit seeks to inspect a public record listed by an official custodian in accordance with § 4–201(c)(2) of this subtitle; or

(2) the custodian waives the requirement for a written application.

(c) If the individual to whom the application is submitted is not the custodian of the public record, within 10 working days after receiving the application, the individual shall give the applicant:

(1) notice of that fact; and

(2) if known:

(i) the name of the custodian; and

(ii) the location or possible location of the public record.

(d) When an applicant requests to inspect a public record and a custodian determines that the record does not exist, the custodian shall notify the applicant of this determination:

(1) if the custodian has reached this determination on initial review of the application, immediately; or

(2) if the custodian has reached this determination after a search for potentially responsive public records, promptly after the search is completed but not more than 30 days after receiving the application.

§4-203.

(a) (1) Except as provided in paragraph (2) of this subsection, the custodian shall grant or deny the application promptly, but not more than 30 days after receiving the application.

(2) The custodian shall grant or deny an application that is the subject of § 4-356 of this title not more than 50 days after receiving the application.

(b) (1) A custodian who approves the application shall produce the public record immediately or within a reasonable period that is needed to retrieve the public record, but not more than 30 days after receipt of the application.

(2) If the custodian reasonably believes that it will take more than 10 working days to produce the public record, the custodian shall indicate in writing or by electronic mail within 10 working days after receipt of the request:

(i) the amount of time that the custodian anticipates it will take to produce the public record;

(ii) an estimate of the range of fees that may be charged to comply with the request for public records; and

(iii) the reason for the delay.

(3) Failure to produce the public record in accordance with this subsection constitutes a denial of an application that may not be considered the result of a bona fide dispute unless the custodian has complied with paragraph (2) of this subsection and is working with the applicant in good faith.

(c) (1) A custodian who denies the application shall:

(i) within 10 working days, give the applicant a written statement that gives:

1. the reasons for the denial;

2. if inspection is denied under § 4-343 of this title:

A. a brief explanation of why the denial is necessary;

and

B. an explanation of why redacting information would not address the reasons for the denial;

3. the legal authority for the denial;

4. without disclosing the protected information, a brief description of the undisclosed record that will enable the applicant to assess the applicability of the legal authority for the denial; and

5. notice of the remedies under this title for review of the denial; and

(ii) allow inspection of any part of the record that is subject to inspection.

(2) A custodian may not ignore an application to inspect public records on the grounds that the application was intended for purposes of harassment.

(d) Any time limit imposed under this section:

(1) with the consent of the applicant, may be extended for not more than 30 days; and

(2) if the applicant seeks resolution of a dispute under § 4–1B–04 of this title, shall be extended pending resolution of that dispute.

§4–204.

(a) Except to the extent that the grant of an application is related to the status of the applicant as a person in interest and except as required by other law or regulation, the custodian may not condition the grant of an application on:

(1) the identity of the applicant;

(2) any organizational or other affiliation of the applicant; or

(3) a disclosure by the applicant of the purpose for an application.

(b) This section does not preclude an official custodian from considering the identity of the applicant, any organizational or other affiliation of the applicant, or the purpose for the application if:

(1) the applicant chooses to provide this information for the custodian to consider in making a determination under Subtitle 3, Part IV of this title;

(2) the applicant has requested a waiver of fees under § 4–206(e) of this subtitle; or

(3) the identity of the applicant, any organizational or other affiliation of the applicant, or the purpose for the application is material to the determination of the official custodian in accordance with § 4–206(e)(2) of this subtitle.

(c) Consistently with this section, an official may request the identity of an applicant for the purpose of contacting the applicant.

§4–205.

(a) (1) In this section, “metadata” means information, generally not visible when an electronic document is printed, describing the history, tracking, or management of the electronic document, including information about data in the electronic document that describes how, when, and by whom the data is collected, created, accessed, or modified and how the data is formatted.

(2) “Metadata” does not include:

- (i) a spreadsheet formula;
- (ii) a database field;
- (iii) an externally or internally linked file; or
- (iv) a reference to an external file or a hyperlink.

(b) Except as otherwise provided in this section, if an applicant who is authorized to inspect a public record requests a copy, printout, or photograph of the public record, the custodian shall provide the applicant with:

(1) a copy, printout, or photograph of the public record; or

(2) if the custodian does not have facilities to reproduce the public record, access to the public record to make the copy, printout, or photograph.

(c) (1) Except as provided in paragraph (2) of this subsection, the custodian of a public record shall provide an applicant with a copy of the public record in a searchable and analyzable electronic format if:

(i) the public record is in a searchable and analyzable electronic format;

(ii) the applicant requests a copy of the public record in a searchable and analyzable electronic format; and

(iii) the custodian is able to provide a copy of the public record, in whole or in part, in a searchable and analyzable electronic format that does not disclose:

1. confidential or protected information for which the custodian is required to deny inspection in accordance with Subtitle 3, Parts I through III of this title; or

2. information for which a custodian has chosen to deny inspection in accordance with Subtitle 3, Part IV of this title.

(2) The State Department of Assessments and Taxation is not required to provide an applicant with a copy of the public record in a searchable and analyzable electronic format if the State Department of Assessments and Taxation has provided the public record to a contractor that will provide the applicant a copy of the public record in a searchable and analyzable electronic format for a reasonable cost.

(3) A custodian may remove metadata from an electronic document before providing the electronic document to an applicant by:

(i) using a software program or function; or

(ii) converting the electronic document into a different searchable and analyzable format.

(4) This subsection may not be construed to:

(i) require the custodian to reconstruct a public record in an electronic format if the custodian no longer has the public record available in an electronic format;

(ii) allow a custodian to make a public record available only in an electronic format;

(iii) require a custodian to create, compile, or program a new public record; or

(iv) require a custodian to release an electronic record in a format that would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained.

(5) If a public record exists in a searchable and analyzable electronic format, the act of a custodian providing a portion of the public record in a searchable and analyzable electronic format does not constitute creating a new public record.

(d) (1) The copy, printout, or photograph shall be made:

(i) while the public record is in the custody of the custodian;
and

(ii) whenever practicable, where the public record is kept.

(2) The official custodian may set a reasonable time schedule to make copies, printouts, or photographs.

§4-206.

(a) (1) In this section the following words have the meanings indicated.

(2) “Indigent” means an individual’s family household income is less than 50% of the median family income for the State as reported in the Federal Register.

(3) “Reasonable fee” means a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.

(b) (1) Subject to the limitations in this section, the official custodian may charge an applicant a reasonable fee for:

(i) the search for, preparation of, and reproduction of a public record prepared, on request of the applicant, in a customized format; and

(ii) the actual costs of the search for, preparation of, and reproduction of a public record in standard format, including media and mechanical processing costs.

(2) The staff and attorney review costs included in the calculation of actual costs incurred under this section shall be prorated for each individual's salary and actual time attributable to the search for and preparation of a public record under this section.

(c) The official custodian may not charge a fee for the first 2 hours that are needed to search for a public record and prepare it for inspection.

(d) (1) If another law sets a fee for a copy, an electronic copy, a printout, or a photograph of a public record, that law applies.

(2) The official custodian may charge for the cost of providing facilities for the reproduction of the public record if the custodian did not have the facilities.

(e) The official custodian may waive a fee under this section if:

(1) the applicant asks for a waiver; and

(2) (i) the applicant is indigent and files an affidavit of indigency;

or

(ii) after consideration of the ability of the applicant to pay the fee and other relevant factors, the official custodian determines that the waiver would be in the public interest.

(f) If the custodian of a public record for a local school system charges an applicant a fee under subsection (b) of this section, the custodian shall provide written notice to the applicant that the applicant may file a complaint with the Board to contest the fee.

§4-301.

(a) Subject to subsection (b) of this section, a custodian shall deny inspection of a public record or any part of a public record if:

(1) by law, the public record is privileged or confidential; or

(2) the inspection would be contrary to:

(i) a State statute;

(ii) a federal statute or a regulation that is issued under the statute and has the force of law;

- (iii) the rules adopted by the Court of Appeals; or
- (iv) an order of a court of record.

(b) If an applicant files a complaint with the Ombudsman challenging a denial or the application of an exemption under this subtitle, the custodian shall demonstrate that:

- (1) the denial or the exemption is clearly applicable to the requested public record; and
- (2) if inspection is denied under Part IV of this subtitle, the harm from disclosure of the public record is greater than the public interest in access to the information in the public record.

§4-304.

Unless otherwise provided by law, a custodian shall deny inspection of a public record, as provided in this part.

§4-305.

A custodian shall deny inspection of public records that relate to the adoption of an individual.

§4-306.

A custodian shall deny inspection of a hospital record that:

- (1) relates to:
 - (i) medical administration;
 - (ii) staff;
 - (iii) medical care; or
 - (iv) other medical information; and
- (2) contains general or specific information about one or more individuals.

§4-307.

A custodian shall deny inspection of public records that relate to welfare for an individual.

§4-308.

(a) Subject to subsection (b) of this section, a custodian shall prohibit inspection, use, or disclosure of a circulation record of a public library or any other item, collection, or grouping of information about an individual that:

- (1) is maintained by a library;
- (2) contains an individual's name or the identifying number, symbol, or other identifying particular assigned to the individual; and
- (3) identifies the use a patron makes of that library's materials, services, or facilities.

(b) A custodian shall allow inspection, use, or disclosure of a circulation record of a public library only:

- (1) in connection with the library's ordinary business; and
- (2) for the purposes for which the record was created.

§4-309.

A custodian shall deny inspection of library, archival, or museum material given by a person to the extent that the person who made the gift limits disclosure as a condition of the gift.

§4-310.

A custodian shall deny inspection of a letter of reference.

§4-311.

(a) Subject to subsection (b) of this section, a custodian shall deny inspection of a personnel record of an individual, including an application, a performance rating, or scholastic achievement information.

(b) A custodian shall allow inspection by:

- (1) the person in interest;

(2) an elected or appointed official who supervises the work of the individual; or

(3) an employee organization described in Title 6 of the Education Article of the portion of the personnel record that contains the individual's:

- (i) home address;
- (ii) home telephone number; and
- (iii) personal cell phone number.

§4-312.

(a) Subject to subsections (b) through (e) of this section, a custodian shall deny inspection of a retirement record for an individual.

(b) (1) A custodian shall allow inspection:

- (i) by the person in interest;
- (ii) by the appointing authority of the individual;
- (iii) after the death of the individual, by a beneficiary, a personal representative, or any other person who satisfies the administrators of the retirement and pension systems that the person has a valid claim to the benefits of the individual;
- (iv) by any law enforcement agency to obtain the home address of a retired employee of the agency when contact with the retired employee is documented to be necessary for official agency business; and
- (v) subject to paragraph (2) of this subsection, by the employees of a county unit that, by county law, is required to audit the retirement records for current or former employees of the county.

(2) (i) The information obtained during an inspection under paragraph (1)(v) of this subsection is confidential.

(ii) The county unit and its employees may not disclose any information obtained during an inspection under paragraph (1)(v) of this subsection that would identify a person in interest.

(c) A custodian shall allow release of information as provided in § 21–504 or § 21–505 of the State Personnel and Pensions Article.

(d) (1) On request, a custodian shall state whether the individual receives a retirement or pension allowance.

(2) On written request, a custodian shall:

(i) disclose the amount of the part of a retirement allowance that is derived from employer contributions and that is granted to:

1. a retired elected or appointed official of the State;
2. a retired elected official of a political subdivision; or
3. a retired appointed official of a political subdivision who is a member of a separate system for elected or appointed officials; and

(ii) disclose the benefit formula and the variables for calculating the retirement allowance of:

1. a current elected or appointed official of the State;
2. a current elected official of a political subdivision; or
3. a current appointed official of a political subdivision who is a member of a separate system for elected or appointed officials.

(e) (1) This subsection applies only to Anne Arundel County.

(2) On written request, a custodian of retirement records shall disclose:

(i) the total amount of the part of a pension or retirement allowance that is derived from employer contributions and that is granted to a retired elected or appointed official of the county;

(ii) the total amount of the part of a pension or retirement allowance that is derived from employee contributions and that is granted to a retired elected or appointed official of the county if the retired elected or appointed official consents to the disclosure;

(iii) the benefit formula and the variables for calculating the retirement allowance of a current elected or appointed official of the county; and

(iv) the amount of the employee contributions plus interest attributable to a current elected or appointed official of the county if the current elected or appointed official consents to the disclosure.

(3) A custodian of retirement records shall maintain a list of those elected or appointed officials of the county who have consented to the disclosure of information under paragraph (2)(ii) or (iv) of this subsection.

§4-313.

(a) Subject to subsections (b) and (c) of this section, a custodian shall deny inspection of a school district record about the home address, home telephone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student.

(b) A custodian shall allow inspection by:

- (1) the person in interest; or
- (2) an elected or appointed official who supervises the student.

(c) (1) A custodian may allow inspection of the home address or home telephone number of a student of a public school by:

(i) an organization of parents, teachers, students, or former students, or any combination of those groups, of the school;

(ii) an organization or a force of the military;

(iii) a person engaged by a school or board of education to confirm a home address or home telephone number;

(iv) a representative of a community college in the State; or

(v) the Maryland Higher Education Commission.

(2) The Maryland Higher Education Commission or a person, an organization, or a community college that obtains information under this subsection may not:

(i) use this information for a commercial purpose; or

(ii) disclose this information to another person, organization, or community college.

(3) When a custodian allows inspection under this subsection, the custodian shall notify the Maryland Higher Education Commission, person, organization, or community college of the prohibitions under paragraph (2) of this subsection regarding use and disclosure of this information.

§4-314.

(a) Subject to subsection (b) of this section, a custodian shall deny inspection of any record disclosing:

(1) the name of an account holder or a qualified beneficiary of a prepaid contract under Title 18, Subtitle 19 of the Education Article; or

(2) the name of an account holder or a qualified designated beneficiary of an investment account under Title 18, Subtitle 19A of the Education Article.

(b) A custodian:

(1) shall allow inspection by a person in interest; and

(2) may release information to an eligible institution of higher education designated:

(i) by an account holder of a prepaid contract or a qualified beneficiary under Title 18, Subtitle 19 of the Education Article; or

(ii) by an account holder or a qualified designated beneficiary under Title 18, Subtitle 19A of the Education Article.

§4-314.1.

(a) Except as provided in subsection (b) of this section, a custodian shall deny inspection of any record disclosing:

(1) a safety evaluation or school emergency plan developed under § 7-1510 of the Education Article;

(2) an emergency response policy developed under § 7-1509 of the Education Article and § 3-520 of the Public Safety Article;

(3) guidelines for school resource officers and supplemental coverage by local law enforcement agencies developed by the Maryland Center for School Safety under § 7–1508 of the Education Article; or

(4) a plan to implement the Maryland Center for School Safety’s guidelines adopted by a local school system under § 7–1508 of the Education Article.

(b) A custodian shall allow inspection of safety evaluation, school emergency plan, and emergency response policy records by the following entities in the performance of the entity’s official duties:

- (1) the Maryland Center for School Safety;
- (2) the Interagency Commission on School Construction;
- (3) the Department of State Police;
- (4) the Department of Public Safety and Correctional Services;
- (5) the Maryland Emergency Management Agency;
- (6) local law enforcement agencies; and
- (7) local organizations for emergency management.

§4–315.

(a) This section applies only to public records that relate to:

- (1) police reports of traffic accidents;
- (2) criminal charging documents before service on the defendant named in the document; or
- (3) traffic citations filed in the Maryland Automated Traffic System.

(b) A custodian shall deny inspection of a record described in subsection (a) of this section to any of the following persons who request inspection of records to solicit or market legal services:

- (1) an attorney who is not an attorney of record of a person named in the record; or

(2) a person who is employed by, retained by, associated with, or acting on behalf of an attorney described in this subsection.

§4-316.

(a) Except as provided in subsection (d) of this section and subject to subsection (e) of this section, unless otherwise ordered by the court, files and records of the court pertaining to an arrest warrant issued under Maryland Rule 4-212(d)(1) or (2) and the charging document on which the arrest warrant was issued may not be open to inspection until:

(1) the arrest warrant has been served and a return of service has been filed in accordance with Maryland Rule 4-212(g); or

(2) 90 days have elapsed since the arrest warrant was issued.

(b) Except as provided in subsection (d) of this section and subject to subsection (e) of this section, unless otherwise ordered by the court, files and records of the court pertaining to an arrest warrant issued in accordance with a grand jury indictment or conspiracy investigation and the charging document on which the arrest warrant was issued may not be open to inspection until all arrest warrants for any co-conspirators have been served and all returns of service have been filed in accordance with Maryland Rule 4-212(g).

(c) Subject to subsections (a) and (b) of this section, unless sealed under Maryland Rule 4-201(d), the files and records shall be open to inspection.

(d) (1) The name, address, birth date, driver's license number, sex, height, and weight of an individual contained in an arrest warrant issued under Maryland Rule 4-212(d)(1) or (2) or issued in accordance with a grand jury indictment or conspiracy investigation may be released to the Motor Vehicle Administration for use by the Administration for purposes of § 13-406.1 or § 16-204 of the Transportation Article.

(2) Except as provided in paragraph (1) of this subsection, information in a charging document that identifies an individual may not be released to the Motor Vehicle Administration.

(e) Subsections (a) and (b) of this section may not be construed to prohibit:

(1) the release of statistical information concerning unserved arrest warrants;

(2) the release of information by a State's Attorney or peace officer concerning an unserved arrest warrant and the charging document on which the arrest warrant was issued;

(3) inspection of files and records of a court concerning an unserved arrest warrant and the charging document on which the arrest warrant was issued by:

- (i) a judicial officer;
- (ii) any authorized court personnel;
- (iii) a State's Attorney;
- (iv) a peace officer;
- (v) a correctional officer who is authorized by law to serve an arrest warrant;
- (vi) a bail bondsman, surety insurer, or surety who executes bail bonds who executed a bail bond for the individual who is subject to arrest under the arrest warrant;
- (vii) an attorney authorized by the individual who is subject to arrest under the arrest warrant;
- (viii) the Department of Juvenile Services; or
- (ix) a federal, State, or local criminal justice agency described under Title 10, Subtitle 2 of the Criminal Procedure Article; or

(4) the release of information by the Department of Public Safety and Correctional Services or the Department of Juvenile Services to notify a victim under § 11–507 of the Criminal Procedure Article.

§4–317.

(a) Subject to § 8–704.1 of the Natural Resources Article and subsection (b) of this section, a custodian may not knowingly disclose a public record of the Department of Natural Resources containing personal information about the owner of a registered vessel.

(b) A custodian shall disclose personal information about the owner of a registered vessel for use in the normal course of business activity by a financial

institution, as defined in § 1–101(i) of the Financial Institutions Article, its agents, employees, or contractors, but only:

(1) to verify the accuracy of personal information submitted by the individual to that financial institution; and

(2) if the information submitted is not accurate, to obtain correct information only for the purpose of:

(i) preventing fraud by the individual;

(ii) pursuing legal remedies against the individual; or

(iii) recovering on a debt or security interest against the individual.

§4–318.

(a) Except as provided in subsection (b) of this section, a custodian shall deny inspection of all records of persons created, generated, or obtained by, or submitted to, the Maryland Transit Administration or its agents or employees in connection with the use or purchase of electronic fare media provided by the Maryland Transit Administration or its agents, employees, or contractors.

(b) A custodian shall allow inspection of the records described in subsection (a) of this section by:

(1) an individual named in the record; or

(2) the attorney of record of an individual named in the record.

§4–319.

(a) Subject to subsection (b) of this section, a custodian shall deny inspection of every record that:

(1) is:

(i) a photograph, a videotape, or an electronically recorded image of a vehicle;

(ii) a vehicle movement record;

(iii) personal financial information;

- (iv) a credit report;
- (v) other personal information; or
- (vi) other financial information; and

(2) has been created, recorded, or obtained by, or submitted to, the Maryland Transportation Authority or its agents or employees for or about an electronic toll collection system or associated transaction system.

(b) A custodian shall allow inspection of the records described in subsection (a) of this section by:

- (1) an individual named in the record;
- (2) the attorney of record of an individual named in the record;

(3) an employee or agent of the Maryland Transportation Authority in any investigation or proceeding relating to a violation of speed limitations or to the imposition of or indemnification from liability for failure to pay a toll in connection with any electronic toll collection system;

(4) an employee or agent of a third party that has entered into an agreement with the Maryland Transportation Authority to use an electronic toll collection system for nontoll applications in the collection of revenues due to the third party; or

(5) an employee or agent of an entity in another state operating or having jurisdiction over a toll facility.

§4-320.

(a) (1) In this section, “telephone solicitation” means the initiation of a telephone call to an individual or to the residence or business of an individual to encourage the purchase or rental of or investment in property, goods, or services.

(2) “Telephone solicitation” does not include a telephone call or message:

(i) to an individual who has given express permission to the person making the telephone call;

(ii) to an individual with whom the person has an established business relationship; or

(iii) by a tax-exempt, nonprofit organization.

(b) Except as provided in subsections (c) through (f) of this section, a custodian may not knowingly disclose a public record of the Motor Vehicle Administration containing personal information.

(c) A custodian shall disclose personal information when required by federal law.

(d) (1) This subsection applies only to the disclosure of personal information for any use in response to a request for an individual motor vehicle record.

(2) The custodian may not disclose personal information without written consent from the person in interest.

(3) (i) At any time the person in interest may withdraw consent to disclose personal information by notifying the custodian.

(ii) The withdrawal by the person in interest of consent to disclose personal information shall take effect as soon as practicable after it is received by the custodian.

(e) (1) This subsection applies only to the disclosure of personal information for inclusion in lists of information to be used for surveys, marketing, and solicitations.

(2) The custodian may not disclose personal information for surveys, marketing, and solicitations without written consent from the person in interest.

(3) (i) At any time the person in interest may withdraw consent to disclose personal information by notifying the custodian.

(ii) The withdrawal by the person in interest of consent to disclose personal information shall take effect as soon as practicable after it is received by the custodian.

(4) The custodian may not disclose personal information under this subsection for use in telephone solicitations.

(5) Personal information disclosed under this subsection may be used only for surveys, marketing, or solicitations and only for a purpose approved by the Motor Vehicle Administration.

(f) Notwithstanding subsections (d) and (e) of this section, a custodian shall disclose personal information:

(1) for use by a federal, state, or local government, including a law enforcement agency, or a court in carrying out its functions;

(2) for use in connection with matters of:

(i) motor vehicle or driver safety;

(ii) motor vehicle theft;

(iii) motor vehicle emissions;

(iv) motor vehicle product alterations, recalls, or advisories;

(v) performance monitoring of motor vehicle parts and dealers;

and

(vi) removal of nonowner records from the original records of motor vehicle manufacturers;

(3) for use by a private detective agency licensed by the Secretary of State Police under Title 13 of the Business Occupations and Professions Article or a security guard service licensed by the Secretary of State Police under Title 19 of the Business Occupations and Professions Article for a purpose allowed under this subsection;

(4) for use in connection with a civil, an administrative, an arbitral, or a criminal proceeding in a federal, state, or local court or regulatory agency for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments or orders;

(5) for purposes of research or statistical reporting as approved by the Motor Vehicle Administration provided that the personal information is not published, redisclosed, or used to contact the individual;

(6) for use by an insurer, an insurance support organization, or a self-insured entity, or its employees, agents, or contractors, in connection with rating, underwriting, claims investigating, and antifraud activities;

(7) for use in the normal course of business activity by a legitimate business entity or its agents, employees, or contractors, but only:

(i) to verify the accuracy of personal information submitted by the individual to that entity; and

(ii) if the information submitted is not accurate, to obtain correct information only for the purpose of:

1. preventing fraud by the individual;
2. pursuing legal remedies against the individual; or
3. recovering on a debt or security interest against the individual;

(8) for use by an employer or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. § 31101 et seq.);

(9) for use in connection with the operation of a private toll transportation facility;

(10) for use in providing notice to the owner of a towed or impounded motor vehicle;

(11) for use by an applicant who provides written consent from the individual to whom the information pertains if the consent is obtained within the 6-month period before the date of the request for personal information;

(12) for use in any matter relating to:

(i) the operation of a Class B (for hire), Class C (funeral and ambulance), or Class Q (limousine) vehicle; and

(ii) public safety or the treatment by the operator of a member of the public;

(13) for a use specifically authorized by State law, if the use is related to the operation of a motor vehicle or public safety;

(14) for use by a hospital to obtain, for hospital security, information relating to ownership of vehicles parked on hospital property;

(15) for use by a procurement organization requesting information under § 4–516 of the Estates and Trusts Article for the purposes of organ, tissue, and eye donation;

(16) for use by an electric company, as defined in § 1–101 of the Public Utilities Article, but only:

(i) information describing a plug-in electric drive vehicle, as defined in § 11–145.1 of the Transportation Article, and identifying the address of the registered owner of the plug-in vehicle;

(ii) for use in planning for the availability and reliability of the electric power supply; and

(iii) if the information is not:

1. published or redisclosed, including redisclosed to an affiliate as defined in § 7–501 of the Public Utilities Article; or

2. used for marketing or solicitation; and

(17) for use by an attorney, a title insurance producer, or any other individual authorized to conduct a title search of a manufactured home under Title 8B of the Real Property Article.

(g) (1) A person receiving personal information under subsection (e) or (f) of this section may not use or redisclose the personal information for a purpose other than the purpose for which the custodian disclosed the personal information.

(2) A person receiving personal information under subsection (e) or (f) of this section who rediscloses the personal information shall:

(i) keep a record for 5 years of the person to whom the information is redisclosed and the purpose for which the information is to be used; and

(ii) make the record available to the custodian on request.

(h) (1) The custodian shall adopt regulations to implement and enforce this section.

(2) (i) The custodian shall adopt regulations and procedures for securing from a person in interest a waiver of privacy rights under this section when

an applicant requests personal information about the person in interest that the custodian is not authorized to disclose under subsections (c) through (f) of this section.

(ii) The regulations and procedures adopted under this paragraph shall:

1. state the circumstances under which the custodian may request a waiver; and

2. conform with the waiver requirements in the federal Driver's Privacy Protection Act of 1994 and other federal law.

(i) The custodian may develop and implement methods for monitoring compliance with this section and ensuring that personal information is used only for the purposes for which it is disclosed.

§4-321.

(a) In this section, "recorded images" has the meaning stated in § 21-202.1, § 21-809, § 21-810, or § 24-111.3 of the Transportation Article.

(b) Except as provided in subsection (c) of this section, a custodian shall deny inspection of recorded images produced by:

(1) a traffic control signal monitoring system operated under § 21-202.1 of the Transportation Article;

(2) a speed monitoring system operated under § 21-809 of the Transportation Article;

(3) a work zone speed control system operated under § 21-810 of the Transportation Article; or

(4) a vehicle height monitoring system operated under § 24-111.3 of the Transportation Article.

(c) A custodian shall allow inspection of recorded images:

(1) as required in § 21-202.1, § 21-809, § 21-810, or § 24-111.3 of the Transportation Article;

(2) by any person issued a citation under § 21-202.1, § 21-809, § 21-810, or § 24-111.3 of the Transportation Article, or by an attorney of record for the person; or

(3) by an employee or agent of an agency in an investigation or a proceeding relating to the imposition of or indemnification from civil liability under § 21–202.1, § 21–809, § 21–810, or § 24–111.3 of the Transportation Article.

§4–322.

(a) In this section, “surveillance image” has the meaning stated in § 10–112 of the Criminal Law Article.

(b) Except as provided in subsection (c) of this section, a custodian of a surveillance image shall deny inspection of the surveillance image.

(c) A custodian shall allow inspection of a surveillance image:

(1) as required in § 10–112 of the Criminal Law Article;

(2) by any person issued a citation under § 10–112 of the Criminal Law Article, or by an attorney of record for the person; or

(3) by an employee or agent of the Baltimore City Department of Public Works in an investigation or a proceeding relating to the imposition of or indemnification from civil liability under § 10–112 of the Criminal Law Article.

§4–323.

Subject to § 4–310 of the Insurance Article, a custodian shall deny inspection of all risk based capital reports and risk based capital plans and any other records that relate to those reports or plans.

§4–324.

A custodian shall deny inspection of an application for renewable energy credit certification or a claim for renewable energy credits under Title 10, Subtitle 15 of the Agriculture Article.

§4–325.

(a) Except as provided in subsections (b) and (c) of this section, a custodian shall deny inspection of all records of a person authorized to:

(1) sell, purchase, rent, or transfer a regulated firearm under Title 5, Subtitle 1 of the Public Safety Article; or

(2) carry, wear, or transport a handgun under Title 5, Subtitle 3 of the Public Safety Article.

(b) A custodian shall allow inspection of firearm or handgun records by:

(1) the individual named in the record; or

(2) the attorney of record of the individual named in the record.

(c) This section may not be construed to prohibit the Department of State Police or the Department of Public Safety and Correctional Services from accessing firearm or handgun records in the performance of that department's official duty.

§4-326.

(a) (1) In this section the following words have the meanings indicated.

(2) "Automatic license plate reader system" has the meaning stated in § 3-509 of the Public Safety Article.

(3) "Captured plate data" has the meaning stated in § 3-509 of the Public Safety Article.

(b) Except as provided in subsections (c) and (d) of this section, a custodian of captured plate data collected by an automatic license plate reader system shall deny inspection of the captured plate data.

(c) A custodian may use or share captured plate data in the course of the custodian's duties as authorized under § 3-509 of the Public Safety Article.

(d) Subsection (b) of this section does not apply to an electronic toll collection system or associated transaction system operated by or in conjunction with the Maryland Transportation Authority.

§4-327.

(a) Except as provided in subsection (b) of this section, a custodian shall deny inspection of criminal records and police records relating to the conviction of a crime that have been shielded under Title 10, Subtitle 3 of the Criminal Procedure Article.

(b) A custodian shall allow inspection of shielded records by a person authorized to access shielded records under § 10-302(b) of the Criminal Procedure Article.

§4-328.

Unless otherwise provided by law, a custodian shall deny inspection of a part of a public record, as provided in this part.

§4-329.

(a) Except for subsection (b)(3) of this section, this section does not apply to:

(1) a nursing home as defined in § 19-1401 of the Health – General Article; or

(2) an assisted living program as defined in § 19-1801 of the Health – General Article.

(b) Subject to subsection (c) of this section, a custodian shall deny inspection of the part of a public record that contains:

(1) medical or psychological information about an individual, other than an autopsy report of a medical examiner;

(2) personal information about an individual with, or perceived to have, a disability as defined in § 20-701 of the State Government Article; or

(3) any report on human immunodeficiency virus or acquired immunodeficiency syndrome submitted in accordance with Title 18 of the Health – General Article.

(c) A custodian shall allow the person in interest to inspect the public record to the extent allowed under § 4-304(a) of the Health – General Article.

§4-330.

If the official custodian has adopted rules or regulations that define sociological information for purposes of this section, a custodian shall deny inspection of the part of a public record that contains sociological information, in accordance with the rules or regulations.

§4-331.

Subject to § 21-504 of the State Personnel and Pensions Article, a custodian shall deny inspection of the part of a public record that contains the home address or

telephone number of an employee of a unit or an instrumentality of the State or of a political subdivision unless:

- (1) the employee gives permission for the inspection; or
- (2) the unit or instrumentality that employs the individual determines that inspection is needed to protect the public interest.

§4-332.

(a) Subject to subsections (b) through (e) of this section, a custodian shall deny inspection of the part of a public record that contains information about the application and commission of a person as a notary public.

(b) A custodian shall allow inspection of the part of a public record that gives:

- (1) the name of the notary public;
- (2) the home address of the notary public;
- (3) the home and business telephone numbers of the notary public;
- (4) the issue and expiration dates of the notary public's commission;
- (5) the date the person took the oath of office as a notary public; or
- (6) the signature of the notary public.

(c) A custodian may allow inspection of other information about a notary public if the custodian finds a compelling public purpose.

(d) A custodian may deny inspection of a record by a notary public or any other person in interest only to the extent that the inspection could:

- (1) interfere with a valid and proper law enforcement proceeding;
- (2) deprive another person of a right to a fair trial or an impartial adjudication;
- (3) constitute an unwarranted invasion of personal privacy;
- (4) disclose the identity of a confidential source;

- (5) disclose an investigative technique or procedure;
- (6) prejudice an investigation; or
- (7) endanger the life or physical safety of an individual.

(e) A custodian who sells lists of notaries public shall omit from the lists the name of any notary public, on written request of the notary public.

§4-333.

(a) Subject to subsections (b) through (d) of this section, a custodian shall deny inspection of the part of a public record that contains information about the licensing of an individual in an occupation or a profession.

(b) A custodian shall allow inspection of the part of a public record that gives:

- (1) the name of the licensee;
- (2) the business address of the licensee or, if the business address is not available, the home address of the licensee after the custodian redacts any information that identifies the location as the home address of an individual with a disability as defined in § 20-701 of the State Government Article;
- (3) the business telephone number of the licensee;
- (4) the educational and occupational background of the licensee;
- (5) the professional qualifications of the licensee;
- (6) any orders and findings that result from formal disciplinary actions; and
- (7) any evidence that has been provided to the custodian to meet the requirements of a statute as to financial responsibility.

(c) A custodian may allow inspection of other information about a licensee if:

- (1) the custodian finds a compelling public purpose; and
- (2) the rules or regulations of the official custodian allow the inspection.

(d) Except as otherwise provided by this section or other law, a custodian shall allow inspection by the person in interest.

(e) A custodian who sells lists of licensees shall omit from the lists the name of any licensee, on written request of the licensee.

§4-334.

(a) Except as provided in subsection (b) of this section, a custodian shall deny inspection of the part of an application for a marriage license under § 2-402 of the Family Law Article or a recreational license under Title 4 of the Natural Resources Article that contains a Social Security number.

(b) A custodian shall allow inspection of the part of an application described in subsection (a) of this section that contains a Social Security number by:

- (1) a person in interest; or
- (2) on request, the State Child Support Administration.

§4-335.

A custodian shall deny inspection of the part of a public record that contains any of the following information provided by or obtained from any person or governmental unit:

- (1) a trade secret;
- (2) confidential commercial information;
- (3) confidential financial information; or
- (4) confidential geological or geophysical information.

§4-336.

(a) This section does not apply to the salary of a public employee.

(b) Subject to subsection (c) of this section, a custodian shall deny inspection of the part of a public record that contains information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities, or creditworthiness.

- (c) A custodian shall allow inspection by the person in interest.

§4-337.

A custodian shall deny inspection of the part of a public record that contains information:

- (1) generated by the bid analysis management system;
- (2) concerning an investigation of a transportation contractor's suspected collusive or anticompetitive activity; and
- (3) submitted to the Maryland Department of Transportation by the United States Department of Transportation or by another state.

§4-338.

A custodian shall deny inspection of the part of a public record that contains information about the security of an information system.

§4-339.

(a) Except as provided in subsection (b) of this section, a custodian shall deny inspection of the part of a public record that identifies or contains personal information about a person, including a commercial entity, that maintains an alarm or security system.

- (b) A custodian shall allow inspection by:

- (1) the person in interest;
- (2) an alarm or security system company if the company can document that it currently provides alarm or security services to the person in interest;
- (3) law enforcement personnel; and
- (4) emergency services personnel, including:
 - (i) a career firefighter;
 - (ii) an emergency medical services provider, as defined in § 13-516 of the Education Article;

(iii) a rescue squad employee; and

(iv) a volunteer firefighter, a rescue squad member, or an advanced life support unit member.

§4-340.

(a) “Senior citizen activities center” has the meaning stated in § 10-513 of the Human Services Article.

(b) Except as provided in subsection (c) of this section, a custodian shall deny inspection of the part of a public record that contains the name, address, telephone number, or electronic mail address of any individual enrolled in or any member of a senior citizen activities center.

(c) A custodian shall allow inspection by:

(1) a person in interest;

(2) law enforcement personnel; or

(3) emergency services personnel, including:

(i) a career firefighter;

(ii) an emergency medical services provider, as defined in § 13-516 of the Education Article;

(iii) a rescue squad employee; and

(iv) a volunteer firefighter, a rescue squad member, or an advanced life support unit member.

§4-341.

(a) In this section, “governmental entity” means a unit or an instrumentality of the State or of a political subdivision.

(b) A custodian shall deny inspection of a distribution list and a request to be added to a distribution list that identifies a physical address, an e-mail address, or a telephone number of an individual that is used by a governmental entity or an elected official for the sole purpose of:

(1) periodically sending news about the official activities of the governmental entity or elected official; or

(2) sending informational notices or emergency alerts.

§4-343.

Unless otherwise provided by law, if a custodian believes that inspection of a part of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant of that part of the record, as provided in this part.

§4-344.

A custodian may deny inspection of any part of an interagency or intra-agency letter or memorandum that would not be available by law to a private party in litigation with the unit.

§4-345.

(a) Subject to subsection (b) of this section, a custodian may deny inspection of test questions, scoring keys, and other examination information that relates to the administration of licenses, employment, or academic matters.

(b) After a written promotional examination has been given and graded, a custodian shall allow a person in interest to inspect the examination and the results of the examination, but may not allow the person in interest to copy or otherwise to reproduce the examination.

§4-346.

(a) Subject to subsection (b) of this section, a custodian may deny inspection of a public record that contains the specific details of a research project that an institution of the State or of a political subdivision is conducting.

(b) A custodian may not deny inspection of the part of a public record that gives only the name, title, and expenditures of a research project described in subsection (a) of this section and the date when the final project summary of the research project will be available.

§4-347.

(a) Subject to subsection (b) of this section, a custodian may deny inspection of the part of a public record that contains information disclosing or relating to an

invention owned in whole or in part by a State public institution of higher education for 4 years to allow the institution to evaluate whether to patent or market the invention and pursue economic development and licensing opportunities related to the invention.

(b) A custodian may not deny inspection of a part of a public record described in subsection (a) of this section if:

(1) the information disclosing or relating to an invention has been published or disseminated by the inventors in the course of their academic activities or disclosed in a published patent;

(2) the invention referred to in that part of the record has been licensed by the institution for at least 4 years; or

(3) 4 years have elapsed from the date of the written disclosure of the invention to the institution.

§4–348.

A custodian may deny inspection of the part of a public record that contains information disclosing or relating to a trade secret, confidential commercial information, or confidential financial information owned in whole or in part by:

(1) the Maryland Technology Development Corporation; or

(2) a public institution of higher education, if the information is part of the institution's activities under § 15–107 of the Education Article.

§4–349.

(a) Subject to subsection (b) of this section and other law, until the State or a political subdivision acquires title to property, a custodian may deny inspection of a public record that contains a real estate appraisal of the property.

(b) A custodian may not deny inspection by the owner of the property.

§4–350.

(a) A custodian may deny inspection of a public record that contains information concerning the site-specific location of an endangered or threatened species of plant or animal, a species of plant or animal in need of conservation, a cave, or a historic property as defined in § 5A–301 of the State Finance and Procurement Article.

(b) A custodian may not deny inspection of a public record described in subsection (a) of this section if requested by:

- (1) the owner of the land on which the resource is located; or
- (2) any entity that is authorized to take the land through the right of eminent domain.

§4-351.

(a) Subject to subsection (b) of this section, a custodian may deny inspection of:

- (1) records of investigations conducted by the Attorney General, a State's Attorney, a municipal or county attorney, a police department, or a sheriff;
- (2) an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose; or
- (3) records that contain intelligence information or security procedures of the Attorney General, a State's Attorney, a municipal or county attorney, a police department, a State or local correctional facility, or a sheriff.

(b) A custodian may deny inspection by a person in interest only to the extent that the inspection would:

- (1) interfere with a valid and proper law enforcement proceeding;
- (2) deprive another person of a right to a fair trial or an impartial adjudication;
- (3) constitute an unwarranted invasion of personal privacy;
- (4) disclose the identity of a confidential source;
- (5) disclose an investigative technique or procedure;
- (6) prejudice an investigation; or
- (7) endanger the life or physical safety of an individual.

§4-352.

(a) Subject to subsections (b) and (c) of this section, a custodian may deny inspection of:

(1) response procedures or plans prepared to prevent or respond to emergency situations, the disclosure of which would reveal vulnerability assessments, specific tactics, specific emergency procedures, or specific security procedures;

(2) (i) building plans, blueprints, schematic drawings, diagrams, operational manuals, or any other records of ports and airports and any other mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are stored, arenas, stadiums, waste and water systems, and any other building, structure, or facility, the disclosure of which would reveal the building's, structure's, or facility's internal layout, specific location, life, safety, and support systems, structural elements, surveillance techniques, alarm or security systems or technologies, operational and transportation plans or protocols, or personnel deployments; or

(ii) records of any other building, structure, or facility, the disclosure of which would reveal the building's, structure's, or facility's life, safety, and support systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols, or personnel deployments; or

(3) records that:

(i) are prepared to prevent or respond to emergency situations; and

(ii) identify or describe the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories.

(b) The custodian may deny inspection of a part of a public record under subsection (a) of this section only to the extent that the inspection would:

(1) jeopardize the security of any building, structure, or facility;

(2) facilitate the planning of a terrorist attack; or

(3) endanger the life or physical safety of an individual.

(c) (1) This subsection does not apply to the records of any building, structure, or facility owned or operated by the State or any political subdivision.

(2) A custodian may not deny inspection of a public record under subsection (a) or (b) of this section that relates to a building, structure, or facility that has been subjected to a catastrophic event, including a fire, an explosion, or a natural disaster.

(3) Subject to subsections (a) and (b) of this section, a custodian may not deny inspection of a public record that relates to an inspection of or issuance of a citation concerning a building, structure, or facility by an agency of the State or any political subdivision.

§4-353.

(a) A custodian may deny inspection of any part of a public record that contains:

(1) stevedoring or terminal services or facility use rates or proposed rates generated, received, or negotiated by the Maryland Port Administration or any private operating company created by the Maryland Port Administration;

(2) a proposal generated, received, or negotiated by the Maryland Port Administration or any private operating company created by the Maryland Port Administration for use of stevedoring or terminal services or facilities to increase waterborne commerce through the ports of the State; or

(3) except as provided in subsection (b) of this section, research or analysis related to maritime businesses or vessels compiled for the Maryland Port Administration or any private operating company created by the Maryland Port Administration to evaluate its competitive position with respect to other ports.

(b) (1) A custodian may not deny inspection of any part of a public record under subsection (a)(3) of this section by the exclusive representative identified in Section 1 of the memorandum of understanding, or any identical section of a successor memorandum, between the State and the American Federation of State, County and Municipal Employees dated June 28, 2000, or the memorandum of understanding, or any identical section of a successor memorandum, between the State and the Maryland Professional Employees Council dated August 18, 2000, if the part of the public record:

(i) is related to State employees; and

(ii) would otherwise be available to the exclusive representative under Article 4, Section 12 of the applicable memorandum of

understanding, or any identical section of a successor memorandum of understanding.

(2) Before the inspection of any part of a public record under paragraph (1) of this subsection, the exclusive representative shall enter into a nondisclosure agreement with the Maryland Port Administration to ensure the confidentiality of the information provided.

§4-354.

(a) A custodian may deny inspection of any part of a public record that:

(1) relates to the competitive position of the University of Maryland Global Campus with respect to other providers of education services; and

(2) contains:

(i) fees, tuition, charges, and any information supporting fees, tuition, and charges, proposed, generated, received, or negotiated for receipt by the University of Maryland Global Campus, except fees, tuition, and charges published in catalogues and ordinarily charged to students;

(ii) a proposal generated, received, or negotiated by the University of Maryland Global Campus, other than with its students, for the provision of education services; or

(iii) any research, analysis, or plans compiled by or for the University of Maryland Global Campus relating to its operations or proposed operations.

(b) A custodian may not deny inspection of any part of a public record under subsection (a) of this section if:

(1) the record relates to a procurement by the University of Maryland Global Campus;

(2) the University of Maryland Global Campus is required to develop or maintain the record by law or at the direction of the Board of Regents of the University System of Maryland; or

(3) (i) the record is requested by the exclusive representative of any bargaining unit of employees of the University of Maryland Global Campus;

(ii) the record relates to a matter that is the subject of collective bargaining negotiations between the exclusive representative and the University of Maryland Global Campus; and

(iii) the exclusive representative has entered into a nondisclosure agreement with the University of Maryland Global Campus to ensure the confidentiality of the information provided.

§4-355.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Directory information” has the meaning stated in 20 U.S.C. § 1232g.
- (3) “Personal information” means:
- (i) an address;
 - (ii) a telephone number;
 - (iii) an e-mail address; or
 - (iv) directory information.

(b) A custodian of a record kept by a public institution of higher education that contains personal information relating to a student, a former student, or an applicant may:

- (1) require that a request to inspect a record containing personal information be made in writing and sent by first-class mail; and
- (2) deny inspection of the part of the record containing the personal information if the information is requested for commercial purposes.

§4-356.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Victim” means:
- (i) a victim of domestic violence, as defined under § 4-701 of the Family Law Article;

(ii) a victim of a violation of Title 3, Subtitle 3 of the Criminal Law Article; or

(iii) a victim of a violation of Title 3, Subtitle 6 of the Criminal Law Article, except for a violation of § 3–607 of the Criminal Law Article where the victim is an adult.

(3) (i) “Victim’s representative” has the meaning stated in § 11–104 of the Criminal Procedure Article.

(ii) “Victim’s representative” does not include a person acting in concert with a person alleged to have committed the crime against the victim.

(b) (1) This section does not apply to a public record that has been entered into evidence in a court proceeding.

(2) This section may not be construed to:

(i) create a right of civil action for a victim or victim’s representative; or

(ii) affect the discovery or evidentiary rights of a party to a civil suit or criminal prosecution.

(c) Subject to subsections (d) and (e) of this section, before granting inspection of the part of a 9–1–1 communications record that depicts a victim, a custodian shall:

(1) within 30 days after receiving the request and if the custodian has contact information for the victim or victim’s representative, notify the victim or victim’s representative of the request;

(2) allow 10 days for a response from the victim or victim’s representative indicating that inspection may be contrary to the public interest; and

(3) consider any response received under item (2) of this subsection in determining whether to grant or deny the inspection.

(d) A custodian may redact the information described under subsection (c) of this section if a failure to do so would result in a constructive denial of the entire public record.

(e) A custodian shall allow inspection by the person in interest.

§4-358.

(a) Whenever this title authorizes inspection of a public record but the official custodian believes that inspection would cause substantial injury to the public interest, the official custodian may deny inspection temporarily.

(b) (1) Within 10 working days after the denial, the official custodian shall petition a court to order authorization for the continued denial of inspection.

(2) The petition shall be filed with the circuit court for the county where:

(i) the public record is located; or

(ii) the principal place of business of the official custodian is located.

(3) The petition shall be served on the applicant, as provided in the Maryland Rules.

(c) The applicant is entitled to appear and to be heard on the petition.

(d) If, after the hearing, the court finds that inspection of the public record would cause substantial injury to the public interest, the court may issue an appropriate order authorizing the continued denial of inspection.

§4-362.

(a) (1) Subject to paragraph (3) of this subsection, whenever a person or governmental unit is denied inspection of a public record or is not provided with a copy, printout, or photograph of a public record as requested, the person or governmental unit may file a complaint with the circuit court.

(2) Subject to paragraph (3) of this subsection, a complainant or custodian may appeal to the circuit court a decision issued by the State Public Information Act Compliance Board as provided under § 4-1A-10 of this title.

(3) A complaint or an appeal under this subsection shall be filed with the circuit court for the county where:

(i) the complainant resides or has a principal place of business; or

(ii) the public record is located.

(b) (1) Unless, for good cause shown, the court otherwise directs, and notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to the complaint within 30 days after service of the complaint.

(2) The defendant:

(i) has the burden of sustaining a decision to:

1. deny inspection of a public record; or
2. deny the person or governmental unit a copy, printout, or photograph of a public record; and

(ii) in support of the decision, may submit a memorandum to the court.

(c) (1) Except for cases that the court considers of greater importance, a proceeding under this section, including an appeal, shall:

- (i) take precedence on the docket;
- (ii) be heard at the earliest practicable date; and
- (iii) be expedited in every way.

(2) The court may examine the public record in camera to determine whether any part of the public record may be withheld under this title.

(3) The court may:

(i) enjoin the State, a political subdivision, or a unit, an official, or an employee of the State or of a political subdivision from:

1. withholding the public record; or
2. withholding a copy, printout, or photograph of the public record;

(ii) issue an order for the production of the public record or a copy, printout, or photograph of the public record that was withheld from the complainant; and

(iii) for noncompliance with the order, punish the responsible employee for contempt.

(d) (1) A defendant governmental unit is liable to the complainant for statutory damages and actual damages that the court considers appropriate if the court finds that any defendant knowingly and willfully failed to:

(i) disclose or fully to disclose a public record that the complainant was entitled to inspect under this title; or

(ii) provide a copy, printout, or photograph of a public record that the complainant requested under § 4–205 of this title.

(2) An official custodian is liable for actual damages that the court considers appropriate if the court finds that, after temporarily denying inspection of a public record, the official custodian failed to petition a court for an order to continue the denial.

(3) Statutory damages imposed by the court under paragraph (1) of this subsection may not exceed \$1,000.

(e) (1) Whenever the court orders the production of a public record or a copy, printout, or photograph of a public record that was withheld from the applicant and, in addition, finds that the custodian acted arbitrarily or capriciously in withholding the public record or the copy, printout, or photograph of the public record, the court shall send a certified copy of its finding to the appointing authority of the custodian.

(2) On receipt of the statement of the court and after an appropriate investigation, the appointing authority shall take the disciplinary action that the circumstances warrant.

(f) If the court determines that the complainant has substantially prevailed, the court may assess against a defendant governmental unit reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

§4–401.

(a) A person, including an officer or employee of a governmental unit, is liable to an individual for actual damages that the court considers appropriate if the court finds by clear and convincing evidence that:

(1) (i) the person willfully and knowingly allows inspection or use of a public record in violation of this subtitle; and

(ii) the public record names or, with reasonable certainty, otherwise identifies the individual by an identifying factor such as:

1. an address;
2. a description;
3. a fingerprint or voice print;
4. a number; or
5. a picture; or

(2) the person willfully and knowingly obtains, discloses, or uses personal information in violation of § 4–320 of this title.

(b) If the court determines that the complainant has substantially prevailed, the court may assess against a defendant reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

§4–402.

(a) A person may not:

- (1) willfully or knowingly violate any provision of this title;
- (2) fail to petition a court after temporarily denying inspection of a public record; or
- (3) by false pretenses, bribery, or theft, gain access to or obtain a copy of a personal record if disclosure of the personal record to the person is prohibited by this title.

(b) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

§4–403.

A custodian is not civilly or criminally liable for transferring or disclosing the contents of a public record to the Attorney General under § 5–313 of the State Personnel and Pensions Article.

§4–501.

(a) In this section, “personal record” means a public record that names or, with reasonable certainty, otherwise identifies an individual by an identifying factor such as:

- (1) an address;
- (2) a description;
- (3) a fingerprint or voice print;
- (4) a number; or
- (5) a picture.

(b) (1) Personal records may not be created unless the need for the information has been clearly established by the unit collecting the records.

(2) Personal information collected for personal records:

(i) shall be appropriate and relevant to the purposes for which it is collected;

(ii) shall be accurate and current to the greatest extent practicable; and

(iii) may not be obtained by fraudulent means.

(c) (1) This subsection applies only to units of the State.

(2) Except as otherwise provided by law, an official custodian who keeps personal records shall collect, to the greatest extent practicable, personal information from the person in interest.

(3) An official custodian who requests personal information for personal records shall provide the following information to each person in interest from whom personal information is collected:

(i) the purpose for which the personal information is collected;

(ii) any specific consequences to the person for refusal to provide the personal information;

(iii) the person's right to inspect, amend, or correct personal records, if any;

(iv) whether the personal information is generally available for public inspection; and

(v) whether the personal information is made available or transferred to or shared with any entity other than the official custodian.

(4) Each unit of the State shall post its privacy policies on the collection of personal information, including the policies specified in this subsection, on its Internet website.

(5) The following personal records are exempt from the requirements of this subsection:

(i) information concerning the enforcement of criminal laws or the administration of the penal system;

(ii) information contained in investigative materials kept for the purpose of investigating a specific violation of State law and maintained by a State agency whose principal function may be other than law enforcement;

(iii) information contained in public records that are accepted by the State Archivist for deposit in the Maryland Hall of Records;

(iv) information gathered as part of formal research projects previously reviewed and approved by federally mandated institutional review boards; and

(v) any other personal records exempted by regulations adopted by the Secretary of Budget and Management, based on the recommendation of the Secretary of Information Technology.

(d) (1) This subsection does not apply to:

(i) a unit in the Legislative Branch of the State government;

(ii) a unit in the Judicial Branch of the State government; or

(iii) a board of license commissioners.

(2) If a unit or an instrumentality of the State keeps personal records, the unit or instrumentality shall submit an annual report to the Secretary of General Services.

(3) An annual report shall state:

(i) the name of the unit or instrumentality;

(ii) for each set of personal records:

1. the name of the set;

2. the location of the set; and

3. if a subunit keeps the set, the name of the subunit;

(iii) for each set of personal records that has not been previously reported:

1. the category of individuals to whom the set applies;

2. a brief description of the types of information that the set contains;

3. the major uses and purposes of the information;

4. by category, the source of information for the set; and

5. the policies and procedures of the unit or instrumentality as to:

A. access and challenges to the personal record by the person in interest; and

B. storage, retrieval, retention, disposal, and security, including controls on access; and

(iv) for each set of personal records that has been disposed of or changed significantly since the unit or instrumentality last submitted a report, the information required under item (iii) of this paragraph.

(4) A unit or an instrumentality that has two or more sets of personal records may combine the personal records in the report only if the character of the personal records is highly similar.

(5) The Secretary of General Services shall adopt regulations that govern the form and method of reporting under this subsection.

(6) The annual report shall be available for public inspection.

(e) The official custodian may allow inspection of personal records for which inspection otherwise is not authorized by a person who is engaged in a research project if:

(1) the researcher submits to the official custodian a written request that:

(i) describes the purpose of the research project;

(ii) describes the intent, if any, to publish the findings;

(iii) describes the nature of the requested personal records;

(iv) describes the safeguards that the researcher would take to protect the identity of the persons in interest; and

(v) states that persons in interest will not be contacted unless the official custodian approves and monitors the contact;

(2) the official custodian is satisfied that the proposed safeguards will prevent the disclosure of the identity of persons in interest; and

(3) the researcher makes an agreement with the unit or instrumentality that:

(i) defines the scope of the research project;

(ii) sets out the safeguards for protecting the identity of the persons in interest; and

(iii) states that a breach of any condition of the agreement is a breach of contract.

§4-502.

(a) A person in interest may request a unit of the State to correct inaccurate or incomplete information in a public record that:

- (1) the unit keeps; and
- (2) the person in interest is authorized to inspect.

(b) A request under this section shall:

- (1) be in writing;
- (2) describe the requested change precisely; and
- (3) state the reasons for the change.

(c) (1) Within 30 days after receiving a request under this section, a unit shall:

- (i) make or refuse to make the requested change; and
- (ii) give the person in interest written notice of the action

taken.

(2) A notice of refusal shall contain the unit's reasons for the refusal.

(d) (1) If the unit finally refuses a request under this section, the person in interest may submit to the unit a concise statement that, in five pages or less, states the reasons for the request and for disagreement with the refusal.

(2) If the unit provides the disputed information to a third party, the unit shall provide to that party a copy of the statement submitted to the unit by the person in interest.

(e) If a unit is subject to Title 10, Subtitle 2 of the State Government Article, a person or governmental unit may seek administrative and judicial review in accordance with that subtitle of:

- (1) a decision of the unit to deny:
 - (i) a request to change a public record; or
 - (ii) a right to submit a statement of disagreement; or
- (2) the failure of the unit to provide the statement to a third party.

§4-503.

(a) Each governmental unit that maintains public records shall:

(1) identify a representative who a member of the public should contact to request a public record from the governmental unit;

(2) maintain contact information for the governmental unit's representative that includes:

(i) the representative's name;

(ii) the representative's business address;

(iii) the representative's business phone number;

(iv) the representative's business electronic mail address; and

(v) the Internet address of the governmental unit;

(3) (i) post the contact information maintained under item (2) of this subsection in a user-friendly format on the website of the governmental unit; or

(ii) if the governmental unit does not have a website, keep the contact information maintained under item (2) of this subsection at a place easily accessible by the public;

(4) annually update the contact information maintained under item (2) of this subsection; and

(5) annually submit the contact information maintained under item (2) of this subsection to the Office of the Attorney General.

(b) The Office of the Attorney General shall:

(1) post the contact information submitted under subsection (a)(5) of this section in a user-friendly format on the website of the Office of the Attorney General; and

(2) include the contact information submitted under subsection (a)(5) of this section in any Public Information Act manual published by the Office of the Attorney General.

§4–601.

This title may be cited as the Public Information Act.

§5–101.

(a) In this title the following words have the meanings indicated unless:

- (1) the context clearly requires a different meaning; or
- (2) a different definition is adopted for a particular provision.

(b) “Advisory body” means:

(1) a governmental unit designated by the Court of Appeals to give advice with respect to the application or interpretation of Subtitles 5 and 6 of this title to a State official of the Judicial Branch;

(2) the Joint Ethics Committee, for questions arising under Subtitle 5 of this title regarding a State official of the Legislative Branch; or

(3) the Ethics Commission, for all other questions.

(c) “Bicounty commission” means:

(1) the Maryland–National Capital Park and Planning Commission;

(2) the Washington Suburban Sanitary Commission; or

(3) the Washington Suburban Transit Commission.

(d) “Board” means an executive unit composed of at least two members, all of whom are appointed and serve on a part–time basis.

(e) “Business entity” means a person engaged in business, whether profit or nonprofit, regardless of form.

(f) “Compensation” means money or any other valuable thing, regardless of form, received or to be received by a person from an employer for services rendered.

(g) (1) “Employee” means an individual who is employed:

(i) by an executive unit;

- (ii) by the Legislative Branch; or
- (iii) in the Judicial Branch.

(2) “Employee” does not include:

- (i) a public official; or
- (ii) a State official.

(h) “Employer” means an entity that pays or agrees to pay compensation to another entity for services rendered.

(i) “Entity” means:

- (1) a person; or
- (2) a government or instrumentality of government.

(j) “Entity doing business with the State” means:

- (1) a regulated lobbyist;
- (2) an entity regulated by the executive unit of the applicable official or employee; or

(3) an entity that is a party to one or a combination of sales, purchases, leases, or contracts to, from, or with the State, or any unit of the State, involving consideration:

(i) of at least \$5,000 on a cumulative basis during the calendar year for which a statement required by Subtitle 6 of this title is filed, regardless of when the consideration is to be paid; and

(ii) which shall include, as of the award or execution of a contract or lease, the total consideration committed to be paid under the contract or lease, to the extent ascertainable when awarded or executed, regardless of the period over which payments are to be made.

(k) “Ethics Commission” means the State Ethics Commission.

(l) “Executive action” means an act:

(1) for which the Executive Branch of State government is responsible; and

(2) that is taken by an official or employee of the Executive Branch.

(m) (1) “Executive unit” means a department, agency, commission, board, council, or other body of State government that:

(i) is established by law; and

(ii) is not in the Legislative Branch or the Judicial Branch of State government.

(2) “Executive unit” includes:

(i) a county health department unless the officials and employees of the department are expressly designated as local officials in § 5–801 of this title;

(ii) the office of the sheriff in each county; and

(iii) the office of the State’s Attorney in each county.

(n) “Financial interest” means:

(1) ownership of an interest as the result of which the owner has received within the past 3 years, is currently receiving, or in the future is entitled to receive, more than \$1,000 per year; or

(2) (i) ownership of more than 3% of a business entity by:

1. an official;

2. an employee; or

3. the spouse of an official or employee; or

(ii) ownership of securities of any kind that represent, or are convertible into, ownership of more than 3% of a business entity by:

1. an official;

2. an employee; or

3. the spouse of an official or employee.

(o) “General Assembly” includes a member, committee, or subcommittee of the General Assembly.

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

(2) “Gift” does not include the solicitation, acceptance, receipt, or regulation of a political contribution that is regulated in accordance with:

- (i) the Election Law Article; or
- (ii) any other State law regulating:
 - 1. the conduct of elections; or
 - 2. the receipt of political contributions.

(q) “Governmental unit” means a department, an agency, a commission, a board, a council, or any other body of State government that is established by law.

(r) (1) “Honorarium” means the payment of money or anything of value for:

- (i) speaking to, participating in, or attending a meeting or other function; or
- (ii) writing an article that has been or is intended to be published.

(2) “Honorarium” does not include payment for writing a book that has been or is intended to be published.

(s) “Immediate family” means an individual’s spouse and dependent children.

(t) (1) “Interest” means a legal or equitable economic interest that is owned or held wholly or partly, jointly or severally, or directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition.

(2) “Interest” does not include:

(i) an interest held in the capacity of agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;

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

(iii) an interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money in a lump sum or periodically for life or a specified period;

(iv) a common trust fund or a trust that forms part of a pension or a profit-sharing plan that:

1. has more than 25 participants; and

2. is determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code or a qualified tuition plan established pursuant to Section 529 of the Internal Revenue Code; or

(v) a mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

(u) "Joint Ethics Committee" means the Joint Committee on Legislative Ethics.

(v) (1) "Legislative action" means an official action or nonaction relating to:

(i) a bill, a resolution, an amendment, a nomination, an appointment, a report, or any other matter within the jurisdiction of the General Assembly;

(ii) a bill presented to the Governor for signature or veto; or

(iii) testimony or other advocacy in an official capacity as a member of the General Assembly before a unit of State or local government.

(2) "Legislative action" includes:

(i) introduction;

- (ii) sponsorship;
- (iii) consideration;
- (iv) debate;
- (v) amendment;
- (vi) passage;
- (vii) defeat;
- (viii) approval; and
- (ix) veto.

(w) “Legislative unit” means:

- (1) the General Assembly;
- (2) either house of the General Assembly;

(3) a standing committee of the General Assembly, provided that the presiding officer of the House of Delegates and the presiding officer of the Senate shall be deemed an ex officio member of any standing committee of the presiding officer’s chamber; or

(4) a county or regional delegation of members of the General Assembly that is recognized by a presiding officer of the General Assembly.

(x) “Lobbying” means performing any act that requires registration under § 5–702 of this title.

(y) “Local official”, subject to § 5–801 of this title, means an official, officer, or employee of a county or municipal corporation that the governing body of the county or municipal corporation determines is subject to Subtitle 8, Part II of this title.

(z) “Member of household” means:

- (1) if sharing an individual’s legal residence, the individual’s:
 - (i) spouse;

- (ii) child;
- (iii) ward;
- (iv) financially dependent parent; or
- (v) other financially dependent relative; or

(2) an individual's spouse, child, ward, parent, or other relative, over whose financial affairs the individual has legal or actual control.

(aa) "Municipal corporation" means a municipality governed by Article XI–E of the Maryland Constitution.

(bb) "Official" means either a State official or a public official.

(cc) "Political contribution" means a contribution as defined in § 1–101 of the Election Law Article.

(dd) "Principal political party" means the State Democratic Party or the State Republican Party.

(ee) "Procurement contract" has the meaning stated in § 11–101 of the State Finance and Procurement Article.

(ff) "Public official" means an individual determined to be a public official under § 5–103 of this subtitle.

(gg) "Qualifying relative" means a spouse, parent, child, brother, or sister.

(hh) "Regulated lobbyist" means an entity that is required to register with the Ethics Commission under § 5–702(a) of this title.

(ii) "Respondent" means any of the following that is the subject of a complaint before the Ethics Commission:

- (1) an official;
- (2) an employee;
- (3) a candidate for office as a State official;
- (4) an entity subject to Subtitle 7 of this title; or

(5) an entity subject to § 5–512 of this title.

(jj) “School board” means a county board of education or, in Baltimore City, the Board of School Commissioners.

(kk) “School system” means the educational system under the authority of a school board.

(ll) “State official” means:

(1) a constitutional officer or officer–elect in an executive unit;

(2) a member or member–elect of the General Assembly;

(3) a judge or judge–elect of a court under Article IV, § 1 of the Maryland Constitution;

(4) a judicial appointee as defined in Maryland Rule 18–200.3;

(5) a State’s Attorney;

(6) a clerk of the circuit court;

(7) a register of wills; or

(8) a sheriff.

(mm) “Superintendent” means a county superintendent as defined in § 1–101 of the Education Article.

§5–102.

(a) (1) The General Assembly of Maryland, recognizing that our system of representative government is dependent on maintaining the highest trust by the people in their government officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of those officials and employees will be maintained.

(2) It is evident that the people’s confidence and trust are eroded when the conduct of the State’s business is subject to improper influence or even the appearance of improper influence.

(b) For the purpose of guarding against improper influence, the General Assembly enacts this Maryland Public Ethics Law to require certain government

officials and employees to disclose their financial affairs and to set minimum ethical standards for the conduct of State and local business.

(c) The General Assembly intends that this title, except its provisions for criminal sanctions, be construed liberally to accomplish this purpose.

§5–103.

(a) The determination of whether an individual is a public official for the purposes of this title shall be made in accordance with this section.

(b) Except as provided in subsection (f) of this section, the following individuals in executive units are public officials:

(1) an individual who receives compensation at a rate equivalent to at least State grade level 16, or who is appointed to a board, if the Ethics Commission determines under § 5–208 of this title that:

(i) the individual, acting alone or as a member of an executive unit, has decision–making authority or acts as a principal advisor to an individual with decision–making authority:

1. in making State policy in an executive unit; or
2. in exercising quasi–judicial, regulatory, licensing, inspecting, or auditing functions; and

(ii) the individual’s duties are not essentially administrative and ministerial;

(2) any other individual in an executive unit if the Ethics Commission determines that the individual, acting alone or as a member of the executive unit, has decision–making authority or acts as a principal advisor to an individual with decision–making authority in drafting specifications for, negotiating, or executing contracts that commit the State or an executive unit to spend more than \$10,000 in a year;

(3) a member, appointee, or employee of the Maryland Stadium Authority;

(4) a member, appointee, or employee of the Canal Place Preservation and Development Authority;

(5) a member of the Emergency Medical Services Board; and

(6) except in counties in which a county council or board of county commissioners sits as a board of license commissioners or a liquor control board, a member or employee of a board of license commissioners or a liquor control board.

(c) Except as provided in subsection (f) of this section, an individual in the Legislative Branch is a public official if the individual:

(1) receives compensation at a rate equivalent to at least State grade level 16; and

(2) is designated a public official by order of the presiding officers of the General Assembly.

(d) (1) (i) In this paragraph, “individual in the Judicial Branch” includes an individual who is:

1. employed in the office of a clerk of court;
2. paid by a county to perform services in an orphans’ court or circuit court;
3. employed by the Attorney Grievance Commission;
4. employed by the State Board of Law Examiners; or
5. employed by the Court of Appeals Standing Committee on Rules of Practice and Procedure.

(ii) Except as provided in paragraph (2) of this subsection or subsection (f) of this section, an individual in the Judicial Branch is a public official if the individual receives compensation at a rate equivalent to at least State grade level 16.

(2) The Ethics Commission may exclude the individuals in a position in the Judicial Branch from inclusion as public officials under paragraph (1)(ii) of this subsection:

(i) on the recommendation of the State Court Administrator; and

(ii) if the Ethics Commission determines that the position does not have policy, policy advice, quasi-judicial, or procurement functions.

(e) A member of a bicounty commission is a public official.

(f) The following are not public officials:

(1) a State official;

(2) an individual employed on a contractual basis unless the individual is:

(i) employed on a full-time basis for more than 6 months; and

(ii) designated as a public official under subsection (b)(1) or (c) of this section; and

(3) a part-time or full-time faculty member at a State institution of higher education:

(i) as to subsection (b)(2) of this section, only when the individual is acting in the capacity of a faculty member; and

(ii) as to any other provision of this section, unless the individual also:

1. is employed in another position that causes the individual to be designated as a public official; or

2. directly procures, directly influences, or otherwise directly affects the formation or execution of any State contract, purchase, or sale, as established by regulations adopted by the Ethics Commission and approved by the Joint Committee on Administrative, Executive, and Legislative Review.

§5-104.

(a) Except as provided in subsections (b) and (c) of this section and in § 5-871 of this title, this title shall be administered and implemented by the Ethics Commission.

(b) The Joint Ethics Committee, acting as an advisory body, shall administer and implement Subtitle 5 of this title as it applies to members of the General Assembly.

(c) The Commission on Judicial Disabilities, the Judicial Ethics Committee, or another body designated by the Court of Appeals, acting as an advisory body, shall

administer and implement Subtitles 5 and 6 of this title as those subtitles apply to State officials of the Judicial Branch.

§5–105.

(a) If another provision of law relating to conflicts of interest, financial disclosure, or lobbying is more stringent than this title, the other provision shall apply.

(b) Title 3, Subtitle 1 of the Public Safety Article does not apply to activities carried out by the Ethics Commission under this title.

§5–201.

There is a State Ethics Commission.

§5–202.

(a) (1) The Ethics Commission consists of five members.

(2) The Governor shall appoint:

(i) with the advice and consent of the Senate, three members, at least one of whom shall be a member of the principal political party of which the Governor is not a member;

(ii) one member nominated by the President of the Senate; and

(iii) one member nominated by the Speaker of the House.

(3) The Governor may reject a nominee of the President or of the Speaker only for cause.

(4) If the Governor rejects a nominee under paragraph (3) of this subsection, the appropriate presiding officer shall nominate another individual.

(5) A vacancy shall be filled in a manner consistent with this subsection.

(b) A member of the Ethics Commission may not:

(1) hold elected or appointed office in, be an employee of, or be a candidate for office in:

- (i) the federal government;
 - (ii) the State government;
 - (iii) a municipal corporation, county, or multicounty agency of the State; or
 - (iv) a political party; or
- (2) be a regulated lobbyist.

(c) Before taking office, each appointee to the Ethics Commission shall take the oath required by Article I, § 9 of the Maryland Constitution.

- (d)
 - (1) The term of a member is 5 years.
 - (2) The terms of members are staggered as required by the terms in effect for members of the Ethics Commission on October 1, 2013.
 - (3) A member may serve no more than two consecutive 5-year terms.
 - (4) A member who is appointed after a term has begun serves for the rest of the term.
 - (5) At the end of a term, a member may continue to serve until a successor is appointed and qualifies.

- (e)
 - (1) The Governor may remove a member for:
 - (i) neglect of duty;
 - (ii) misconduct in office;
 - (iii) a disability that makes the member unable to discharge the powers and duties of office; or
 - (iv) a violation of this title.
 - (2) Before removing a member, the Governor shall give the member:
 - (i) written notice of the charges; and
 - (ii) an opportunity to answer the charges.

§5–203.

- (a) The Ethics Commission shall elect a chair from among its members.
- (b)
 - (1) The term of the chair is 1 year.
 - (2) The chair may be reelected.

§5–204.

(a) (1) A majority of the authorized membership of the Ethics Commission is a quorum.

(2) The Ethics Commission may act only on the affirmative vote of at least a majority of its authorized membership.

(b) The Ethics Commission shall meet at the call of the chair or a majority of the members then serving.

(c) Each member of the Ethics Commission is entitled to:

(1) compensation in accordance with the State budget; and

(2) reimbursement for reasonable and necessary expenses incurred in the discharge of official duties.

(d) (1) The Ethics Commission shall:

(i) appoint to serve at its pleasure:

1. an executive director;

2. a general counsel; and

3. a staff counsel; and

(ii) have other staff, including such counsel as may be required to advise persons who are subject to the jurisdiction of the Ethics Commission, in accordance with the State budget.

(2) The general counsel and the staff counsel of the Ethics Commission shall be individuals admitted to practice law in the State.

(e) The Ethics Commission may ask the Attorney General or Comptroller for professional assistance to assist in the performance of the Commission's functions.

§5–205.

(a) The Ethics Commission shall:

(1) administer the provisions of this title, except as otherwise expressly provided in this title;

(2) create and provide forms for each document required by this title;

(3) retain as a public record each document filed with the Commission for at least 4 years after receipt;

(4) review periodically the adequacy of public ethics laws;

(5) (i) review each statement and report filed in accordance with Subtitle 6 or Subtitle 7 of this title; and

(ii) notify officials and employees submitting documents under Subtitle 6 of this title of any omissions or deficiencies; and

(6) publish and make available to persons subject to this title, and to the public, information that explains the provisions of this title, the duties imposed by it, and the means for enforcing it.

(b) (1) The Ethics Commission shall adopt by regulation model provisions for local governments and school boards on:

(i) conflicts of interest;

(ii) financial disclosure; and

(iii) regulation of lobbying.

(2) Model provisions adopted under paragraph (1) of this subsection may be:

(i) adopted by any local jurisdiction or school board; or

(ii) imposed on a local jurisdiction or school board in accordance with Subtitle 8 of this title.

(c) (1) The Ethics Commission shall:

(i) compile annually an alphabetized list of entities doing business with the State during the preceding calendar year; and

(ii) make the list available to individuals required to file a statement under Subtitle 6 of this title.

(2) The list prepared under paragraph (1) of this subsection shall be available for public inspection by March 1 of each year.

(3) On request of the Ethics Commission, an official or a unit of State government shall provide to the Commission in a timely manner any information necessary for the Commission to perform its duties under this subsection.

(d) (1) The Ethics Commission shall provide a training course of at least 2 hours on the requirements of the Maryland Public Ethics Law for an individual who:

(i) fills a vacancy in a position that has been identified as a public official position under § 5–103 of this title; or

(ii) serves in a position identified as a public official position under § 5–103 of this title.

(2) The individual shall complete the training course within 6 months of:

(i) filling a vacancy; or

(ii) a position being identified as a public official position.

(3) The training requirement under this subsection does not apply to an individual who:

(i) except for a member of a board of license commissioners or a liquor control board, is a public official only as a member of a commission, task force, or similar entity; or

(ii) has completed a training course provided by the Ethics Commission while serving in another public official position.

(e) (1) (i) The Ethics Commission shall provide a training course for regulated lobbyists and prospective regulated lobbyists at least twice each year on

the provisions of the Maryland Public Ethics Law, including provisions related to discrimination and harassment, relevant to regulated lobbyists.

(ii) One training course shall be held each January.

(2) When a person initially registers as a regulated lobbyist, the Ethics Commission shall provide the person with information on the provisions of the Maryland Public Ethics Law relevant to regulated lobbyists.

(f) Subject to § 2-1257 of the State Government Article, the Ethics Commission shall submit to the General Assembly:

(1) an annual report on its activities; and

(2) based on its investigations and studies, other special reports with recommendations for legislation as may be appropriate.

§5-206.

The Ethics Commission may adopt regulations to implement this title.

§5-207.

(a) The Ethics Commission and its staff counsel each may:

(1) administer oaths; and

(2) issue subpoenas for the attendance of witnesses to testify or to produce other evidence.

(b) A subpoena issued under subsection (a) of this section may be enforced judicially.

§5-208.

(a) With advice from the Secretary of Budget and Management and in accordance with § 5-103 of this title, the Ethics Commission shall determine whether an individual in an executive unit is a public official for the purposes of this title.

(b) The Secretary of Budget and Management shall provide advice under subsection (a) of this section to the Ethics Commission:

(1) annually; and

- (2) at any other time on request of the Ethics Commission.

§5–209.

(a) The Ethics Commission may exempt from this title or modify the requirements of this title for a board, a member of a board, or a municipal corporation if the Ethics Commission finds that, because of the nature of the board or the size of the municipal corporation, the application of this title to that board, member, or municipal corporation:

- (1) would be an unreasonable invasion of privacy;
- (2) would reduce significantly the availability of qualified individuals for public service; and
- (3) is not necessary to preserve the purposes of this title.

(b) Subject to § 5–502(d) of this title, the Ethics Commission may grant an exemption to a board or member of a board only on written request of the executive unit of which the board is a part.

(c) Notwithstanding any other provision of this title, the records of the Ethics Commission in any matter in which an exemption is granted under this title shall be available for public inspection.

§5–210.

- (a)
 - (1) There is a Lobbyist Registration Fund.
 - (2) The Fund consists of all fees collected under Subtitle 7 of this title.
- (b)
 - (1) The Fund is a continuing, nonlapsing fund.
 - (2) Any balance remaining in the Fund at the end of any fiscal year shall revert to the General Fund of the State.
- (c)
 - (1)
 - (i) The State Treasurer shall hold the Fund separately.
 - (ii) The Comptroller shall account for the Fund.
 - (2) The Fund shall be invested and reinvested in the same manner as other State funds.

(3) Expenditures from the Fund shall be made in accordance with an appropriation approved by the General Assembly in the annual budget.

(d) The Fund shall be used to defray the expenses of administering Subtitle 7 of this title.

§5–301.

(a) (1) Subject to subsection (b) of this section, on written request of an entity subject to this title, the appropriate advisory body shall issue an advisory opinion regarding the application of this title.

(2) On written request of any other entity, the appropriate advisory body may issue an advisory opinion.

(b) (1) The appropriate advisory body may issue informal advice instead of an advisory opinion.

(2) Information related to informal advice provided under this subsection shall remain confidential and is not subject to the requirements of § 5–303 of this subtitle.

§5–302.

The Ethics Commission shall issue an advisory opinion required under § 5–301(a) of this subtitle not more than 60 days after receiving a request, or more promptly if circumstances require.

§5–303.

(a) Each advisory opinion shall be:

(1) in writing; and

(2) published in the Maryland Register, subject to subsection (b) of this section.

(b) (1) Before an advisory opinion may be made public, the advisory body shall delete:

(i) the name of the entity that is the subject of the opinion;
and

(ii) to the fullest extent possible, any other information that may identify the entity.

(2) The identity of the entity that is the subject of the opinion may not be revealed.

§5-304.

(a) If the Ethics Commission issues an advisory opinion about a State official of the Legislative Branch as to a question arising under Subtitle 6 of this title, and if requested by the State official, the Joint Ethics Committee shall issue an advisory opinion on the matter in accordance with this subtitle.

(b) The opinion of the Joint Ethics Committee prevails to the extent of any inconsistency.

§5-401.

(a) (1) Any entity may file with the Ethics Commission a written complaint alleging a violation of this title.

(2) A complaint filed under this subsection shall be:

(i) signed; and

(ii) made under oath.

(b) The Ethics Commission on its own motion may issue a complaint alleging a violation of this title.

(c) The Ethics Commission shall promptly transmit a copy of the complaint to the respondent.

§5-402.

(a) For further action after the filing of a complaint, the Ethics Commission promptly shall refer the complaint to:

(1) the Commission on Judicial Disabilities, if the complaint concerns a judge of a court established under Article IV, § 1 of the Maryland Constitution;

(2) the Joint Ethics Committee, if the complaint concerns:

(i) a State official of the Legislative Branch; and

(ii) a violation of Subtitle 5 of this title; or

(3) the staff counsel, if the complaint concerns any other entity.

(b) On request of the Commission on Judicial Disabilities or the Joint Ethics Committee, the Ethics Commission shall provide any information or assistance that is not prohibited by law.

§5-403.

(a) As to a complaint retained by the Ethics Commission under § 5-402(b) of this subtitle, the staff counsel shall collect and submit to the Ethics Commission evidence relating to each violation of this title alleged in the complaint.

(b) (1) Before submitting the evidence to the Ethics Commission, the staff counsel shall notify the complainant and the respondent.

(2) The Ethics Commission shall dismiss the complaint in a signed order if:

(i) the respondent, within 15 days after receiving the notice, takes any action that may be available to cure each alleged violation; and

(ii) the Ethics Commission finds that dismissal is not contrary to the purposes of this title.

(3) If the complaint is dismissed under this subsection, the Ethics Commission promptly shall send a copy of the order to the complainant and the respondent.

(c) If the Ethics Commission determines that the evidence submitted by the staff counsel does not merit further proceedings, 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.

(d) If a complaint is not dismissed under subsection (b) or (c) of this section, the Ethics Commission shall proceed to a hearing on the complaint.

§5-404.

(a) (1) A hearing on a complaint shall be conducted under Title 10, Subtitle 2 of the State Government Article insofar as that subtitle is consistent with this title.

(2) In preparation for the hearing, the respondent may use the subpoena power of the Ethics Commission.

(b) At the hearing, the staff counsel:

(1) shall present to the Ethics Commission all available evidence relating to each alleged violation of this title; and

(2) may recommend any disposition of the complaint that appears appropriate to the staff counsel.

(c) The respondent may be represented by counsel.

§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 \$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 \$5 for each late day, not to exceed a total of \$500.

(h) A penalty, fine, or fee assessed under this section shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of the Election Law Article.

§5–406.

(a) If the respondent is aggrieved by a final order of the Ethics Commission, the respondent may seek judicial review as provided in Title 10, Subtitle 2 of the State Government Article.

(b) (1) The order is stayed automatically until the time for seeking judicial review has expired.

(2) (i) The filing of a petition for judicial review does not automatically stay the enforcement of the order.

(ii) Except as otherwise provided by law, the Ethics Commission or the reviewing court may stay the enforcement of the order, under terms the Ethics Commission considers proper.

(c) The Ethics Commission may seek judicial enforcement and other relief as provided under Subtitle 9 of this title.

§5–407.

(a) Notwithstanding any other law, and except as provided in subsections (b) and (c) of this section, after a complaint is filed:

(1) the proceedings, meetings, and activities of the Ethics Commission and its employees relating to the complaint are confidential; and

(2) information relating to the complaint, including the identity of the complainant and respondent, may not be disclosed by:

(i) the Ethics Commission;

(ii) the staff of the Ethics Commission;

(iii) the complainant; or

(iv) the respondent.

(b) Except as provided in subsection (c) of this section, the restrictions in subsection (a) of this section apply unless:

(1) the matter is referred for prosecution; or

(2) the Ethics Commission finds a violation of this title.

(c) (1) The Ethics Commission may release any information if the respondent agrees in writing to the release.

(2) On request of the respondent, the Ethics Commission shall disclose the identity of the complainant to the respondent.

§5–408.

(a) If the Ethics Commission, while considering a complaint, finds that there are reasonable grounds to believe that the respondent may have committed a criminal offense, the Ethics Commission promptly shall refer the matter to an appropriate prosecuting authority.

(b) The Ethics Commission shall make available to the prosecuting authority all pertinent evidence under the Ethics Commission's control.

§5–409.

(a) An entity that is required to file a report, statement, or record under this title shall obtain each account, bill, receipt, book, paper, or other document necessary to complete and substantiate the report or statement.

(b) The entity shall retain the document for 3 years after:

(1) the date the report, statement, or record was filed; or

(2) if the report, statement, or record was not filed, the date the report, statement, or record was required to be filed.

(c) On request of the Ethics Commission, and after reasonable notice, the documents shall be available for inspection by the Ethics Commission.

§5–501.

(a) Except as otherwise provided in subsection (c) of this section, an official or employee may not participate in a matter if:

(1) the official or employee or a qualifying relative of the official or employee has an interest in the matter and the official or employee knows of the interest; or

(2) any of the following is a party to the matter:

(i) a business entity in which the official or employee has a direct financial interest of which the official or employee reasonably may be expected to know;

(ii) a business entity, including a limited liability company or a limited liability partnership, of which any of the following is an officer, a director, a trustee, a partner, or an employee:

1. the official or employee; or
2. if known to the official or employee, a qualifying relative of the official or employee;

(iii) a business entity with which any of the following has applied for a position, is negotiating employment, or has arranged prospective employment:

1. the official or employee; or
2. if known to the official or employee, a qualifying relative of the official or employee;

(iv) if the contract reasonably could be expected to result in a conflict between the private interest and the official State duties of the official or employee, a business entity that is a party to a contract with:

1. the official or employee; or
2. if known to the official or employee, a qualifying relative of the official or employee;

(v) a business entity, either engaged in a transaction with the State or subject to regulation by the official's or employee's governmental unit, in which a direct financial interest is owned by another business entity if the official or employee:

1. has a direct financial interest in the other business entity; and
2. reasonably may be expected to know of both financial interests; or

(vi) a business entity that:

1. the official or employee knows is a creditor or an obligee of the official or employee, or of a qualifying relative of the official or employee, with respect to a thing of economic value; and

2. as a creditor or an obligee, is in a position to affect directly and substantially the interest of the official, employee, or qualifying relative.

(a-1) (1) This subsection does not apply to an individual who is a public official only as a member of a board and who receives annual compensation that is less than 25% of the lowest annual compensation at State grade level 16.

(2) A former regulated lobbyist who is or becomes subject to regulation under this title 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.

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

(i) as to officials and employees subject to the authority of the Ethics Commission, by regulation of the Ethics Commission;

(ii) by the opinion of an advisory body; or

(iii) by another provision of this subtitle.

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

(c) An official or employee who otherwise would be disqualified from participation under subsection (a) of this section shall disclose the nature and circumstances of the conflict, and may participate or act, if:

(1) the disqualification would leave a body with less than a quorum capable of acting;

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

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

§5-502.

(a) This section does not apply to members of the General Assembly.

(b) Except as provided in subsections (c) and (d) of this section, an official or employee may not:

(1) be employed by or have a financial interest in:

(i) an entity subject to the authority of that official or employee or of the governmental unit with which the official or employee is affiliated; or

(ii) an entity that is negotiating or has entered a contract with that governmental unit or an entity that is a subcontractor on a contract with that governmental unit; or

(2) hold any other employment relationship that would impair the impartiality and independent judgment of the official or employee.

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

(1) to employment or a financial interest allowed by regulation of the Ethics Commission if:

(i) the employment does not create a conflict of interest or the appearance of a conflict of interest; or

(ii) the financial interest is disclosed;

(2) to a public official who is appointed to a regulatory or licensing unit in accordance with a statutory requirement that entities subject to the jurisdiction of the unit be represented in appointments to it;

(3) as allowed by regulations adopted by the Ethics Commission, to an employee whose government 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; or

(4) to a member of a board who holds the employment or financial interest when appointed if the employment or financial interest is disclosed publicly to the appointing authority, the Ethics Commission, and, if applicable, the Senate of Maryland before Senate confirmation.

(d) (1) Subject to paragraph (2) of this subsection, the Ethics Commission may exempt a public official of an executive unit or an employee of an executive unit from the prohibitions of subsection (b) of this section if the Ethics Commission determines that:

State to: (i) failure to grant the exemption would limit the ability of the

1. recruit and hire highly qualified or uniquely qualified professionals for public service; or

2. assure the availability of competent services to the public; and

(ii) the number of exemptions granted under this subsection has not eroded the purposes of subsection (b) of this section or other provisions of this title.

(2) (i) The Ethics Commission may grant an exemption under paragraph (1) of this subsection only:

1. in extraordinary situations; and

2. on the recommendation of the Governor, at the request of the executive unit involved.

(ii) The Ethics Commission shall apply this subsection as consistently as possible under similar facts and circumstances.

(e) (1) The Ethics Commission shall make freely available on the Internet documentation of a disclosure under subsection (c)(4) of this section that is submitted to the Ethics Commission on or after January 1, 2019.

(2) An appointing authority shall promptly transmit a copy of a disclosure statement submitted to the appointing authority under subsection (c)(4) of this section to the Ethics Commission.

§5-503.

(a) This section does not apply to members of the General Assembly.

(b) An official or employee may not be employed by an entity that is a party to a contract that binds or purports to bind the State if:

(1) the duties of the official or employee include matters substantially relating to or affecting the subject matter of the contract; and

(2) the contract binds or purports to bind the State to pay more than \$1,000.

§5-504.

(a) (1) This subsection does not apply to members of the General Assembly.

(2) Except as provided in paragraph (3) of this subsection, an official or employee may not, for contingent compensation, assist or represent a party in any matter before or involving any unit of the State or a political subdivision of the State.

(3) Paragraph (2) of this subsection does not apply to assistance to or representation of a party:

(i) in a judicial or quasi-judicial proceeding, including a proceeding before an administrative law judge in the Office of Administrative Hearings, or a matter preliminary, incidental, or collateral to a judicial or quasi-judicial proceeding; or

(ii) in a matter before or involving the Workers' Compensation Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries Compensation Board.

(b) (1) Except as provided in paragraph (2) of this subsection, a member of the General Assembly may not, for compensation, assist or represent a party in any matter before or involving any unit of the State or a political subdivision of the State.

(2) Paragraph (1) of this subsection does not apply to assistance to or representation of a party:

(i) in matters relating to the performance of ministerial acts by a governmental unit;

(ii) in matters involving the member's regular business, employment, or profession, in which contact with a governmental unit:

1. is an incidental part of the business, employment, or profession;

2. is made in the manner that is customary for persons in that business, employment, or profession; and

3. is not for contingent compensation;

(iii) in a judicial or quasi-judicial proceeding, including a proceeding before an administrative law judge in the Office of Administrative Hearings, or a matter preliminary, incidental, or collateral to a judicial or quasi-judicial proceeding;

(iv) in a matter before or involving the Workers' Compensation Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries Compensation Board; or

(v) in a matter in which the assistance or representation, other than for contingent compensation, was commenced by the member of the General Assembly before:

1. the member filed a certificate of candidacy for election to the General Assembly at a time when the member was not an incumbent; or

2. if the member was appointed to fill a vacancy, the date of appointment.

(c) (1) A member of the General Assembly may not assist or represent a person, including himself or herself, for compensation before a State or local governmental agency in any matter involving:

(i) procurement; or

(ii) the adoption of regulations.

(2) Paragraph (1) of this subsection does not apply to an administrative proceeding conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(d) (1) Except for a former member of the General Assembly, who shall be subject to the restrictions provided under paragraph (2) of this subsection, a former official or employee may not assist or represent a party, other than the State, in a case, a contract, or any other specific matter for compensation if:

(i) the matter involves State government; and

(ii) the former official or employee participated significantly in the matter as an official or employee.

(2) (i) In this paragraph, “legislative action” does not include testimony or other advocacy in an official capacity as a member of the General Assembly before a unit of State or local government.

(ii) Except as provided in subparagraph (iii) of this paragraph:

1. a former member of the General Assembly may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year from the date the member leaves office; and

2. a former Governor, Lieutenant Governor, Attorney General, Comptroller, or State Treasurer may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year from the date the official leaves State office.

(iii) The limitation under subparagraph (ii) of this paragraph on representation by a former member of the General Assembly or by a former Governor, Lieutenant Governor, Attorney General, Comptroller, or State Treasurer does not apply to representation of a municipal corporation, county, or State governmental entity.

(e) Notwithstanding subsection (a)(3) of this section or § 5–502 of this subtitle, a full-time official or employee in the Judicial Branch may not represent a party before a court or unit of the Judicial Branch except in the discharge of official duties.

§5–505.

(a) (1) An official or employee may not solicit any gift.

(2) An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist described in § 5–702(a)(1) of this title.

(b) (1) In this subsection, “entity” does not include a governmental unit.

(2) Except as provided in subsection (c) of this section, an official or employee may not knowingly accept a gift, directly or indirectly, from an entity that the official or employee knows or has reason to know:

(i) does or seeks to do any business of any kind, regardless of amount, with the official’s or employee’s governmental unit;

(ii) engages in an activity that is regulated or controlled by the official's or employee's governmental unit;

(iii) has a financial interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties; or

(iv) is a regulated lobbyist with respect to matters within the jurisdiction of the official or employee.

(c) (1) Notwithstanding subsection (b) of this section, an official or employee may accept a gift listed in paragraph (2) of this subsection unless:

(i) the gift would tend to impair the impartiality and independent judgment of the official or employee; or

(ii) as to a gift of significant value:

1. the gift would give the appearance of impairing the impartiality and independent judgment of the official or employee; or

2. the official or employee believes or has reason to believe that the gift is designed to impair the impartiality and independent judgment of the official or employee.

(2) Subject to paragraph (1) of this subsection, subsection (b) of this section does not apply to:

(i) 1. except for officials of the Legislative Branch, meals or beverages received and consumed by the official or employee in the presence of the donor or sponsoring entity;

2. for officials of the Legislative Branch, food or beverages received and consumed by the official in the presence of the donor or sponsoring entity as part of a meal or reception to which all members of a legislative unit were invited;

3. for a member of the General Assembly, food or beverages received from a donor or sponsoring entity, other than an individual regulated lobbyist described in § 5-701(a)(1) of this title, during a period when the General Assembly is not in session, at a location that is within a county that contains the member's district, provided that the donor or sponsoring entity is located within a county that contains the member's district; or

4. for a member of the General Assembly, food or beverages received at the time and geographic location of a meeting of a legislative organization for which the member's presiding officer has approved the member's attendance at State expense;

(ii) ceremonial gifts or awards of insignificant monetary value;

(iii) except for a State official of the Executive Branch or Legislative Branch, unsolicited gifts of nominal value;

(iv) for a State official of the Executive Branch or Legislative Branch, unsolicited gifts from a regulated lobbyist that are not meals or alcoholic beverages and that do not exceed \$20 in cost;

(v) trivial gifts of informational value;

(vi) in return for participation on a panel or a speaking engagement at a meeting, reasonable expenses for food, travel, lodging, or scheduled entertainment of the official or employee if the expenses are associated with the meeting, except that, if such expenses for a State official of the Legislative Branch or Executive Branch are to be paid by a regulated lobbyist and are anticipated to exceed \$500, the official shall notify the appropriate advisory body before attending the meeting;

(vii) for a member of the General Assembly, reasonable expenses for food, travel, lodging, or scheduled entertainment to attend a legislative conference that has been approved by the member's presiding officer;

(viii) tickets or free admission extended to an elected constitutional officer from the person sponsoring or conducting the event, as a courtesy or ceremony to the office, to attend a charitable, cultural, or political event;

(ix) a specific gift or class of gifts exempted from subsection (b) of this section by the Ethics Commission on a written finding that:

1. acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of government; and

2. the gift is purely personal and private in nature;

(x) a gift from:

1. an individual related to the official or employee by blood or marriage; or

2. any other individual who is a member of the household of the official or employee; or

(xi) to the extent provided in subsection (d) of this section, honoraria.

(d) (1) Except as provided in subsection (c)(2)(vi) of this section, a member or member-elect of the General Assembly may not accept an honorarium.

(2) Subject to subsection (c)(1) of this section, an official or employee who is not a member or member-elect of the General Assembly may accept an honorarium if:

(i) the honorarium is limited to reasonable expenses for the official's meals, travel, and lodging, and reasonable and verifiable expenses for care of a child or dependent adult, that are actually incurred;

(ii) the honorarium consists of gifts described in subsection (c)(2)(ii) through (iv) of this section; or

(iii) the official or employee is a faculty member of a State institution of higher education who does not hold another position as an official that precludes receiving the honorarium.

(3) Other than as allowed by paragraph (2) of this subsection, an honorarium may not be accepted, even if allowed by subsection (c)(1) of this section, if:

(i) the payor of the honorarium has an interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties; and

(ii) the offering of the honorarium is related in any way to the official's or employee's official position.

(e) An official or employee may not accept a gift that is prohibited under § 13–211 of the State Finance and Procurement Article.

(f) By regulation, the Ethics Commission may define further exemptions from this section as may be necessary.

§5–506.

(a) (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.

(b) The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a) of this section.

(c) (1) A public 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.

(2) A State official may not use public resources to solicit a political contribution that is regulated in accordance with the Election Law Article.

§5-507.

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

(1) for personal economic benefit; or

(2) for the economic benefit of another.

§5-508.

(a) This section does not apply to a State official of the Legislative Branch or a State official of the Judicial Branch.

(b) A State official may not, based on any characteristic protected by law, unlawfully harass or discriminate against:

(1) an official or employee;

- (2) an intern, a page, or a fellow in any branch of State government;
- (3) an individual regulated lobbyist; or
- (4) a credentialed member of the press.

(c) (1) In this subsection, “State legislative complex” means the following State-occupied buildings:

- (i) the State House;
- (ii) the Department of Legislative Services building;
- (iii) the House of Delegates office building; and
- (iv) the Senate office buildings.

(2) If an individual who is exempt from registration under § 5–702(b)(1) of this title is granted special access to the State legislative complex, the individual may not, based on any characteristic protected by law, unlawfully harass or discriminate against:

- (i) an official or employee;
- (ii) an intern, a page, or a fellow in any branch of State government;
- (iii) another individual regulated lobbyist; or
- (iv) a credentialed member of the press.

(3) The Department of General Services shall revoke the special access to the State legislative complex granted to a person who violates this subsection or a regulated lobbyist who violates § 5–714 of this subtitle if the revocation is requested by:

- (i) the Speaker of the House or the Speaker’s designee;
- (ii) the President of the Senate or the President’s designee; or
- (iii) the Executive Director of the Department of Legislative Services or the Executive Director’s designee.

§5-511.

This part applies only to members of the General Assembly.

§5-512.

(a) (1) In this section, “close economic association” means the association between a legislator and:

(i) the legislator’s:

1. employer;
2. employee; or
3. partner in a business or professional enterprise;

(ii) a partnership, limited liability partnership, or limited liability company in which the legislator has invested capital or owns an interest;

(iii) a corporation in which the legislator owns the lesser of:

1. 10% or more of the outstanding capital stock; or
2. capital stock with a cumulative value of \$35,000 or more;

(iv) a corporation in which the legislator is an officer, a director, or an agent; and

(v) an entity with which the legislator is negotiating employment or has arranged prospective employment.

(2) “Close economic association” does not include a legislator’s ownership of stock directly through a mutual fund, an exchange-traded fund, a retirement plan, or any other similar commingled investment vehicle the individual investments of which the legislator does not control or manage.

(b) (1) An interest of a member of the General Assembly conflicts with the public interest if the legislator’s interest tends to impair the legislator’s independence of judgment.

(2) The conflict disqualifies the legislator from participating in any legislative action, or otherwise attempting to influence any legislation, to which the conflict relates.

(c) It is presumed that an interest disqualifies a legislator from participating in legislative action whenever the legislator:

(1) has or acquires a direct interest in an enterprise that would be affected by the legislator's vote on proposed legislation, unless the interest is common to all members of:

(i) a profession or occupation of which the legislator is a member; or

(ii) the general public or a large class of the general public;

(2) benefits financially from a close economic association with a person whom the legislator knows has a direct interest in an enterprise or interest that would be affected by the legislator's participation in legislative action, differently from other like enterprises or interests;

(3) benefits financially from a close economic association with a person who is lobbying for the purpose of influencing legislative action; or

(4) solicits, accepts, or agrees to accept a loan, other than a loan from a commercial lender in the normal course of business, from a person who would be affected by or has an interest in an enterprise that would be affected by the legislator's participation in legislative action.

§5-513.

(a) (1) Except as provided in paragraph (2) of this subsection, the disqualification arising under § 5-512 of this subtitle is suspended if a legislator with an apparent or presumed conflict files with the Joint Ethics Committee a sworn statement that:

(i) describes the circumstances of the apparent or presumed conflict and the legislation, class of legislation, or legislative action to which it relates; and

(ii) asserts that the legislator is able to participate in legislative action relating to the matter fairly, objectively, and in the public interest.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the disqualification arising under § 5–512 of this subtitle may not be suspended if the conflict is direct and personal to:

1. the legislator;
2. a member of the legislator's immediate family; or
3. the legislator's employer.

(ii) This paragraph does not apply to a vote on:

1. the annual operating budget bill, in its entirety; or
2. the annual capital budget bill, in its entirety.

(b) (1) Whenever a legislator files a statement described in subsection (a)(1) of this section, the Joint Ethics Committee on its own motion may issue a statement concerning the propriety of the legislator's participation in the particular legislative action, with reference to the applicable ethical standards.

(2) The suspension of the disqualification by the filing of the statement is subject to further action by the Joint Ethics Committee if the question of conflict comes before the Committee as to the same circumstances and the same legislator.

(c) A member who is disqualified from participating in legislative action under subsection (a)(2)(i) of this section, or who chooses to be excused from participating in legislative action on a bill or class of bills because of the appearance or presumption of a conflict, shall file in a timely manner a statement with the Joint Ethics Committee that describes the circumstances of the apparent or presumed conflict.

(d) All statements filed under this section shall be:

(1) filed electronically on a form required by the Joint Ethics Committee; and

(2) maintained as a matter of public record as required in subsection (e) of this section.

(e) (1) The Department of Legislative Services shall:

(i) compile the statements filed under this section;

(ii) make the statements available for public inspection as provided in the Public Information Act; and

(iii) as to statements filed on or after January 1, 2013, make the statements freely available to the public on the Internet through an online registration program.

(2) As to each statement, the Internet posting shall indicate:

(i) whether the Joint Ethics Committee has made a determination under subsection (b) of this section;

(ii) the determination made, if any; and

(iii) the date, if any, on which the determination was made.

§5-514.

(a) (1) Except as provided in paragraph (2) or (3) of this subsection, a member of the General Assembly, a filed candidate for election to the General Assembly, or a member-elect of the General Assembly may not receive earned income from:

(i) an executive unit; or

(ii) a political subdivision of the State.

(2) The Joint Ethics Committee may exempt an individual from the provisions of paragraph (1) of this subsection if the earned income is for:

(i) educational instruction provided by the member, candidate, or member-elect;

(ii) a position that is subject to a merit system hiring process;

(iii) a human services position; or

(iv) a career promotion, change, or progression that is a logical transition from a pre-existing relationship as described in paragraph (3)(ii) of this subsection.

(3) This subsection does not apply to compensation to a member, candidate, or member-elect derived from:

(i) employment as a nonelected law enforcement officer or a fire or rescue squad worker; or

(ii) a transaction or relationship that existed before the individual:

1. filed a certificate of candidacy for election to the General Assembly while the individual was not an incumbent member of the General Assembly; or

2. was appointed to fill a vacancy.

(b) (1) A legislator shall report the following information in writing to the Joint Ethics Committee at the times and in the manner required by the Joint Ethics Committee:

(i) subject to paragraph (2) of this subsection, if representing a person for compensation before a State or local government agency, except in a judicial proceeding or in a quasi-judicial proceeding, the name of the person represented, the services performed, and the consideration;

(ii) if representing a State or local government agency for compensation, the name of the agency, the services performed, and the consideration;

(iii) the name of any business enterprise subject to regulation by a State agency in which the legislator and a member of the legislator's immediate family (spouse and children living with the legislator), together or separately, have:

1. the lesser of:

A. 10% or more of the capital stock of any corporation;

or

B. capital stock of any corporation with a cumulative value of \$35,000 or more; and

2. any interest in a partnership, limited liability partnership, or limited liability company;

(iv) details of any contractual relationship with a governmental entity of the State or a local government in the State, including the subject matter and the consideration;

(v) details of any transaction with a governmental entity of the State or a local government in the State involving a monetary consideration;

(vi) except for employment as a legislator, the name of any:

1. primary employer of the legislator;
2. primary employer of the legislator's spouse; and
3. business from which the legislator or the legislator's spouse receives earned income as a result of an ownership interest in the business;

(vii) except in a judicial or quasi-judicial proceeding, the name of any client of the legislator or of a business entity in which the legislator has an ownership interest if the legislator:

1. is assisting the client in seeking a State or local government contract, license, or other competitive award; and

2. will receive or expects to receive a direct financial benefit as a result of the award of the contract, license, or other competitive award to the client; and

(viii) if the legislator's spouse is an individual regulated lobbyist, the name of each entity that has engaged the lobbyist for lobbying purposes.

(2) A legislator, on the written advice of the Counsel to the Joint Ethics Committee, is not required to report any information under this subsection if reporting the information would violate standards of client confidentiality or professional conduct.

(3) The Joint Ethics Committee may adopt procedures to keep confidential the name of the person represented in a report filed under paragraph (1)(i) of this subsection if that information is privileged or confidential under any law governing proceedings before that State or local government agency.

(c) All reports filed under this section shall be:

(1) filed electronically on a form required by the Joint Ethics Committee; and

(2) maintained as a matter of public record as required in subsection (d) of this section.

- (d) (1) The Department of Legislative Services shall:
 - (i) compile the reports filed under this section;
 - (ii) make the reports available for public inspection as provided in the Public Information Act; and
 - (iii) as to reports filed on or after January 1, 2013, and except as provided in paragraph (2) of this subsection, make the reports freely available to the public on the Internet through an online registration program.

(2) The Department of Legislative Services may not post on the Internet information related to consideration received that is reported under subsection (b) of this section.

§5-515.

(a) (1) A legislator may request a written opinion from the Joint Ethics Committee on the propriety of any current or proposed conduct of the legislator and involving the applicable standards of ethical conduct for legislators established by law, rule, or other standard of ethical conduct.

- (2) A request for an opinion shall:
 - (i) be in writing and signed by the legislator;
 - (ii) be addressed to the Joint Ethics Committee or either cochair;
 - (iii) be submitted in a timely manner; and
 - (iv) include a complete and accurate statement of the relevant facts.

(3) If a request is unclear or incomplete, the Joint Ethics Committee may seek additional information from the legislator.

(4) (i) The Counsel to the Joint Ethics Committee shall prepare for the Committee a response to each written request for an opinion under this subsection.

(ii) Each opinion shall discuss all applicable laws, rules, or other standards.

(5) Except as provided in paragraph (6)(i) of this subsection, an opinion must be approved by a majority of the members of the Joint Ethics Committee.

(6) (i) The cochair of the Joint Ethics Committee may approve an opinion on behalf of the Committee if they determine that the opinion is consistent with prior precedent and therefore does not require consideration by the full Committee.

(ii) An opinion issued under subparagraph (i) of this paragraph shall be distributed to each member of the Joint Ethics Committee not later than the next meeting of the Committee.

(iii) Notwithstanding subparagraph (i) of this paragraph, if a cochair of the Joint Ethics Committee is the legislator requesting the opinion, the opinion must be approved by a majority of the Committee.

(b) The Joint Ethics Committee is not required to issue an opinion if the request is not made in a timely manner.

(c) The Joint Ethics Committee on its own motion may issue opinions as it considers appropriate.

(d) (1) The cochair shall determine whether an opinion shall be made public, with deletions and changes necessary to protect the legislator's identity.

(2) (i) The Counsel to the Joint Ethics Committee shall compile and index each opinion that will be made public.

(ii) The compilation of opinions shall be distributed to each member of the General Assembly and shall be available to the public.

(e) The Joint Ethics Committee may take no adverse action with regard to conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(f) Information provided to the Joint Ethics Committee by a legislator seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under this section if the legislator acts in good faith in accordance with the advice of the Committee.

(g) (1) An opinion issued under this section is binding on any legislator to whom it is addressed.

(2) A published opinion is binding on all members of the General Assembly.

§5–516.

(a) A complaint alleging that a member of the General Assembly may have violated standards of ethical conduct, including § 2–108 of the State Government Article, may be filed with the Joint Ethics Committee by:

(1) a written statement from any person, accompanied by an affidavit, setting forth the facts on which the statement is based;

(2) motion of a majority of the membership of the Joint Ethics Committee; or

(3) referral of a matter to the Joint Ethics Committee by a presiding officer of the General Assembly as provided in § 2–706(a)(5) of the State Government Article.

(b) (1) The Joint Ethics Committee shall provide a copy of each complaint filed under subsection (a) of this section to the presiding officer of the house of the legislator who is the subject of the complaint.

(2) Based on the information contained in a complaint provided to a presiding officer under paragraph (1) of this subsection, if a presiding officer determines that it is inappropriate for a Joint Ethics Committee member from that house to consider a particular matter, the presiding officer shall appoint a substitute member to the Joint Ethics Committee for its consideration of the matter.

§5–517.

(a) Except as provided in subsections (b) and (c) of this section, any matter before the Joint Ethics Committee, including information relating to any complaint, proceeding, or record of the Joint Ethics Committee, shall remain confidential.

(b) Public access and inspection of an activity or a record of the Joint Ethics Committee shall be available for:

(1) a disclosure or disclaimer of a conflict of interest form filed with the Joint Ethics Committee;

(2) a portion of a meeting in which a disclosure or disclaimer form is reviewed by the Joint Ethics Committee;

(3) information relating to a complaint, proceeding, or record of the Joint Ethics Committee involving a member of the General Assembly if consent to public access and inspection is granted by:

(i) the member involved in the matter; or

(ii) a three-fourths vote of the full membership of the Joint Ethics Committee, based on criteria established by rule;

(4) a rule or broadly applicable opinion issued by the Joint Ethics Committee; or

(5) any matter or record that is otherwise available for public access or inspection as specifically authorized under this subtitle.

(c) (1) The Joint Ethics Committee shall provide a copy of a complaint alleging a violation of the antiharassment policy and procedures and a notice of the Joint Ethics Committee's action to the Human Resources Manager of the Department of Legislative Services.

(2) For information received under paragraph (1) of this subsection, the Human Resources Manager shall be subject to the confidentiality restrictions of subsections (a) and (b) of this section.

§5-518.

(a) Except as provided in § 5-518.1 of this subtitle, after the filing or preparation of a complaint under § 5-516 of this subtitle, the Joint Ethics Committee shall review the complaint and proceed in accordance with § 5-519 of this subtitle unless, after examining the complaint and the issues raised by it, the Committee finds that further proceedings are not justified because:

(1) the complaint is frivolous;

(2) the complaint does not allege actions on the part of the accused legislator that provide reason to believe that a violation may have occurred;

(3) the matters alleged are not within the jurisdiction of the Joint Ethics Committee;

(4) the violations alleged were inadvertent, technical, or minor, or have been cured, and, after consideration of all of the circumstances then known, further proceedings would not serve the purposes of this subtitle; or

(5) for other reasons, after consideration of all the circumstances, further proceedings would not serve the purposes of this subtitle.

(b) (1) If a finding is made under subsection (a) of this section, the Joint Ethics Committee shall:

(i) submit a report of its conclusions to the presiding officer or to the membership of the branch of the legislature of which the accused legislator is a member, and the proceedings shall be terminated;

(ii) provide advice or guidance to the accused legislator; or

(iii) provide the accused legislator with an opportunity to cure any minor violation of ethical standards.

(2) (i) Subject to § 5–517 of this subtitle, notice of the Joint Ethics Committee’s action shall be provided to the accused legislator and to any person who filed the complaint.

(ii) On request, the accused legislator may see the complaint and the report.

(c) If no finding is made under subsection (a) of this section, the Joint Ethics Committee shall prepare an allegation summary, based on its examination under subsection (a) of this section, setting forth the alleged facts and the issues then known that merit further proceedings.

(d) After review of a complaint, the Joint Ethics Committee shall provide a statement of its findings to the accused legislator.

§5–518.1.

(a) Unless the alleged victim objects, the Joint Ethics Committee shall refer a complaint for evaluation to an outside and independent investigator selected by the Joint Ethics Committee if the complaint alleges that a member of the General Assembly has:

(1) violated the antiharassment policy and procedures of the General Assembly; or

(2) retaliated against an individual for reporting or participating in the investigation of a violation of the antiharassment policy and procedures of the General Assembly.

(b) The investigator shall submit its findings and recommendations regarding a complaint evaluated under subsection (a) of this section to the Joint Ethics Committee.

(c) (1) If the investigator does not recommend dismissal of the complaint after completing the evaluation, the investigator shall investigate the complaint.

(2) After the investigator completes the evaluation and at the recommendation of the investigator, the Joint Ethics Committee may dismiss a complaint before the completion of an investigation.

(d) The investigator shall submit its findings and recommendations regarding a complaint investigated under subsection (c)(1) of this section to the Joint Ethics Committee for further proceedings in accordance with this subtitle.

(e) The Joint Ethics Committee shall advise the complainant of the findings and recommendations of the investigator and provide, in accordance with § 5–518(b)(2) of this subtitle, a notice of the Joint Ethics Committee’s actions.

(f) (1) The Joint Ethics Committee may remove an outside and independent investigator selected under this subsection only for good cause.

(2) If the Joint Ethics Committee refers a matter to a prosecuting authority, the Joint Ethics Committee may direct an outside and independent investigator to delay an investigation at the request of a prosecuting authority.

§5–519.

(a) (1) Except as to proceedings terminated in accordance with § 5–518(b) of this subtitle, the Joint Ethics Committee shall provide to the accused legislator a copy of:

(i) the complaint filed or prepared in accordance with § 5–516 of this subtitle; and

(ii) the allegation summary prepared in accordance with § 5–518(c) of this subtitle.

(2) The accused legislator shall be allowed an opportunity to file a written answer to the allegation summary.

(b) Following notification of the accused legislator, the Joint Ethics Committee may:

- (1) terminate the proceedings; or
 - (2) schedule a hearing and notify the accused legislator of the time, location, and procedures of the hearing.
- (c) (1) The Joint Ethics Committee may amend the allegation summary at any time.
- (2) If an allegation summary is amended under paragraph (1) of this subsection, the accused legislator shall be allowed an opportunity to file a written answer to the amended allegation summary.

§5–520.

(a) The Joint Ethics Committee shall adopt written procedures for conducting a hearing to consider a complaint, an allegation summary, and a written answer, if any.

(b) The written procedures adopted by the Joint Ethics Committee under subsection (a) of this section:

- (1) shall be available for public inspection;
- (2) shall be provided to the legislator who is the subject of a hearing;
- (3) shall allow the accused legislator to:
 - (i) be represented by counsel;
 - (ii) cross-examine witnesses; and
 - (iii) be provided an opportunity to inspect, in a reasonable manner, any records that the Joint Ethics Committee intends to use during the hearing, subject to limitations established by the Joint Ethics Committee in the written procedures; and

(4) subject to items (1) and (2) of this subsection, may be amended by the Joint Ethics Committee at any time.

(c) (1) (i) If the Joint Ethics Committee determines that a hearing is required under § 5–519(b)(2) of this subtitle, the Joint Ethics Committee, by a two-thirds vote of its full membership, may issue one or more subpoenas that require the appearance of a person, the production of relevant records, and the giving of relevant testimony.

(ii) If the Joint Ethics Committee exercises subpoena powers under this paragraph, the legislator who is the subject of the investigation may require the Joint Ethics Committee to issue one or more subpoenas on the legislator's behalf.

(2) A request to appear, an appearance, or a submission of evidence does not limit the subpoena power of the Joint Ethics Committee.

(3) A subpoena issued under paragraph (1) of this subsection shall be served:

(i) in the manner provided by law for service of a subpoena in a civil action;

(ii) before the time that the subpoena sets for appearance or production of records; and

(iii) with the following documents:

1. a copy of this title;

2. a copy of the rules of the Joint Ethics Committee;

and

3. if the subpoena requires the appearance of a person, notice that counsel may accompany the person.

(4) A person who is subpoenaed to appear at a hearing is entitled to receive the fees and allowances that are provided for a person who is subpoenaed by a circuit court.

(5) A person may be held in contempt if the person unjustifiably:

(i) fails or refuses to comply with a subpoena for appearance;

(ii) appears but fails or refuses to testify under oath; or

(iii) disobeys a directive of the presiding chair at the hearing to answer a relevant question or to produce a record, including an electronic record, that has been subpoenaed, unless the directive is overruled by a majority vote of the members of the Joint Ethics Committee who are present at the hearing.

(6) By a two-thirds vote of its full membership, the Joint Ethics Committee may apply for a contempt citation to a circuit court.

§5-521.

(a) The Joint Ethics Committee may make a finding developed from:

- (1) information presented during the hearing;
- (2) the allegation summary and any amendments to it;
- (3) the written answer of the accused legislator to the allegation summary, if any; and
- (4) any other information provided to the Joint Ethics Committee and made available to the accused legislator.

(b) Consistent with the purposes of this title, the Joint Ethics Committee may establish criteria for making a finding in its written procedures established under § 5-520(a) of this subtitle.

(c) If the Joint Ethics Committee makes a finding under this section, the Joint Ethics Committee shall:

- (1) terminate the proceeding against the accused legislator; or
- (2) issue any recommendations to the presiding officer of the house of the accused legislator or to the full house of the accused legislator, including any recommendations for appropriate sanctions.

§5-522.

If the Joint Ethics Committee, at any time during its consideration of any complaint or allegation summary or during any proceeding, finds that there are reasonable grounds to believe that a legislator may have committed a crime, the Joint Ethics Committee shall:

- (1) refer the matter to an appropriate prosecuting authority; and
- (2) provide any information or evidence to the prosecuting authority that the Joint Ethics Committee determines is appropriate.

§5-525.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Conflict of interest policies” means policies adopted by a governing board and approved:
 - (i) by the Office of the Attorney General; and
 - (ii) as to conformity with this section, by the Ethics Commission.
- (3) “Educational institution” means:
 - (i) a public senior higher education institution as defined in § 10–101 of the Education Article;
 - (ii) a center or an institute of the University System of Maryland that is designated in the conflict of interest policies adopted by the System’s Board of Regents; or
 - (iii) the University System of Maryland Administration, for which the Chancellor of the System shall be considered the president for purposes of this section.
- (4) “Governing board” has the meaning provided in § 10–101 of the Education Article.
- (5) “Relationship” includes any:
 - (i) interest;
 - (ii) service;
 - (iii) employment;
 - (iv) gift; or
 - (v) other benefit or relationship.
- (6) (i) “Research or development” means basic or applied research or development.
- (ii) “Research or development” includes:

1. the development or marketing of university-owned technology;
2. the acquisition of services of an official or employee by an entity for research and development purposes; or
3. participation in State economic development programs.

(b) (1) Each educational institution engaged in research or development shall develop conflict of interest procedures based on:

(i) conflict of interest policies developed by its governing board; and

(ii) the purposes of this title specified in § 5–102 of this title.

(2) Before they may become effective, the procedures and policies developed under this subsection shall be approved by:

(i) the Office of the Attorney General; and

(ii) as to conformity with this section, the Ethics Commission.

(c) The procedures adopted by an educational institution under subsection (b) of this section shall:

(1) require disclosure of any interest in, employment by, or other relationship with an entity for which an exemption under this section is claimed, on a form filed with the Ethics Commission and maintained as a public record at the educational institution;

(2) require a review of all disclosures by a designated official, who shall determine what:

(i) further information must be disclosed; and

(ii) restrictions shall be imposed by the educational institution to manage, reduce, or eliminate any actual or potential conflict of interest;

(3) include guidelines to ensure that interests and employment for which an exemption under this section is claimed do not:

(i) improperly give an advantage to entities in which the interests or employment are maintained;

(ii) lead to misuse of institution students or employees for the benefit of entities in which the interests or employment are maintained; or

(iii) otherwise interfere with the duties and responsibilities of the exempt official or employee;

(4) require approval by the president of the educational institution of any interest or employment for which an exemption is claimed under this section; and

(5) require approval by the governing board of the educational institution if an exemption is claimed by the president of the educational institution.

(d) Policies and procedures adopted under this section may provide for periodic consultation with the Department of Commerce and with federal agencies that have imposed regulatory requirements on federally funded research, concerning the implementation of this section.

(e) (1) Except as provided in subsection (f) of this section, a present or former official or employee at an educational institution may have a relationship, otherwise prohibited by this subtitle, with an entity engaged in research or development, or with an entity having a direct interest in the outcome of research or development, only if:

(i) the educational institution has adopted policies and procedures in accordance with this section; and

(ii) the official or employee has complied with the policies and procedures.

(2) If the provisions of this subsection are not met, the official or employee is not exempt from any relevant provisions of this subtitle.

(f) (1) This section does not exempt an official or employee at an educational institution from the provisions of § 5–505 of this subtitle.

(2) An official or employee at an educational institution may not:

(i) represent a party for contingent compensation in any matter before the institution's governing board or before the Board of Public Works; or

(ii) intentionally misuse the individual's State position for the individual's personal gain or for the gain of another person.

(g) Each governing board shall report quarterly to the Governor, the Legislative Policy Committee of the General Assembly, and the Ethics Commission:

(1) the number of approvals granted under subsection (c) of this section; and

(2) how the conflict of interest policies and procedures adopted under this section have been implemented in the preceding year.

(h) (1) This subsection applies to an official who is:

(i) a chancellor, vice chancellor, president, or vice president at a public senior higher educational institution in the State; or

(ii) an individual who holds a similar position at a public senior higher educational institution in the State.

(2) An official subject to this subsection may not receive an exemption under this section unless the governing board of the educational institution finds that:

(i) participation by, and the financial interest or employment of, the official is necessary to the success of the research or development activity; and

(ii) the conflict of interest can be managed consistent with the purposes of this section and other relevant provisions of this title.

(3) Notwithstanding subsection (g) of this section, the governing board of an educational institution promptly shall notify the Ethics Commission in writing of any exemption that is granted under this section to an official subject to this subsection.

(4) (i) If the Ethics Commission disagrees with an exemption that is granted by the governing board of an educational institution to an official who is subject to this subsection, within 30 days after receipt of the notice under paragraph (3) of this subsection, the Ethics Commission shall notify the governing board of the reason for its disagreement.

(ii) On receipt of the notice from the Ethics Commission under subparagraph (i) of this paragraph, the governing board of the educational institution shall reexamine the matter.

(i) This section may be cited as the Public–Private Partnership Act.

§5–601.

(a) Except as provided in subsections (b) and (c) of this section, and subject to subsections (d) and (e) of this section, each official and candidate for office as a State official shall file a statement as specified in §§ 5–602 through 5–608 of this subtitle.

(b) Financial disclosure by a judge of a court under Article IV, § 1 of the Maryland Constitution, a candidate for elective office as a judge, or a judicial appointee as defined in Maryland Rule 16–814 is governed by § 5–610 of this subtitle.

(c) The requirement to file a financial disclosure statement under subsection (a) of this section does not apply to:

(1) a deputy sheriff and any employee in the office of the sheriff of a county; and

(2) a deputy or assistant State’s Attorney and any employee in the office of the State’s Attorney for a county.

(d) (1) Except as provided in paragraph (2) of this subsection, an individual who is a public official only as a member of a board and who receives annual compensation that is less than 25% of the lowest annual compensation at State grade level 16 shall file the statement required by subsection (a) of this section in accordance with § 5–609 of this subtitle.

(2) A member of a board of license commissioners or of a liquor control board shall file a statement in accordance with § 5–607 of this subtitle.

(e) A commissioner or an applicant for appointment as commissioner of a bicounty commission shall file the statement required by subsection (a) of this section in accordance with Subtitle 8, Part IV of this title.

§5–602.

(a) Except as otherwise provided in this subtitle, a statement filed under § 5–601, § 5–603, § 5–604, or § 5–605 of this subtitle shall:

- (1) be filed electronically with the Ethics Commission;
 - (2) be filed under oath;
 - (3) be filed on or before April 30 of each year;
 - (4) cover the calendar year immediately preceding the year of filing;
- and
- (5) contain the information required in § 5–607 of this subtitle.

(b) A member of the General Assembly shall file the statement with the Ethics Commission and the Joint Ethics Committee.

(c) (1) In addition to the statement filed under § 5–601 of this subtitle, a member of the General Assembly shall file a preliminary disclosure on or before the seventh day of the regular legislative session if there will be a substantial change in the statement covering the calendar year immediately preceding the year of filing, as compared to the next preceding calendar year.

(2) A member of the General Assembly whose statement under § 5–601 of this subtitle will not contain a substantial change is not required to file a preliminary disclosure under paragraph (1) of this subsection.

(3) The Joint Ethics Committee shall determine:

- (i) the form of a preliminary disclosure under this subsection;
- and
- (ii) which aspects of financial disclosure are subject to this subsection.

(4) A preliminary disclosure shall be filed and maintained, and may be disclosed, in the same manner required for a statement filed under § 5–601 of this subtitle.

(d) (1) The Ethics Commission shall develop and implement procedures for the electronic filing of a statement under this subtitle.

(2) (i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 5–607 of this subtitle.

(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.

(e) (1) If the financial disclosure statement filed electronically under subsection (d) of this section is required to be made under oath or affirmation, the oath or affirmation shall be made by an electronic signature that is:

(i) in the financial disclosure statement or attached to and made part of the financial disclosure statement; and

(ii) made expressly under the penalties for perjury.

(2) An electronic signature made under paragraph (1) of this subsection subjects the individual making it to the penalties for perjury to the same extent as an oath or affirmation made before an individual authorized to administer oaths.

(f) On or before January 15 of each year, a governmental unit shall provide an individual who is employed by the governmental unit and who is required to file a statement under this subtitle a list of entities that did business with the governmental unit during the preceding calendar year.

§5-603.

An individual who is appointed to fill a vacancy in an office for which a statement is required by § 5-601(a) of this subtitle, and who has not already filed a statement under § 5-602 of this subtitle for the preceding calendar year, shall file the statement within 30 days after appointment.

§5-604.

(a) Except as provided under subsection (c) of this section, an individual who, other than by reason of death, leaves an office for which a statement is required by § 5-601(a) of this subtitle shall file the 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.

(c) This section does not require the filing of a statement if:

(1) the individual has left office to become an official in another office for which a statement is required under this subtitle; and

(2) the disclosure requirements of the new office are at least as extensive as those of the old office.

§5–605.

(a) Except as provided in subsection (b) of this section, a candidate who is required by § 5–601(a) of this subtitle to file a statement shall file the statement each year beginning with the year in which the candidate files a certificate of candidacy through the year of the election.

(b) This section does not require the filing of a statement for any full year covered by a statement filed by the individual under § 5–602 of this subtitle.

(c) A statement under this section shall be filed with the election board with which the certificate of candidacy is required to be filed.

(d) (1) The first statement required under this section shall be filed no later than the filing of the certificate of candidacy.

(2) In the year of the election the statement shall be filed on or before the earlier of:

(i) April 30; or

(ii) the last day for the withdrawal of a candidacy under § 5–502 of the Election Law Article.

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

(f) (1) An election board may not accept a certificate of candidacy or certificate of nomination of a candidate covered by this section unless the candidate has filed a statement required by this section or § 5–602 of this subtitle.

(2) An election board, within 30 days after receiving a statement, shall forward the statement to the Ethics Commission.

§5–606.

(a) (1) (i) Except as provided in paragraph (3) of this subsection, the Ethics Commission and the Joint Ethics Committee shall maintain the statements submitted under this subtitle and, during normal office hours, make the statements available to the public for examination and copying.

(ii) Except as provided in paragraph (2) of this subsection, the Ethics Commission and the Joint Ethics Committee may charge a reasonable fee and adopt administrative procedures for the examination and copying of a statement.

(2) Except as provided in paragraph (3) of this subsection, for statements submitted on or after January 1, 2019, the Ethics Commission shall make freely available to the public on the Internet, through an online registration program, a financial disclosure statement required under § 5–601(a) of this subtitle and a preliminary disclosure required under § 5–602(c) of this subtitle that is filed by:

- (i) a State official;
- (ii) a candidate for office as a State official; or
- (iii) a secretary of a principal department in the Executive Branch.

(3) The Ethics Commission and the Joint Ethics Committee may not provide public access to a portion of a statement that is filed after January 1, 2019, and that includes an individual's home address that the individual has identified as the individual's home address.

(b) (1) The Ethics Commission and the Joint Ethics Committee shall maintain a record of:

- (i) the name and home address of each individual who examines or copies a statement under this section; and
- (ii) the name of the individual whose statement was examined or copied.

(2) On the request of the individual whose statement was examined or copied, the Ethics Commission or the Joint Ethics Committee shall forward to that individual a copy of the record specified in paragraph (1) of this subsection.

§5–607.

(a) A statement that is required under § 5–601(a) of this subtitle shall contain schedules disclosing the information and interests specified in this section, if known, for the individual making the statement for the applicable period.

(b) (1) The statement shall include a schedule of each interest in real property, wherever located, including each interest held in the name of a partnership, limited liability partnership, or limited liability company in which the individual held an interest.

(2) For each interest reported, the schedule shall include:

- (i) the nature of the property;
- (ii) the street address, mailing address, or legal description of the property;
- (iii) the nature and extent of the interest in the property, including any conditions to and encumbrances on the interest;
- (iv) the date and manner in which the interest was acquired;
- (v) the identity of the entity from which the interest was acquired;
- (vi) if the interest was acquired by purchase, the nature and amount of the consideration given for the interest;
- (vii) if the interest was acquired in any other manner, the fair market value of the interest when acquired;
- (viii) if any interest was transferred, in whole or in part, during the applicable period:
 - 1. a description of the interest transferred;
 - 2. the nature and amount of the consideration received for the interest; and
 - 3. the identity of the entity to which the interest was transferred; and
- (ix) the identity of any other entity with an interest in the property.

(c) (1) The statement shall include a schedule of each interest held by the individual in a corporation, partnership, limited liability partnership, or limited liability company, whether or not the corporation, partnership, limited liability partnership, or limited liability company does business with the State.

(2) For each interest reported, the schedule shall include:

(i) the name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability company;

(ii) subject to paragraph (3) of this subsection, the nature and amount of the interest held, including any conditions to and encumbrances on the interest;

(iii) except as provided in paragraph (4) of this subsection, if any interest was acquired during the applicable period:

1. the date and manner in which the interest was acquired;

2. the identity of the entity from which the interest was acquired;

3. if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and

4. if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and

(iv) if any interest was transferred, in whole or in part, during the applicable period:

1. a description of the interest transferred;

2. the nature and amount of the consideration received for the interest; and

3. if known, the identity of the entity to which the interest was transferred.

(3) (i) As to an equity interest in a corporation, the individual may satisfy paragraph (2)(ii) of this subsection by reporting, instead of a dollar amount:

1. the number of shares held; and
2. unless the corporation's stock is publicly traded, the percentage of equity interest held.

(ii) As to an equity interest in a partnership, limited liability partnership, or limited liability company, the individual may satisfy paragraph (2)(ii) of this subsection by reporting, instead of a dollar amount, the percentage of equity interest held.

(4) If an interest acquired during the applicable reporting period consists of additions to existing publicly traded corporate interests acquired by dividend or dividend reinvestment, and the total value of the acquisition is less than \$500, only the manner of acquisition is required to be disclosed under paragraph (2)(iii) of this subsection.

(d) (1) The statement shall include a schedule of each interest in a business entity doing business with the State, other than interests reported under subsection (c) of this section.

(2) For each interest reported, the schedule shall include:

(i) the name and address of the principal office of the business entity;

(ii) the nature and amount of the interest held, including any conditions to and encumbrances on the interest;

(iii) if any interest was acquired during the applicable period:

1. the date and manner in which the interest was acquired;

2. the identity of the entity from which the interest was acquired;

3. if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and

4. if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and

(iv) if any interest was transferred, in whole or in part, during the applicable period:

1. a description of the interest transferred;

2. the nature and amount of the consideration received for the interest; and

3. the identity of the entity to which the interest was transferred.

(e) (1) This subsection does not apply to a gift received from a member of the immediate family, another child, or a parent of the individual.

(2) The statement shall include a schedule of each gift, specified in paragraph (3) of this subsection, received during the applicable period:

(i) by the individual or by another entity at the direction of the individual; and

(ii) directly or indirectly, from or on behalf of an entity that is:

1. a regulated lobbyist;
2. regulated by the State; or
3. otherwise an entity doing business with the State.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, the schedule shall include each gift with a value of more than \$20 and each of two or more gifts with a cumulative value of \$100 or more received from one entity during the applicable period.

(ii) The statement need not include as a gift:

1. food or beverages received and consumed by an official of the Legislative Branch in the presence of the donor or sponsoring entity as part of a meal or reception to which all members of a legislative unit were invited;

2. food or beverages received by a member of the General Assembly at the time and geographic location of a meeting of a legislative organization for which the member's presiding officer has approved the member's attendance at State expense; or

3. except as provided in subparagraph (iii) of this paragraph, a ticket or free admission extended to a member of the General Assembly

by the person sponsoring or conducting the event as a courtesy or ceremony to the office to attend a charitable, cultural, or political event to which all members of a legislative unit were invited.

(iii) The statement shall include the acceptance of each of two or more tickets or free admissions, extended to a member of the General Assembly by the person sponsoring or conducting the event, with a cumulative value of \$100 or more received from one entity during the applicable period.

(4) For each gift subject to this subsection, the schedule shall include:

(i) the nature and value of the gift; and

(ii) the identity of the entity from which the gift was received, whether directly or indirectly.

(5) This subsection does not authorize acceptance of a gift not otherwise allowed by law.

(f) (1) The statement shall include, as specified in this subsection, a schedule of all offices, directorships, and salaried employment, or any similar interest not otherwise disclosed, in business entities doing business with the State.

(2) This subsection applies to positions and interests held at any time during the applicable period by:

(i) the individual; or

(ii) any member of the individual's immediate family.

(3) For each position or interest reported, this schedule shall include:

(i) the name and address of the principal office of the business entity;

(ii) the nature of the position or interest and the date it commenced;

(iii) the name of each governmental unit with which the entity is doing business; and

(iv) the nature of the business with the State, which, at a minimum, shall be specified by reference to the applicable criteria of doing business described in § 5–101(j) of this title.

(g) (1) The statement shall include a schedule, to the extent the individual may reasonably be expected to know, of each debt, excluding retail credit accounts, owed at any time during the applicable period to entities doing business with or regulated by the individual's governmental unit:

(i) by the individual; and

(ii) if the individual was involved in the transaction giving rise to the debt, by any member of the immediate family of the individual.

(2) For each debt, the schedule shall include:

(i) the identity of the entity to which the debt was owed;

(ii) the date it was incurred;

(iii) the amount owed at the end of the applicable period;

(iv) the terms of payment;

(v) the extent to which the principal was increased or decreased during the applicable period; and

(vi) any security given.

(h) The statement shall include a schedule listing the members of the immediate family of the individual who were employed by the State in any capacity at any time during the applicable period.

(i) (1) Except as provided in paragraph (2) of this subsection, the statement shall include a schedule listing the name and address of each:

(i) place of salaried employment, including secondary employment, of the individual or a member of the individual's immediate family at any time during the applicable period;

(ii) 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 family member received earned income, at any time during the applicable period; and

(iii) for a statement filed on or after January 1, 2019, if the individual's spouse is a regulated lobbyist, entity that has engaged the spouse for lobbying purposes.

(2) The statement may not include a listing of a minor child's employment or business entities of which the child is sole or partial owner, unless the place of employment or the business entity:

(i) is subject to the regulation or authority of the agency that employs the individual; or

(ii) has contracts in excess of \$10,000 with the agency that employs the individual.

(j) The statement may include a schedule listing additional interests or information that the individual chooses to disclose.

(k) To the extent not reported under subsections (a) through (j) of this section, a statement filed by a member of the General Assembly shall include:

(1) the information required under § 5-514(b) of this title; and

(2) an acknowledgment, signed by the member, that any information required under § 5-514(b) of this title that becomes reportable after the statement is filed shall be reported immediately to the Joint Ethics Committee as required by § 5-514(b) of this title.

§5-608.

(a) The following are deemed to be interests of the individual under § 5-607(b), (c), and (d) of this subtitle:

(1) an interest held by a spouse or child of the individual, if the interest was controlled, directly or indirectly, by the individual at any time during the applicable period;

(2) an interest held by a business entity in which the individual held a 30% or greater interest at any time during the applicable period; and

(3) an interest held by a trust or an estate in which, at any time during the applicable period, the individual:

(i) held a reversionary interest;

(ii) was a beneficiary; or

(iii) if a revocable trust, was a settlor.

(b) Subsection (a)(2) of this section does not affect:

(1) the requirement under § 5–607(b) of this subtitle of disclosure of real estate interests held in the name of a partnership, limited liability partnership, or limited liability company in which the individual holds an interest; or

(2) the requirement under § 5–607(c) of this subtitle of disclosure of all partnerships, limited liability partnerships, or limited liability companies in which the individual holds an interest.

(c) For the purposes of § 5–607 of this subtitle, interests held by a blind trust may not be considered to be interests of the person making the statement if the blind trust is approved by the Ethics Commission in accordance with regulations adopted under § 5–501(b) or § 5–502(c) of this title and is operated in compliance with those regulations.

§5–609.

(a) (1) Subject to paragraph (2) of this subsection, a member of a board who is described in § 5–601(d) of this subtitle shall file the statement required by § 5–601 of this subtitle.

(2) The member shall be required to disclose the information specified in § 5–607 of this subtitle only as to those interests, gifts, compensated positions, and liabilities that may create a conflict, as described in Subtitle 5 of this title, between the member’s personal interests and the member’s duties on the board.

(b) (1) The Ethics Commission shall adopt regulations, subject to the approval of the Administrative, Executive, and Legislative Review Committee, specifying:

(i) the information to be disclosed under subsection (a) of this section; and

(ii) the circumstances under which the information is to be disclosed.

(2) The regulations adopted under this subsection shall be based on the experience of the Ethics Commission in:

- (i) implementing Subtitle 5 of this title; and
- (ii) reviewing statements under this subtitle.

§5–610.

(a) In accordance with its administrative authority over the Judicial Branch under the Maryland Constitution, the Court of Appeals shall adopt and administer rules that require each individual specified in § 5–601(b) of this subtitle to file a statement periodically that discloses, as a public record, the information concerning the individual’s financial affairs that the court considers necessary or appropriate to promote continued trust and confidence in the integrity of the Judicial Branch.

(b) (1) (i) Except as provided in subparagraph (ii) of this paragraph, each candidate for nomination for or election to a judgeship shall file the statement specified in subsection (a) of this section no later than the time the candidate files a certificate of candidacy.

(ii) This paragraph does not require the filing of a statement for any year covered in full by a statement filed by the individual under subsection (a) of this section.

(2) The statement shall:

(i) cover the calendar year immediately preceding the year in which the certificate of candidacy is filed; and

(ii) be filed with the election board with which the certificate of candidacy is filed.

(3) An election board may not accept a certificate of candidacy or certificate of nomination of a candidate covered by this subsection unless the candidate has filed each statement required by this section.

(4) An election board, within 30 days after receiving a statement under this subsection, shall forward the statement to the entity designated by the Court of Appeals to receive the statements filed under subsection (a) of this section.

(c) Within 30 days after receiving a statement under this section, the Court of Appeals or its designee shall transmit a copy of the statement to the Ethics Commission.

§5–611.

(a) An individual who is not an official shall disclose information annually if designated under subsection (b) of this section.

(b) For disclosure under this section:

(1) the Governor, by executive order, may designate:

- (i) an employee of an executive unit; or
- (ii) a noncompensated appointee of the Governor;

(2) the Chief Judge of the Court of Appeals, by order, may designate:

- (i) an employee of the Judicial Branch; or
- (ii) a noncompensated appointee of the Court of Appeals or the Chief Judge; and

(3) the presiding officers of the General Assembly, by order, may designate:

- (i) an employee of the Legislative Branch; or
- (ii) a noncompensated appointee of either or both of the presiding officers.

(c) A statement filed under this section is a public record and shall contain the relevant information concerning the financial affairs of the individual submitting the statement that is considered necessary by the applicable designating authority.

(d) (1) In complying with subsection (b)(1) of this section, the Governor, by executive order, shall designate any employee of an executive unit who is:

(i) a home inspector or licensed home inspector under § 16–101 of the Business Occupations and Professions Article;

(ii) a building code enforcement official employed by the State;

(iii) an accredited inspector of lead for the Department of the Environment under § 6–818 of the Environment Article; or

(iv) an environmental health specialist under Title 21 of the Health Occupations Article.

(2) An employee under paragraph (1) of this subsection shall file a statement in accordance with § 5–601 of this subtitle that:

(i) discloses any interest the employee may have in any real property in the State; and

(ii) discloses any other information the Ethics Commission considers a conflict of interest related to the employment of the employee.

§5–701.

In this subtitle, “compensation”, as to a person whose lobbying is only a part of the person’s employment, means a prorated amount based on the time the person devotes to lobbying and the time the person devotes to other employment.

§5–702.

(a) Unless exempted under subsection (b) of this section, an entity shall register with the Ethics Commission as provided in this subtitle and shall be a regulated lobbyist for the purposes of this title if, during a reporting period, the entity:

(1) for the purpose of influencing any legislative action or any executive action relating to the development or adoption of regulations or the development or issuance of an executive order:

(i) 1. communicates with an official or employee of the Legislative Branch or Executive Branch in the presence of that official or employee; and

2. except for the personal travel or subsistence expenses of the entity or a representative of the entity, incurs expenses of at least \$500 or earns at least \$2,500 as compensation for all such communication and activities relating to the communication during the reporting period; or

(ii) 1. communicates with an official or employee of the Legislative Branch or Executive Branch; and

2. earns at least \$5,000 as compensation for all such communication and activities relating to the communication during the reporting period;

(2) in connection with or for the purpose of influencing any executive action, spends a cumulative value of at least \$100 for gifts, including meals,

beverages, and special events, to one or more officials or employees of the Executive Branch;

(3) subject to subsection (b)(4) of this section, is compensated to influence executive action on a procurement contract that exceeds \$100,000;

(4) subject to subsection (b)(5) of this section, is compensated by a business entity to influence executive action to secure from the State a business grant or loan with a value of more than \$100,000 for the business entity;

(5) spends at least \$2,000, including expenditures for salaries, contractual employees, postage, telecommunications services, electronic services, advertising, printing, and delivery services, for the express purpose of soliciting others to communicate with an official to influence legislative action or executive action; or

(6) spends at least \$2,500 to provide compensation to one or more entities required to register under this subsection.

(b) (1) The following activities are exempt from regulation under this subtitle:

(i) an appearance as part of the official duties of an elected or appointed official or employee of the State, a political subdivision of the State, or the United States, to the extent that the appearance is not on behalf of any other entity;

(ii) an action of a member of the news media, to the extent that the action is in the ordinary course of gathering and disseminating news or making editorial comment to the general public;

(iii) representation of a bona fide religious organization, to the extent that the representation is for the purpose of protecting the right of its members to practice the doctrine of the organization;

(iv) an appearance as part of the official duties of an officer, a director, a member, or an employee of an association engaged only in representing counties or municipal corporations, to the extent that the appearance is not on behalf of any other entity; or

(v) an action as part of the official duties of a trustee, an administrator, or a faculty member of a nonprofit independent college or university in the State, provided the official duties of the individual do not consist primarily of attempting to influence legislative action or executive action.

(2) The following activities are exempt from regulation under this subtitle if the individual engages in no other acts during the reporting period that require registration:

(i) professional services in drafting bills or in advising clients on the construction or effect of proposed or pending legislation;

(ii) an appearance before the entire General Assembly, or any committee or subcommittee of the General Assembly, at the specific request of the body involved;

(iii) an appearance as a witness before a legislative committee at the specific request of a regulated lobbyist if the witness notifies the committee that the witness is testifying at the request of the regulated lobbyist;

(iv) an appearance before an executive unit at the specific request of the executive unit involved; or

(v) an appearance as a witness before an executive unit at the specific request of a regulated lobbyist if the witness notifies the executive unit that the witness is testifying at the request of the regulated lobbyist.

(3) An elementary, secondary, or postsecondary school student or student organization that communicates as part of a course or student activity is not subject to the registration requirements based on the expense threshold under subsection (a)(1)(i) of this section.

(4) Subsection (a)(3) of this section does not apply to a bona fide salesperson or commercial selling agency employed or maintained by an employer for the purpose of soliciting or securing a procurement contract unless the person engages in acts during the reporting period that require registration under subsection (a)(1) or (2) of this section.

(5) If the person engages in no other act during the reporting period that requires registration, subsection (a)(4) of this section does not apply to:

(i) a bona fide full-time official or employee of a business entity seeking to secure a business grant or loan; or

(ii) a person seeking to secure a business grant or loan for the purpose of locating, relocating, or expanding a business in or into the State.

(c) (1) Except for the certification required by § 5-703 of this subtitle and the report required by § 5-705(d) of this subtitle, an entity that compensates one

or more regulated lobbyists, and that reasonably believes that all expenditures requiring registration will be reported by the regulated lobbyist or lobbyists, is exempt from the registration and reporting requirements of this subtitle if the entity engages in no other act that requires registration.

(2) If a regulated lobbyist compensated by an entity that is exempt under paragraph (1) of this subsection fails to report the information required by this subtitle, the entity immediately shall become subject to the registration and reporting requirements of this subtitle.

§5–703.

(a) A regulated lobbyist engaged by an entity for the purpose of lobbying shall certify under oath or affirmation that the regulated lobbyist is authorized to engage in lobbying for the entity.

(b) The certification shall include:

(1) the full legal name and business address of the entity;

(2) the name, contact information, and official title of the representative of the entity who authorized the regulated lobbyist to engage in lobbying for the entity;

(3) the full legal name and business address of the regulated lobbyist;

(4) subject to subsequent modification, the period during which the regulated lobbyist is authorized to act; and

(5) the proposal or subject on which the regulated lobbyist represents the entity.

§5–704.

(a) (1) At the times specified in subsection (d) of this section, each regulated lobbyist shall register with the Ethics Commission as provided in subsection (g) of this section.

(2) A regulated lobbyist shall register separately for each entity that has engaged the regulated lobbyist for lobbying purposes.

(b) Each registration form shall include the following information, if applicable:

- (1) the regulated lobbyist's name and permanent address;
 - (2) the name and permanent address of any other regulated lobbyist that will be lobbying on the regulated lobbyist's behalf;
 - (3) the name, address, and nature of business of any entity that has engaged the regulated lobbyist for lobbying purposes, accompanied by a statement indicating whether, because of the filing and reporting of the regulated lobbyist, the compensating entity is exempt under § 5–702(c) of this subtitle; and
 - (4) the identification, by formal designation if known, of the matters on which the regulated lobbyist expects to perform acts, or to engage another regulated lobbyist to perform acts, that require registration under this subtitle.
- (c) Each registration shall include the certification required by § 5–703 of this subtitle.
- (d) (1) A regulated lobbyist who is not currently registered shall register within 5 days after first performing an act that requires registration under this subtitle.
- (2) A regulated lobbyist shall file a new registration form on or before November 1 of each year if, on that date, the regulated lobbyist is engaged in lobbying.
- (e) (1) Each registration form shall be accompanied by a fee of \$100.
- (2) The fee shall be credited to the Lobbyist Registration Fund established under § 5–210 of this title.
- (f) (1) Except as provided in paragraph (2) of this subsection, each registration shall terminate on the earlier of:
- (i) the October 31 following the filing of the registration; or
 - (ii) an earlier termination date specified in the certification filed with respect to that registration under § 5–703 of this subtitle.
- (2) A regulated lobbyist may terminate the registration before the date specified in paragraph (1) of this subsection by:
- (i) ceasing all activity that requires registration; and
 - (ii) after ceasing activity in accordance with item (i) of this paragraph:

1. filing a notice of termination with the Ethics Commission; and

2. filing all reports required by this subtitle within 30 days after the filing of the notice of termination.

(3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, if a regulated lobbyist is or becomes subject to regulation under this title as an official or employee, the regulated lobbyist shall immediately terminate the registration in accordance with paragraph (2) of this subsection.

(ii) The Ethics Commission shall adopt regulations establishing criteria under which a regulated lobbyist may serve on a State board or commission.

(iii) The regulations adopted under subparagraph (ii) of this paragraph shall:

1. establish a classification of State boards or commissions on which regulated lobbyists may serve;

2. at a minimum authorize a regulated lobbyist to serve as an appointed member of an advisory governmental body of limited duration;

3. as to a regulated lobbyist who serves on a State board or commission, establish disclosure requirements that are substantially similar to disclosure requirements under § 5–514 of this title; and

4. require a regulated lobbyist who serves on a board or commission and is disqualified from participating in a specific matter because of a conflict of interest to file a statement of recusal with the board or commission describing the circumstances of the conflict which shall be recorded in the minutes of the meeting.

(g) (1) An individual shall file a registration under this section electronically and without additional cost to the individual who files the registration.

(2) A registration filed electronically under paragraph (1) of this subsection shall include the oath and affirmation required under § 5–703 of this subtitle made by an electronic signature that:

(i) is a part of the registration form or attached to and made part of the registration form; and

(ii) is made expressly under the penalties for perjury.

(3) An oath or affirmation signed electronically under paragraph (2) of this subsection subjects the individual making the oath or affirmation to the penalties for perjury to the same extent as an oath or affirmation made by an individual in person before an individual authorized to administer oaths.

§5-704.1.

A regulated lobbyist, other than a regulated lobbyist described in § 5-702(a)(6) of this subtitle, shall complete the training course provided under § 5-205(e)(1) of this title:

(1) (i) within 6 months of the regulated lobbyist's initial registration with the Ethics Commission; or

(ii) if the initial registration is terminated in accordance with § 5-704(f) of this subtitle earlier than 6 months after the date of registration, before any subsequent registration with the Ethics Commission; and

(2) on completion of the initial training course under item (1) of this section, within the 2-year period following the date of the most recently completed training course.

§5-705.

(a) (1) A regulated lobbyist shall file electronically with the Ethics Commission, under oath and for each registration, a separate report concerning the regulated lobbyist's lobbying activities:

(i) by May 31 of each year, to cover the period from November 1 of the previous year through April 30 of the current year; and

(ii) by November 30 of each year, to cover the period from May 1 through October 31 of that year.

(2) If the regulated lobbyist is not an individual, an authorized officer or agent of the regulated lobbyist shall sign the report.

(3) If a prorated amount is reported as compensation, it shall be labeled as prorated.

(b) A report required by this section shall include:

(1) a complete, current statement of the information required under § 5–704(b) of this subtitle;

(2) total expenditures in connection with influencing executive action or legislative action in each of the following categories:

(i) total individual regulated lobbyist compensation, excluding expenses reported under this paragraph;

(ii) office expenses of the regulated lobbyist;

(iii) professional and technical research and assistance;

(iv) publications that expressly encourage communication with one or more officials or employees;

(v) witnesses, including the name of each and the fees and expenses paid to each;

(vi) except as otherwise reported under this paragraph, meals and beverages for officials, employees, or members of the immediate families of officials or employees;

(vii) except as provided in § 5–709(d)(2) of this subtitle, food, beverages, and incidental expenses for officials of the Legislative Branch for meals and receptions to which all members of any legislative unit were invited;

(viii) food and beverages for members of the General Assembly at the times and geographic locations of meetings of legislative organizations, as allowed under § 5–505(c)(2)(i)4 of this title;

(ix) food, lodging, and scheduled entertainment for officials and employees at meetings at which the officials and employees were scheduled speakers or scheduled panel participants;

(x) tickets and free admission extended to members of the General Assembly, as a courtesy or ceremony to the office, to attend charitable, cultural, or political events sponsored or conducted by the reporting entity, as allowed under § 5–505(c)(2)(viii) of this title;

(xi) other gifts to or for officials, employees, or members of the immediate families of officials or employees; and

(xii) other expenses; and

(3) as to expenditures reported in item (2)(vii), (viii), (ix), and (x) of this subsection, the date, location, and total expense of the regulated lobbyist for each meal, reception, event, or meeting.

(c) (1) Except as provided in paragraph (2) of this subsection, a report required under this section also shall include the name of each official, employee, or member of the immediate family of an official or employee who has benefited from one or more gifts with a cumulative value of \$75 during the reporting period from the regulated lobbyist, regardless of whether the gift:

(i) is attributable to more than one entity; or

(ii) was given in connection with lobbying activity.

(2) The following gifts need not be allocated to individual recipients and reported by name:

(i) gifts reported under subsection (b)(2)(vii) and (viii) of this section;

(ii) gifts reported under subsection (b)(2)(ix) of this section with a value of \$200 or less; and

(iii) gifts reported under subsection (b)(2)(x) of this section, unless the recipient received from the regulated lobbyist during the reporting period two or more such gifts with a cumulative value of at least \$100.

(d) (1) This subsection applies only to a regulated lobbyist, other than an individual, that is organized and operated for the primary purpose of attempting to influence legislative action or executive action.

(2) In addition to the other reports required under this section, a regulated lobbyist shall report the name and permanent address of each entity that provided at least 5% of the regulated lobbyist's total receipts during the preceding 12 months.

(3) For the purpose of the reporting and registration requirements of this subtitle, receipts of a regulated lobbyist include funds spent on the regulated lobbyist's behalf, at its direction, or in its name.

§5-706.

(a) In addition to any other report required under this subtitle, a regulated lobbyist shall file a separate report disclosing the name of each State official of the Executive Branch or member of the immediate family of a State official of the Executive Branch who has benefited during the reporting period from a gift of a meal or beverages from the regulated lobbyist, whether or not in connection with lobbying activities, allowed under § 5–505(c)(2)(i)1 of this title.

(b) Gifts reported by name of recipient under § 5–705(b)(2)(ix) of this subtitle need not be allocated for the purposes of disclosure under subsection (a) of this section.

(c) The disclosure required by this section shall be under oath or affirmation, on a form issued by the Ethics Commission, and shall include:

(1) the name and business address of the regulated lobbyist;

(2) the name of each recipient of a gift of a meal or beverages;

(3) the date and value of each gift of a meal or beverages, and the identity of the entity or entities to which the gift is attributable; and

(4) the total cumulative value of gifts of meals or beverages, calculated as to each recipient.

(d) The regulated lobbyist may explain the circumstances under which the gift of a meal or beverages was given.

(e) Gifts of meals or beverages reported by a regulated lobbyist under this section need not be counted or reported by the regulated lobbyist for purposes of disclosure under § 5–705(c) of this subtitle.

(f) The report shall be filed electronically at the time and in the manner required for reports filed under § 5–705 of this subtitle.

§5–707.

(a) (1) This section applies only to an individual regulated lobbyist described in § 5–702(a)(1), (2), (3), or (4) of this subtitle who lobbies the Executive Branch or Legislative Branch.

(2) This section does not apply to an entity that employs an individual regulated lobbyist described in § 5–702(a)(1), (2), (3), or (4) of this subtitle.

(b) In addition to any other report required under this subtitle, an individual regulated lobbyist shall file, with the report required under § 5–705 of this subtitle, a report that discloses each business transaction or series of business transactions that the individual regulated lobbyist had with an individual or business entity listed in subsection (c) of this section that:

- (1) involved the exchange of value of:
 - (i) \$1,000 or more for a single transaction; or
 - (ii) \$5,000 or more for a series of transactions; and
- (2) occurred in the previous reporting period.

(c) An individual regulated lobbyist is subject to the reporting requirements of this subtitle if the individual regulated lobbyist engages in a business transaction with:

- (1) a member of the General Assembly;
- (2) the Governor;
- (3) the Lieutenant Governor;
- (4) the Attorney General;
- (5) the Secretary of State;
- (6) the Comptroller;
- (7) the State Treasurer;
- (8) the secretary of any principal State department;
- (9) the spouse of an individual listed in items (1) through (8) of this subsection;
- (10) a business entity in which an individual listed in items (1) through (9) of this subsection participates as a proprietor or partner; or
- (11) a business entity in which an individual listed in items (1) through (9) of this subsection has an ownership interest of at least 30%.

(d) The disclosure required under this section shall include:

(1) the date of the business transaction or dates of each of the series of transactions;

(2) the name and title of the official who is subject to this section who was involved in each business transaction or series of transactions; and

(3) the nature and value of anything exchanged.

(e) The report shall be filed electronically at the time and in the manner required for reports filed under § 5–705 of this subtitle.

§5–708.

(a) In addition to any other report required under this subtitle, an individual regulated lobbyist described in § 5–702(a)(1), (2), (3), or (4) of this subtitle shall file a separate report disclosing any political contribution made:

(1) directly or indirectly by the regulated lobbyist;

(2) during the reporting period;

(3) under the Election Law Article; and

(4) for the benefit of the Governor, Lieutenant Governor, Attorney General, Comptroller, or member of the General Assembly, or a candidate for election to any of those offices.

(b) The report shall state:

(1) the name of each official or candidate for whose benefit a political contribution was made; and

(2) the total political contributions for the benefit of that official or candidate.

(c) The report shall be filed electronically at the time and in the manner required for reports filed under § 5–705 of this subtitle.

§5–709.

(a) A regulated lobbyist who invites all members of a legislative unit to a meal or reception shall, at least 5 days before the date of the meal or reception:

(1) extend a written invitation to all members of the legislative unit;
and

(2) register the meal or reception with the Department of Legislative Services by filing a report electronically as required by the Ethics Commission.

(b) A legislative unit registration report required under subsection (a) of this section shall include:

(1) the date and location of the meal or reception; and

(2) the name of the legislative unit invited.

(c) (1) Based on information contained in a legislative unit registration report filed under subsection (a) of this section, the Department of Legislative Services shall publish once a week a list containing the date and location of each upcoming meal or reception and the name of the legislative unit invited.

(2) (i) The Department of Legislative Services shall allow public inspection of any legislative unit registration report required under this section during regular business hours.

(ii) The Department of Legislative Services shall maintain a photocopy or electronic copy of each registration report required under this section.

(d) (1) (i) A regulated lobbyist who is required to register under subsection (a) of this section shall report the total cost of the meal or reception, and the name of each sponsor who contributes to the cost and the amount of the contribution, to the Ethics Commission within 14 days after the date of the meal or reception.

(ii) If any information required under subparagraph (i) of this paragraph is not known within 14 days after the date of the meal or reception, the regulated lobbyist shall, as to the information not known, specify the nature and estimate the amount of each item.

(2) If all of the information required by paragraph (1)(i) of this subsection is reported accurately and completely, the regulated lobbyist is not required to report the cost of the meal or reception under § 5–705(b)(2)(vii) of this subtitle.

(3) The Ethics Commission shall allow public inspection of each registration report required under this subsection during regular business hours.

(e) A report required under this section shall be filed electronically in the manner required for reports filed under § 5–705 of this subtitle.

§5–710.

(a) The Ethics Commission shall develop procedures under which a report required under §§ 5–705 through 5–709 of this subtitle:

(1) shall be filed electronically without additional cost to the individual who files the report; and

(2) shall be made available for public inspection electronically.

(b) (1) If the report filed electronically under subsection (a) of this section is required to be made under oath or affirmation, the oath or affirmation shall be made by an electronic signature that is:

(i) in the report or attached to and made part of the report;
and

(ii) made expressly under the penalties of perjury.

(2) An electronic signature made under paragraph (1) of this subsection subjects the individual making the electronic signature to the penalties of perjury to the same extent as an oath or affirmation made before an individual authorized to administer oaths.

§5–711.

This subtitle does not require the disclosure by a regulated lobbyist of any gift to the regulated lobbyist's immediate family if the gift is:

(1) purely personal and private in nature and not related to the regulated lobbyist's lobbying activities; and

(2) from the regulated lobbyist's personal funds and not attributable to any other entity.

§5–712.

The Ethics Commission may require a regulated lobbyist to file any additional report the Ethics Commission determines to be necessary.

§5–713.

(a) After each reporting period, the Ethics Commission shall compute and make available:

(1) for each of the categories of expenses required to be reported under § 5–705(b)(2) of this subtitle, a total of the expenditures reported by all regulated lobbyists in that category;

(2) for the categories of expenses required to be reported under § 5–705(b)(2)(v) through (vii) of this subtitle, a combined total of the expenditures reported by all regulated lobbyists; and

(3) the total of the reported expenditures by all regulated lobbyists for lobbying activities during the reporting period.

(b) (1) If a report under § 5–705 or § 5–706 of this subtitle contains the name of an official or employee in the Executive Branch or Legislative Branch or the name of a member of the official’s or employee’s immediate family, the Ethics Commission shall:

(i) notify the official or employee within 30 days after receipt of the report by the Ethics Commission; and

(ii) keep the report confidential for 60 days after its receipt.

(2) Within 30 days after receiving the notice, the official or employee may submit a written exception to the inclusion in the report of the name of the official, employee, or member of the official’s or employee’s immediate family.

§5–714.

A regulated lobbyist may not:

(1) be engaged for lobbying purposes for compensation that is dependent in any manner on:

(i) the enactment or defeat of legislation;

(ii) the outcome of any executive action relating to the solicitation or securing of a procurement contract; or

(iii) any other contingency related to executive action or legislative action;

(2) initiate or encourage the introduction of legislation for the purpose of opposing the legislation;

(3) knowingly counsel any person to violate any provision of this title or any other State or federal law;

(4) engage in or counsel any person to engage in fraudulent conduct;

(5) while engaging in lobbying activities, knowingly make to an official or employee a statement of material fact relating to lobbying activity that the regulated lobbyist knows to be false;

(6) engage in lobbying without being registered as a regulated lobbyist in accordance with § 5–702 of this subtitle;

(7) request an official or employee to recommend to a potential client the lobbying services of the regulated lobbyist or any other regulated lobbyist;

(8) make a gift, directly or indirectly, to an official or employee if the regulated lobbyist knows or has reason to know the gift is in violation of § 5–505 of this title;

(9) make a gift, directly or indirectly, as a result of a solicitation or facilitation that the regulated lobbyist knows or has reason to know is prohibited under § 5–505(a)(2) of this title;

(10) if the regulated lobbyist is an individual, engage in any charitable fund–raising activity at the request of an official or employee, including soliciting, transmitting the solicitation of, or transmitting a charitable contribution;

(11) make or facilitate the making of any loan of money, goods, or services to an official or employee unless in the ordinary course of business of the regulated lobbyist;

(12) while engaging in lobbying activities on behalf of an entity, knowingly conceal from an official or employee the identity of the entity;

(13) commit a criminal offense arising from lobbying activity;

(14) if serving on the State or a local central committee of a political party, participate:

(i) as an officer of the central committee;

- (ii) in fund-raising activity on behalf of the political party; or
- (iii) in actions relating to filling a vacancy in a public office; or
- (15) while engaging in lobbying, unlawfully harass or discriminate, based on any characteristic protected by law:
 - (i) an official or employee;
 - (ii) an intern, a page, or a fellow in any branch of State government;
 - (iii) an individual regulated lobbyist; or
 - (iv) a credentialed member of the press.

§5-714.1. NOT IN EFFECT

**** TAKES EFFECT JULY 1, 2019 PER CHAPTER 525 OF 2018 ****

(a) A regulated lobbyist may report to the Ethics Commission that a member of the General Assembly violated the antiharassment policy and procedures of the General Assembly.

(b) If a report is made under subsection (a) of this section, the Ethics Commission shall refer the report to the Joint Ethics Committee.

§5-715.

(a) In this section, “candidate”, “contribution”, and “political committee” have the meanings stated in § 1-101 of the Election Law Article.

(b) (1) This section applies only to a regulated lobbyist described in § 5-702(a)(1), (2), (3), or (4) of this subtitle.

(2) This section does not apply to a regulated lobbyist who is a candidate with respect to the regulated lobbyist’s own campaign.

(c) The restrictions in this section apply from the starting date of the regulated lobbyist’s registration to the end of the calendar year in which the registration period ends.

(d) (1) For the benefit of the Governor, Lieutenant Governor, Attorney General, or Comptroller, or a member of the General Assembly, or a candidate for

election to the office of Governor, Lieutenant Governor, Attorney General, Comptroller, or member of the General Assembly, a regulated lobbyist who is subject to this section or a person acting on behalf of the regulated lobbyist may not:

(i) solicit or transmit a political contribution from any person, including a political committee;

(ii) serve on a fund-raising committee or a political committee;

(iii) act as a treasurer for a candidate or an official or as treasurer or chair of a political committee;

(iv) organize or establish a political committee for the purpose of soliciting or transmitting contributions from any person; or

(v) forward tickets for fund-raising activities, or other solicitations for political contributions, to a potential contributor.

(2) This section does not prohibit a regulated lobbyist from:

(i) making a personal political contribution;

(ii) informing any entity of a position taken by a candidate or an official; or

(iii) engaging in other activities not specifically prohibited under paragraph (1) of this subsection.

§5-716.

(a) (1) In this section the following words have the meanings indicated.

(2) “Applicable contribution” means a political contribution or donation or series of political contributions or donations by a person or attributed to a person made to or for the benefit of an applicable recipient.

(3) “Applicable recipient” means a candidate for, or an official holding, the office of:

(i) Governor;

(ii) Lieutenant Governor;

(iii) Attorney General;

(iv) Comptroller; or

(v) member of the General Assembly.

(4) “Director” has the meaning stated in § 14–101 of the Election Law Article.

(b) A political contribution made to a political committee for an applicable recipient is deemed a political contribution to the applicable recipient.

(c) Subject to subsection (i) of this section, a person shall file a statement in accordance with this section if at any time during the reporting period the person:

(1) spent at least \$500 to provide compensation to one or more regulated lobbyists; and

(2) made or caused to be made an applicable contribution in the cumulative amount of \$500 or more.

(d) A statement required under this section shall be filed with the State Board of Elections.

(e) (1) The reporting period is the 6–month period ending on either April 30 or October 31.

(2) The statement shall be filed on or before the last day of the month immediately following the day on which the reporting period ends.

(f) The statement required under this section shall be made under oath and state:

(1) the name of each applicable recipient to whom an applicable contribution was made or caused to be made during the reporting period and, if not previously reported, during the preceding reporting period;

(2) the office held or sought by each applicable recipient named in item (1) of this subsection;

(3) the aggregate contributions made to each applicable recipient named in item (1) of this subsection;

(4) the name of each regulated lobbyist employed or retained by the person filing the statement; and

(5) the name of the person who made the political contribution and the relationship of that person to the person filing the statement if a political contribution was made by another person but is attributed to the person filing the statement.

(g) If the person filing the statement is a business entity:

(1) (i) an applicable contribution made by an officer, a director, or a partner of the business entity shall be attributed to the business entity; and

(ii) a political contribution, regardless of amount, if made at the suggestion or direction of the business entity, by an officer, a director, a partner, an employee, an agent, or any other person, shall be attributed to the business entity;

(2) each officer, director, or partner of the business entity who makes or causes to be made an applicable contribution shall report the contribution to the chief executive officer of the business entity;

(3) each officer, director, partner, employee, agent, or other person who makes or causes to be made a political contribution, regardless of amount, at the suggestion or direction of the business entity shall report the political contribution to the chief executive officer of the business entity;

(4) applicable contributions made by, or caused to be made by, a subsidiary, at least 30% of the equity of which the business entity owns or controls, shall be attributed to the business entity; and

(5) if a subsidiary described in item (4) of this subsection made an expenditure to provide compensation to one or more regulated lobbyists, the expenditure shall be attributed to the business entity.

(h) (1) Notwithstanding subsection (g) of this section, a contribution made by an individual who serves as a trustee or member of the board of directors or as an officer of a nonprofit organization is not attributable to the organization, and the individual is not required to report the contribution to the chief executive officer of the organization, unless:

(i) the contribution is made on the recommendation of the nonprofit organization; or

(ii) the individual who made the contribution is paid by the nonprofit organization.

(2) The State Board of Elections shall adopt regulations that define “officer” for the purposes of this subsection.

(i) A person who files, under Title 14 of the Election Law Article, all information required by this section may satisfy the requirements of this section by submitting a notice to that effect on the form required by the State Board of Elections.

(j) The State Board of Elections shall:

(1) prepare and make available forms for the statement and notice required by this section;

(2) retain each statement filed under this section in the same manner and subject to the same standards of public access as a statement filed under Title 14 of the Election Law Article; and

(3) report any violation of this section to the Ethics Commission.

(k) The statement required under this section shall be filed in the manner required for statements filed under Title 14 of the Election Law Article.

(l) (1) A person who knowingly and willfully fails to comply with the requirements of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(2) If a person that violates this section is a business entity, each officer and partner of the business entity who knowingly authorized or participated in violating this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(3) The State Board of Elections may impose fees for the late filing of a statement required under this section in the same manner as provided under § 14–107 of the Election Law Article.

§5–801.

(a) In this subtitle the following words have the meanings indicated.

(b) “Lobbying” means performing acts, of a nature comparable to acts requiring registration under Subtitle 7 of this title, before the local government involved.

- (c) (1) In Baltimore City, “local official” includes:
- (i) city employees and officials of the Baltimore City Health Department;
 - (ii) the Police Commissioner of Baltimore City and the civilian employees and police officers of the Police Department of Baltimore City; and
 - (iii) members and employees of the Civilian Review Board.
- (2) In Baltimore County, “local official” includes:
- (i) board members and the chief executive of the Baltimore County Revenue Authority; and
 - (ii) for the purpose of the financial disclosure provisions enacted by the governing body of Baltimore County, except for a member of the Baltimore County Board of Education, members of a board of a State agency that is wholly or partly funded by Baltimore County, regardless of whether a member is compensated.
- (3) In Montgomery County, “local official” includes:
- (i) members and employees of the Montgomery County Revenue Authority;
 - (ii) commissioners and employees of the Montgomery County Housing Opportunities Commission; and
 - (iii) county employees of the Montgomery County Department of Health and Human Services.
- (4) In St. Mary’s County, “local official” includes commissioners and employees of the St. Mary’s County Metropolitan Commission.

§5–804.

In this part, “elected local official” includes:

- (1) an individual who holds an elective office of a county or municipal corporation; and
- (2) a candidate for elective office as a local official of a county or municipal corporation.

§5–805.

This part does not apply to an official or employee of the Judicial Branch of State government.

§5–806.

The express powers contained in Title 5, Subtitle 2 and Title 10 of the Local Government Article and in Article II of the Charter of the City of Baltimore are intended and shall be deemed to incorporate and include the power and authority contained in this part.

§5–807.

(a) Subject to § 5–209 of this title, each county and each municipal corporation shall enact provisions to govern the public ethics of local officials relating to:

- (1) conflicts of interest;
- (2) financial disclosure; and
- (3) lobbying.

(b) Each local ethics commission or appropriate entity shall meet at least one time each year.

(c) On or before October 1 of each year, each local ethics commission or appropriate entity shall:

(1) certify to the Ethics Commission that the county or municipal corporation is in compliance with the requirements of this part for elected local officials; and

(2) submit to the local governing body a report on the administration of the local public ethics laws by the local ethics commission or appropriate entity that includes:

- (i) the number of meetings held during the past year;
- (ii) written copies of meeting agendas and minutes from each meeting held;

(iii) a copy of the signed and dated attendance sheet from each meeting held; and

(iv) any other documents or information determined by the local ethics commission or appropriate entity to show the work performed during the previous year.

§5–808.

(a) Except as provided in subsection (b) of this section, the conflict of interest provisions enacted by a county or municipal corporation under § 5–807 of this subtitle:

(1) shall be similar to the provisions of Subtitle 5 of this title; but

(2) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(b) The conflict of interest provisions for elected local officials enacted by a county or municipal corporation under § 5–807 of this subtitle:

(1) shall be equivalent to or exceed the requirements of Subtitle 5 of this title; but

(2) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

§5–809.

(a) In this section, “local official” includes an individual who is designated as a local official and whose position is funded wholly or partly by the State.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection and subsection (c) of this section, the financial disclosure provisions enacted by a county or municipal corporation under § 5–807 of this subtitle:

(i) shall be similar to the provisions of Subtitle 6 of this title; but

(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(2) The financial disclosure provisions for elected local officials enacted by a county or municipal corporation under § 5–807 of this subtitle:

(i) shall be equivalent to or exceed the requirements of Subtitle 6 of this title; but

(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(3) The financial disclosure provisions for members of the Board of License Commissioners for Prince George's County enacted by Prince George's County under § 5–807 of this subtitle shall be equivalent to or exceed the requirements of Subtitle 6 of this title.

(c) (1) This subtitle does not compel the governing body of a county or municipal corporation to require a local official to file a financial disclosure statement except when the personal interest of the local official will present a potential conflict with the public interest in connection with an anticipated public action of the local official.

(2) The governing body of a county or municipal corporation shall require a local official to file a financial disclosure statement at least annually to report on gifts received by the local official.

(3) The financial disclosure provisions shall require that a statement be filed:

(i) under paragraph (1) of this subsection sufficiently in advance of the action to provide adequate disclosure to the public; and

(ii) by an elected local official under subsection (b)(2) of this section on or before April 30 of each year.

(d) Financial disclosure provisions applicable to a candidate shall be consistent with the provisions applicable to an incumbent holding the office involved.

§5–810.

The lobbying provisions enacted by a county or municipal corporation under § 5–807 of this subtitle:

(1) shall be substantially similar to the provisions of Subtitle 7 of this title; but

(2) (i) shall be modified to the extent necessary to make the provisions relevant to that jurisdiction; and

(ii) may be further modified to the extent considered necessary and appropriate by and for that jurisdiction.

§5–811.

(a) This section applies only to Prince George’s County.

(b) (1) The conflict of interest provisions required under § 5–807(a)(1) of this subtitle shall prohibit:

(i) the county government from issuing a credit card to an elected county official or a member of the county school board; and

(ii) an elected county official from directly or indirectly soliciting a person to enter into a business relationship with or provide anything of monetary value to a specific individual or entity if the person being solicited is seeking:

1. the success or defeat of county legislation;
2. a county contract; or
3. any other county benefit.

(2) A conflict of interest provision enacted in accordance with paragraph (1)(ii) of this subsection may not be construed to affect the validity of any legally enacted requirement or condition, proposed and adopted on the public record at a public hearing, the purpose of which is to mitigate the impact of a development on the property owners in the areas surrounding the development, including:

- (i) an adequate public facilities requirement;
- (ii) a minority business requirement; or

(iii) a community benefit requirement.

(c) The lobbying provisions required under § 5–807(a)(3) of this subtitle shall prohibit a person from being engaged for lobbying purposes for compensation that is dependent in any manner on the outcome of executive action or legislative action before the county government.

(d) The county’s ethics enactments shall provide for:

(1) a county board of ethics that meets at least two times each year and is composed of five members appointed by the county executive, with the advice and consent of the county council; and

(2) an executive director of the board of ethics who:

(i) shall meet individually with each elected county official at least annually to advise the official regarding the requirements of any applicable ethics law, rule, or standard of conduct;

(ii) shall assist each elected county official in preparing any affidavit or other document required to be filed under the county’s ethics enactments;

(iii) shall conduct ethics–related briefings for the benefit of elected officials of the county; and

(iv) may provide information to any person regarding laws, rules, and other standards of ethical conduct applicable to elected county officials.

§5–812.

(a) If the Ethics Commission determines that a county or municipal corporation has not complied with and has not made good–faith efforts toward compliance with the requirements of this part, the Ethics Commission:

(1) may issue a public notice concerning the failure of compliance with this part, including a listing of specific areas of noncompliance; and

(2) may petition a circuit court with venue over the proceeding for appropriate relief to compel compliance.

(b) The circuit court may grant any available equitable relief.

§5–815.

This part governs the conflict of interest standards, financial disclosure requirements, and lobbying regulations of school systems.

§5–816.

(a) In accordance with this section, a school board:

(1) may adopt conflict of interest regulations applicable to officials and employees of the school system; and

(2) shall adopt conflict of interest regulations applicable to members of the school board.

(b) (1) The conflict of interest regulations adopted by a school board under subsection (a)(1) of this section:

(i) shall be similar to the provisions of Subtitle 5 of this title; but

(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the regulations relevant to the prevention of conflicts of interest in that school system.

(2) The conflict of interest regulations adopted by a school board under subsection (a)(2) of this section:

(i) shall be equivalent to or exceed the requirements of Subtitle 5 of this title; but

(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the regulations relevant to the prevention of conflicts of interest in that school system.

(c) Unless a school board adopts and maintains conflict of interest regulations under subsection (a)(1) of this section, the provisions enacted by the county under § 5–808 of this subtitle shall apply to officials and employees of that school system.

§5–817.

(a) (1) In accordance with this section, a school board:

(i) may adopt financial disclosure regulations applicable to officials and employees of that school system; and

(ii) shall adopt financial disclosure regulations applicable to members of the school board.

(2) (i) The regulations adopted under paragraph (1)(i) of this subsection shall apply to:

1. the superintendent of that school system; and

2. those other officials and employees of that school system designated by the school board, subject to subparagraph (iii) of this paragraph.

(ii) The regulations adopted under paragraph (1)(ii) of this subsection shall apply to:

1. each member of the school board; and

2. if the school board is an elected board under Title 3, Subtitle 1, Part III of the Education Article, each candidate for election to the school board.

(iii) The regulations may not apply to a classroom teacher unless the teacher has additional duties, not normally expected of classroom teachers, that cause the teacher for other reasons to be covered by the financial disclosure regulations.

(b) (1) Except as provided in subsection (c) of this section, the regulations adopted under subsection (a)(1)(i) of this section:

(i) shall be similar to the provisions of Subtitle 6 of this title; but

(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the regulations relevant to the prevention of conflicts of interest in that school system.

(2) The regulations adopted under subsection (a)(1)(ii) of this section:

(i) shall be equivalent to or exceed the requirements of Subtitle 6 of this title; but

(ii) in accordance with regulations adopted by the Ethics Commission and consistent with the intent of this title, may be modified to the extent necessary to make the regulations relevant to the prevention of conflicts of interest in that school system.

(c) (1) (i) This section does not compel a school board to require an individual to file a financial disclosure statement except:

1. when the personal interest of the individual will present a potential conflict with the public interest in connection with an anticipated public action of the individual; and

2. at least annually to report on gifts received by the individual.

(ii) The regulations adopted under subsection (a)(1)(i) of this section shall require that a statement filed under subparagraph (i)1 of this paragraph be filed sufficiently in advance of the public action to provide adequate disclosure to the public.

(2) The regulations adopted under subsection (a)(1)(ii) of this section shall require that a statement filed by a member of a school board be filed on or before April 30 of each year.

(d) Except as provided for a school board member under this part, unless a school board adopts and maintains financial disclosure regulations under this subtitle, the provisions enacted by the county under § 5–809 of this subtitle shall apply to:

(1) the superintendent of that school system; and

(2) the other officials and employees of the school system designated by the governing body of that county.

§5–818.

(a) In accordance with this section, a school board may adopt regulations relating to lobbying of members of the school board and of officials and employees of the school system.

(b) The lobbying regulations adopted by a school board under subsection (a) of this section:

(1) shall be substantially similar to the provisions of Subtitle 7 of this title; but

(2) (i) may be modified to the extent necessary to make the provisions relevant to that school system; and

(ii) may be further modified to the extent considered necessary and appropriate by and for that school system.

(c) Unless a school board adopts and maintains lobbying regulations under this subtitle, the provisions enacted by the county under § 5–810 of this subtitle shall apply to that school system.

§5–819.

(a) A school board shall submit regulations adopted under this part, and amendments to adopted regulations, to the Ethics Commission for review and approval or disapproval.

(b) If the Ethics Commission does not disapprove a regulation or an amendment to a regulation within 60 days after its submission, the regulation or amendment is deemed to have been approved and becomes effective.

(c) (1) The Ethics Commission may disapprove a regulation or an amendment to a regulation only if the Ethics Commission finds that the regulation or amendment is not in substantial compliance with this part.

(2) If the Ethics Commission disapproves a regulation or an amendment, the Ethics Commission shall promptly notify the school board of the action.

(d) On request of a school board, the Ethics Commission shall advise and assist the school board in preparing regulations that comply with this part.

§5–820.

(a) If the Ethics Commission determines that a school board, as required under § 5–816(a)(2) of this subtitle, has not complied with and has not made good-faith efforts toward compliance with the requirements of this Part III, the Ethics Commission:

(1) may issue a public notice concerning the failure of compliance with this part, including a listing of specific areas of noncompliance;

(2) may issue an order providing that officials and employees of the school board are subject to the local ethics laws in the county in which the school board is located; and

(3) may petition a circuit court with venue over the proceeding for appropriate relief to compel compliance.

(b) The circuit court may grant any available equitable relief.

§5-822.

In this part, “commissioner” means a commissioner of a bicounty commission.

§5-823.

(a) Each bicounty commission shall adopt regulations relating to conflicts of interest of its employees.

(b) At a minimum, the conflict of interest standards applicable to public officials under Subtitle 5 of this title shall apply to the employees of each bicounty commission.

(c) Each bicounty commission shall file with the Ethics Commission a copy of its regulations relating to conflicts of interest.

(d) Each bicounty commission shall:

(1) prepare an annual report on its conflict of interest issues and regulations during the year covered; and

(2) submit the report to the governing body of each county in which the bicounty commission operates.

§5-824.

(a) In this section, as to the Washington Suburban Transit Commission, “commissioner” includes the members appointed from Montgomery County or Prince George’s County and the members appointed by the Governor.

(b) (1) Each commissioner and each applicant for appointment to a bicounty commission shall file the financial disclosure statement required by § 5-601(a) of this title, except that:

(i) references to “business with the State” are deemed to refer to “business with the State, the appropriate bicounty commission, Montgomery County, or Prince George’s County”; and

(ii) references to “employed by the State” are deemed to refer to “employed by the State, the appropriate bicounty commission, Montgomery County, or Prince George’s County”.

(2) Except as otherwise provided in this section, the statement shall be filed as required in § 5–602 of this title.

(c) (1) Each commissioner shall file a financial disclosure statement electronically with the Ethics Commission.

(2) Except as provided in paragraph (3) of this subsection, each commissioner shall also print a paper copy of the electronically filed financial disclosure statement and submit it to the chief administrative officer of the county from which the commissioner is appointed.

(3) In Montgomery County, each commissioner shall also print a paper copy of the electronically filed financial disclosure statement and submit it to the county council.

§5–825.

(a) An applicant for appointment as commissioner shall file the financial disclosure statement required by this part electronically with the Ethics Commission.

(b) (1) Except as provided in paragraph (2) of this subsection, an applicant shall also print a paper copy of the electronically filed statement and submit it to the chief administrative officer of the county from which the applicant seeks appointment.

(2) In Montgomery County, each applicant to the Maryland–National Capital Park and Planning Commission shall also print a paper copy of the electronically filed statement and submit it to the county council.

(c) (1) (i) In Montgomery County, an applicant for appointment or reappointment to the Maryland–National Capital Park and Planning Commission shall submit the statement to the county council at least 5 days before the interview conducted under § 15–104 of the Land Use Article.

(ii) The statement shall cover the 12–month period ending 60 days before the day the statement is filed.

(2) (i) In Prince George's County, an applicant for appointment to the Maryland–National Capital Park and Planning Commission shall submit the statement to the county council and the chief administrative officer at least 5 days before the confirmation hearing conducted under § 15–103 of the Land Use Article.

(ii) The statement shall cover the 12–month period ending 60 days before the initial date set for the confirmation hearing.

(d) (1) An applicant for appointment to the Washington Suburban Sanitary Commission shall submit the statement to the chief administrative officer at least 5 days before the interview conducted under § 17–103 of the Public Utilities Article.

(2) The statement shall cover the 12–month period ending 60 days before the day the statement is filed.

(e) (1) An applicant for appointment to the Washington Suburban Transit Commission shall submit the statement required by this section to the chief administrative officer at least 10 days before the appointment becomes effective.

(2) The statement shall cover the 12–month period ending not more than 60 days before the day the statement is filed.

§5–826.

(a) (1) Except as provided in paragraph (2) of this subsection, the chief administrative officer of a county shall transmit each financial disclosure statement of a commissioner or appointed applicant to the executive director of the appropriate bicounty commission.

(2) In Montgomery County, the county council shall transmit each financial disclosure statement of a commissioner or appointed applicant to the Maryland–National Capital Park and Planning Commission to the executive director of the commission.

(b) The executive director and the chief administrative officer shall retain the statement for the entire term of office of the commissioner.

(c) (1) Within 15 days after an appointment to a bicounty commission has become final, the county council and the chief administrative officer of the county involved shall return to each applicant who is not appointed the original and all copies of the statement submitted by that applicant.

(2) On notification by the chief administrative officer of the county involved that an applicant was not appointed, the Ethics Commission shall promptly delete the statement electronically filed by the applicant.

§5-827.

(a) The Ethics Commission, the executive director of each bicounty commission, and the chief administrative officer of each county:

(1) shall maintain financial disclosure statements of commissioners and appointed applicants received under this part;

(2) shall make the statements available to the public for examination and copying during normal office hours; and

(3) may charge a reasonable fee and adopt reasonable administrative procedures for the examination and copying of a statement.

(b) The Ethics Commission, the executive director of each bicounty commission, and the chief administrative officer of each county shall require that any person examining or copying a statement shall record:

(1) the person's name and home address; and

(2) the name of the individual whose statement was examined or copied.

§5-828.

If a mandatory injunction is issued against a commissioner under Subtitle 9 of this title, the appropriate bicounty commission shall suspend payment of any salary or other compensation to the commissioner until the commissioner complies fully with the injunction.

§5-829.

(a) Each bicounty commission shall adopt regulations relating to financial disclosure by its employees.

(b) The regulations required by this section:

(1) shall be substantially similar to the State financial disclosure provisions of Subtitle 6 of this title; and

(2) may not conflict with the financial disclosure provisions for commissioners and applicants specified in §§ 5–824 through 5–828 of this subtitle.

(c) Each bicounty commission shall submit the regulations adopted under this section, and any amendments to the regulations, to:

(1) the Ethics Commission; and

(2) the governing body of each county in which the bicounty commission operates.

§5–830.

(a) Each bicounty commission shall adopt regulations relating to lobbying of that bicounty commission.

(b) At a minimum, the regulations adopted by a bicounty commission shall be similar to the provisions of Subtitle 7 of this title.

(c) Each bicounty commission shall submit to the Ethics Commission a copy of its regulations relating to lobbying.

(d) Each bicounty commission shall:

(1) prepare an annual report on the lobbying before the bicounty commission and regulation of that lobbying by the bicounty commission; and

(2) submit the report to the governing body of each county in which the bicounty commission operates.

§5–833.

(a) In this part the following words have the meanings indicated.

(b) (1) “Agent” means an individual or a business entity hired or retained by an applicant for any purpose relating to the land that is the subject of an application if the individual or business entity is:

(i) an accountant;

(ii) an attorney;

(iii) an architect;

- (iv) an engineer;
- (v) a land use consultant;
- (vi) an economic consultant;
- (vii) a real estate agent;
- (viii) a real estate broker;
- (ix) a traffic consultant; or
- (x) a traffic engineer.

(2) “Agent” includes:

(i) as to a corporation described in paragraph (1) of this subsection, its officers, directors, and majority stockholders who are engaged in substantive activities pertaining specifically to land development in Prince George’s County as a regular part of their ongoing business activities;

(ii) as to a partnership or limited partnership described in paragraph (1) of this subsection, its general partners and limited partners who are engaged in substantive activities pertaining specifically to land development in Prince George’s County as a regular part of their ongoing business activities; and

(iii) as to a joint venture described in paragraph (1) of this subsection, the principal members of the joint venture who are engaged in substantive activities pertaining specifically to land development in Prince George’s County as a regular part of their ongoing business activities.

(c) (1) “Applicant” means an individual or a business entity that is:

(i) a title owner or contract purchaser of land that is the subject of an application;

(ii) a trustee that has an interest in land that is the subject of an application, excluding a trustee described in a mortgage or deed of trust; or

(iii) a holder of at least a 5% interest in a business entity that has an interest in land that is the subject of an application but only if:

1. the holder of at least a 5% interest has substantive involvement in directing the affairs of the business entity with an interest in the land

that is the subject of an application with specific regard to the disposition of that land;
or

2. the holder of at least a 5% interest is engaged in substantive activities specifically pertaining to land development in Prince George's County as a regular part of the business entity's ongoing business activities.

(2) "Applicant" includes:

(i) any business entity in which a person described in paragraph (1) of this subsection holds at least a 5% interest; and

(ii) the directors and officers of a corporation that actually holds title to the land, or is a contract purchaser of the land, that is the subject of an application.

(3) "Applicant" does not include:

(i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction of improvements on any land that is the subject of an application;

(ii) a municipal corporation or public corporation;

(iii) a public authority;

(iv) a public utility regulated by the Public Service Commission in any instance where the utility is engaged in or conducting regulated activities that have been approved by the Public Service Commission or are allowed under Division I of the Public Utilities Article; or

(v) the directors and officers of any entity that does not hold title to the land, or is not the contract purchaser of the land, that is the subject of an application.

(d) "Application" means:

(1) an application for:

(i) a zoning map amendment;

(ii) a special exception;

(iii) a departure from design standards;

- (iv) a revision to a special exception site plan;
- (v) an expansion of a legal nonconforming use;
- (vi) a revision to a legal nonconforming use site plan; or
- (vii) a request for a variance from the zoning ordinance;

(2) an application to approve:

- (i) a comprehensive design plan;
- (ii) a conceptual site plan; or
- (iii) a specific design plan; or

(3) participation in adopting and approving an area master plan or sectional map amendment by appearance at a public hearing, filing a statement in the official record, or other similar communication to a member of the County Council or the Planning Board, where the intent is to intensify the zoning category applicable to the land of the applicant.

(e) “Business entity” means:

- (1) a corporation;
- (2) a general partnership;
- (3) a joint venture;
- (4) a limited liability company;
- (5) a limited partnership; or
- (6) a sole proprietorship.

(f) “Candidate” means a candidate for election to the County Council who becomes a member.

(g) “Continuing political committee” means a committee specifically created to promote the candidacy of a member running for any elective office.

(h) “Contributor” means a person or business entity that makes a payment.

- (i) “County Council” means the County Council of Prince George’s County.
- (j) “County Executive” means the County Executive of Prince George’s County.
- (k) “District Council” means the County Council of Prince George’s County sitting as the District Council for the Prince George’s County portion of the Maryland–Washington Regional District.
- (l) “Member” includes any candidate or person duly elected or appointed who takes the oath of office as a member of the County Council for Prince George’s County and who thereby serves on the District Council.
- (m) “Payment” means a payment or contribution of money or property or the incurring of a liability or promise of anything of value to a treasurer of a candidate, a candidate’s continuing political committee, or a slate to which the candidate belongs.
- (n) (1) “Pendency of the application” means the time between the acceptance of a filing of an application by the appropriate agency and expiration of the time under which an appeal on the application may be taken.
 - (2) “Pendency of the application” does not include a period during which:
 - (i) action on the application is under judicial review; or
 - (ii) judicial review may be requested.
- (o) “Political action committee” means a political committee that is not:
 - (1) a political party;
 - (2) a central committee;
 - (3) a slate; or
 - (4) a political committee organized and operated by, and solely on behalf of, an individual running for any elective office or a slate.
- (p) “Slate” means a group, combination, or organization of candidates created under the Election Law Article.

(q) (1) “Treasurer” has the meaning stated in § 1–101 of the Election Law Article.

(2) “Treasurer” includes a subtreasurer.

§5–834.

Notwithstanding any other provision of law, the provisions of Division II of the Land Use Article affecting that part of the Maryland–Washington Regional District in Prince George’s County shall be carried out in accordance with this part.

§5–835.

(a) An applicant or agent of the applicant may not make a payment to a member or the County Executive, or a slate that includes a member or the County Executive, during the pendency of the application.

(b) (1) After an application has been filed, a member may not vote or participate in any way in the proceeding on the application if the member’s treasurer or continuing political committee, or a slate to which the member belongs or belonged during the 36–month period before the filing of the application, received a payment during the 36–month period before the filing of the application or during the pendency of the application from any of the applicants or the agents of the applicants.

(2) A member is not subject to the requirements of paragraph (1) of this subsection if:

(i) a transfer to the member’s treasurer, a continuing political committee, or a slate to which the member belongs or belonged during the 36–month period before the filing of the application was made by a political action committee to which an applicant or agent had made a payment;

(ii) the applicant or agent made the payment to the political action committee without any intent to subvert the purposes of this subtitle;

(iii) the applicant’s or agent’s payment to the political action committee, and the political action committee’s transfer, are disclosed in an affidavit; and

(iv) the transfer is returned to the political action committee by the member, or the payment is returned to the applicant or agent by the political action committee.

(c) (1) After an application is filed, the applicant shall file an affidavit under oath:

(i) 1. stating to the best of the applicant's information, knowledge, and belief that during the 36-month period before the filing of the application and during the pendency of the application, the applicant has not made any payment to a member's treasurer, a member's continuing political committee, or a slate to which the member belongs or belonged during the 36-month period before the filing of the application; or

2. if any such payment was made, disclosing the name of the member to whose treasurer or continuing political committee, or slate to which the member belongs or belonged during the 36-month period before the filing of the application, the payment was made;

(ii) 1. stating to the best of the applicant's information, knowledge, and belief that during the 36-month period before the filing of the application and during the pendency of the application, the applicant has not solicited any person or business entity to make a payment to a member's treasurer, a member's continuing political committee, or a slate to which the member belongs or belonged during the 36-month period before the filing of the application; or

2. if any such solicited payment was made, disclosing the name of the member to whose treasurer or continuing political committee, or slate to which the member belongs or belonged during the 36-month period before the filing of the application, the payment was made; and

(iii) 1. stating to the best of the applicant's information, knowledge, and belief that during the 36-month period before the filing of the application and during the pendency of the application, a member of the applicant's household has not made a payment to a member's treasurer, a member's continuing political committee, or a slate to which the member belongs or belonged during the 36-month period before the filing of the application; or

2. if any such payment was made, disclosing the name of the member to whose treasurer or continuing political committee, or slate to which the member belongs or belonged during the 36-month period before the filing of the application, the payment was made.

(2) The affidavit shall be filed at least 30 calendar days before consideration of the application by the District Council.

(3) A supplemental affidavit shall be filed whenever a payment is made after the original affidavit was filed.

(4) (i) An applicant is not required to make any representations in the affidavit pertaining to the actions of anyone other than that applicant.

(ii) Anyone with authority to act on behalf of and bind a business entity may execute an affidavit on behalf of the business entity.

(5) The only disclosures required under the affidavit are those involving individuals or business entities that would be subject to this subtitle.

(d) (1) An agent shall file an affidavit in an application only if:

(i) the agent has acted on behalf of the applicant with regard to the specific application; and

(ii) during the 36-month period before the filing of the application and during the pendency of the application, and after becoming an agent of the applicant:

1. the agent has made a payment to a member, a member's continuing political committee, or a slate to which the member belongs or belonged during the 36-month period before the filing of the application; or

2. the agent has solicited any person to make a payment to a member's treasurer, a member's continuing political committee, or a slate to which the member belongs or belonged during the 36-month period before the filing of the application.

(2) Notwithstanding paragraph (1)(ii) of this subsection, an agent shall disclose in the affidavit a payment made before becoming an agent if the agent:

(i) made the payment by prearrangement or in coordination with one or more applicants; or

(ii) acted as an agent as to any other application filed during the 36-month period.

(e) (1) Except as provided in paragraph (2) of this subsection, a contributor, a member, or a political action committee is subject to this part if a payment is made by the contributor or a transfer is made by the political action committee to:

(i) the candidate;

(ii) the candidate's continuing political committee; or

(iii) a slate to which the member belongs or belonged during the 36-month period before the filing of the application.

(2) This part does not apply to:

(i) any transfer to the continuing political committee of a member by the continuing political committee of another individual running for elective office; or

(ii) a payment or transfer to the Prince George's County or State Central Committee of a political party, even if the Central Committee supports a candidate.

(3) A person may not make a payment in violation of this part.

(f) An applicant or agent may not take any action, directly or indirectly, with the intent to circumvent the intent of this part.

§5-836.

(a) An ex parte communication concerning a pending application between an applicant or applicant's agent and a member or the County Executive shall be disclosed as required in this section.

(b) An applicant or agent who communicates ex parte during the pendency of the application with a member or with the County Executive shall file, for each ex parte communication, a separate disclosure with the clerk of the County Council within 5 working days after the communication was made or received, whichever is later.

(c) The County Executive or a member who communicates ex parte during the pendency of the application with an applicant or agent shall file, for each ex parte communication, a separate disclosure with the clerk of the County Council within 5 working days after the communication was made or received, whichever is later.

§5-837.

At any time before final action on an application, a party of record may file with the clerk of the County Council competent evidence of:

(1) a payment or contribution by an applicant or agent covered under § 5-835 of this subtitle; or

- (2) an ex parte communication covered under § 5–836 of this subtitle.

§5–838.

(a) In the enforcement of this part, the clerk of the County Council shall be subject to the direction and control of the Ethics Commission or its Executive Director and, unless otherwise specifically directed by the Ethics Commission or its Executive Director, may only:

- (1) receive filings;
- (2) maintain records;
- (3) report violations; and
- (4) perform other ministerial duties necessary to administer this part.

(b) Notwithstanding any other provision of this part, as to a corporation listed on a national stock exchange or regulated by the Securities and Exchange Commission, and any subsidiary of the corporation, the following requirements apply if the filing of an affidavit is otherwise required under this part:

(1) a director or an officer in the corporation or any of its subsidiaries, or a stockholder who has at least a 5% interest in the corporation or any of its subsidiaries, is required to file an affidavit only if the individual has made a payment to the treasurer of a candidate or continuing political committee, or if the individual has solicited anyone to make a payment to the treasurer of a candidate or continuing political committee; and

(2) the corporation or its subsidiary shall file a corporate affidavit stating:

(i) 1. that the corporation has not made or solicited a payment to the treasurer of a candidate or continuing political committee; or

2. if such a payment was made, the name of the member to whose treasurer or continuing political committee the payment was made; and

(ii) that all directors, officers, and stockholders with at least a 5% interest have been notified of the disclosure requirements of item (1) of this subsection.

(c) (1) The affidavits and disclosures required under this part shall be filed in the appropriate case file of an application.

(2) The clerk of the County Council, at least twice each year, shall prepare a summary report compiling all affidavits and disclosures that have been filed in the application case files.

(3) All summary reports compiled under paragraph (2) of this subsection shall be available to members of the public on written request.

(4) All affidavits, disclosures, and accompanying documentation required under this part shall be in the form required by the Ethics Commission.

§5-839.

(a) (1) The Ethics Commission or any other aggrieved person may:

(i) file a petition for injunctive or other relief in the Circuit Court for Prince George's County to require compliance with this part; and

(ii) assert as error any violation of this part in judicial review requested under § 22-407 of the Land Use Article.

(2) The Court shall issue an order voiding an official action taken by the County Council if:

(i) the action taken by the County Council was in violation of this part; and

(ii) the legal action was brought within 30 days after the occurrence of the official action.

(3) The Court, after hearing and considering all the circumstances in the case and voiding an action of the County Council, shall reverse, or reverse and remand, the case to the District Council for reconsideration.

(b) (1) A person who knowingly and willfully violates this part is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(2) If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated

in the violation is guilty of a misdemeanor and on conviction is subject to the same penalties as the business entity.

(3) A member is guilty of violating this part only if the member fails to abstain from voting or participating in a proceeding, based on information contained in an affidavit filed with the County Council by an applicant or agent, in violation of § 5–835(b) of this subtitle.

(4) An action taken in reliance on an opinion of the Ethics Commission may not be deemed a knowing and willful violation.

(c) (1) A person who is subject to this part shall preserve all accounts, bills, receipts, books, papers, and other documents necessary to complete and substantiate any reports, statements, or records required to be made under this part for 3 years from the date of filing the application.

(2) The documents shall be available for inspection on request of the Ethics Commission after reasonable notice.

§5–842.

(a) In this part the following words have the meanings indicated.

(b) (1) (i) “Applicant” means an individual or a business entity that is:

1. a title owner or contract purchaser of land that is the subject of an application;

2. a trustee who has an interest in land that is the subject of an application, excluding a trustee described in a mortgage or deed of trust; or

3. a holder of at least a 5% interest in a business entity who has an interest in land that is the subject of an application.

(ii) “Applicant” includes, if the applicant is a corporation, the directors and officers of the corporation that actually holds title to the land, or is a contract purchaser of the land, that is the subject of an application.

(2) “Applicant” does not include:

(i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction or improvements on the land that is the subject of an application;

(ii) a municipal corporation or public corporation;

(iii) a public authority;

(iv) a public service company acting within the scope of Division I of the Public Utilities Article; or

(v) a person who is hired or retained as an accountant, an attorney, an architect, an engineer, a land use consultant, an economic consultant, a real estate agent, a real estate broker, a traffic consultant, or a traffic engineer.

(c) “Application” means an application for a local map amendment, including a reclassification.

(d) “Business entity” means:

(1) a corporation;

(2) a general partnership;

(3) a joint venture;

(4) a limited liability company;

(5) a limited partnership; or

(6) a sole proprietorship.

(e) “Candidate” means an individual who wins an election to the Office of County Executive or County Council of Montgomery County.

(f) (1) (i) “Contribution” means:

1. a payment or transfer of money or property of \$500 or more, calculated cumulatively during a 4-year election cycle, to the treasurer of either a candidate or a political committee; or

2. the incurring of any liability or promise of anything of value of \$500 or more, calculated cumulatively during a 4-year election cycle, to the treasurer of either a candidate or a political committee.

(ii) “Contribution” includes a payment or transfer to a slate with which a candidate is associated.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the \$500 cumulative threshold contribution is calculated separately as to each candidate or elected official.

(ii) For purposes of this part, a cumulative contribution of \$500 or more to a slate is fully attributed to each candidate on the slate.

(g) “Contributor” means an individual or business entity that makes a contribution.

(h) “Elected official” means an individual who holds the Office of County Executive or member of the County Council of Montgomery County.

(i) (1) “Party of record” means an individual or a business entity that is granted standing to participate in a local map amendment proceeding by the County Council, sitting as the District Council, or its hearing examiner.

(2) “Party of record” does not include an attorney, a consultant, an employee, or any other agent of a party of record, including an authorized representative of a community association who is participating in a proceeding solely on behalf of the association.

(j) “Political action committee” means a political committee that is not:

(1) a political party;

(2) a central committee;

(3) a slate; or

(4) a political committee organized and operated by, and solely on behalf of, an individual running for an elective office or a slate.

(k) “Political committee” means any combination of two or more persons appointed by a candidate or any other person or formed in any other manner that assists or attempts to assist in any manner the promotion of the success or defeat of any candidate, candidates, political party, principle, or proposition submitted to a vote in any election.

(l) (1) “Slate” means a political committee of two or more candidates who join together to conduct and pay for joint activities.

(2) “Slate” does not include a political party or a central committee.

(m) (1) “Treasurer” has the meaning stated in § 1–101 of the Election Law Article.

(2) “Treasurer” includes a subtreasurer.

§5–843.

(a) An applicant or party of record who makes a contribution during the 4–year election cycle before the filing of the application or during the pendency of the application shall disclose the contribution in accordance with this section.

(b) (1) (i) On filing an application, an applicant shall submit a disclosure statement that:

1. names each candidate or elected official to whose treasurer or political committee the applicant made a contribution; and

2. states the amount and the date of the contribution.

(ii) If a contribution was not made, the disclosure statement shall so state.

(2) The disclosure statement shall be filed:

(i) on a form approved by the County Council, which shall contain:

1. an affirmation clause to be signed by the applicant under the penalties of perjury that the contents of the disclosure statement are true to the best of the applicant’s knowledge, information, and belief; and

2. a notice that noncompliance with this subtitle may result in a fine not exceeding \$1,000; and

(ii) with the Chief Hearing Examiner of the Office of Zoning and Administrative Hearings, unless the County Council determines otherwise.

(3) Within 2 weeks after entering a proceeding, a party of record that has made a contribution shall submit a disclosure statement as described under paragraph (2) of this subsection.

(4) A contribution made after the filing of the initial disclosure and before the final disposition of the application by the District Council shall be disclosed within 5 business days after the contribution.

(c) (1) Except as provided in paragraph (2) of this subsection, a contributor is subject to this part if the contributor makes a contribution to a candidate, a slate, or a candidate's political committee.

(2) This part does not apply to a transfer by a political action committee to a candidate or to the political committee of a candidate or an elected official.

(d) (1) The Chief Hearing Examiner of the Office of Zoning and Administrative Hearings:

(i) is the official custodian of records filed under this part; and

(ii) shall prepare a summary report at least twice each calendar year compiling all affidavits and disclosures that have been filed.

(2) A summary report and disclosure statement filed under this part shall be a matter of public record and available for inspection on written request.

§5-844.

(a) A person who knowingly and willfully violates this part is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(b) 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 on conviction is subject to the same penalties as the business entity.

(c) This part shall be enforced by the State's Attorney for Montgomery County.

§5-845.

(a) The County Council has no legal duty to verify the accuracy of any disclosure statement filed under this part.

(b) Failure by any person, including the Chief Hearing Examiner of the Office of Zoning and Administrative Hearings, to comply with this part is not grounds for invalidation of any decision by the County Council, sitting as the District Council, for which a disclosure statement is required.

§5–848.

(a) In this part the following words have the meanings indicated.

(b) “Candidate” has the meaning stated in § 1–101 of the Election Law Article, but only as it applies to a candidate seeking election as a local official.

(c) “Contribution” has the meaning stated in § 1–101 of the Election Law Article.

(d) “Lobbyist” means a person required to register under § 2–295 of the Prince George’s County Code or § 19A–21 of the Montgomery County Code.

(e) “Local official” means:

(1) a member of the County Council of Prince George’s County or the County Executive of Prince George’s County; or

(2) a member of the County Council of Montgomery County or the County Executive of Montgomery County.

(f) “Political committee” has the meanings stated in § 1–101 of the Election Law Article.

§5–849.

(a) Beginning with the effective date of a lobbying registration and extending through the ending date of the registration period, a lobbyist who lobbies a local official, or a person acting on behalf of the lobbyist, may not:

(1) solicit or transmit directly or indirectly a contribution from any person, including a political committee, for the benefit of a local official or candidate;

(2) serve on a fund–raising committee of, or a political committee for the benefit of, a local official or candidate; or

(3) act as a treasurer or chair of a political committee for the benefit of a local official or candidate.

(b) This part may not be construed to prohibit a lobbyist from:

(1) making a personal contribution within the limitations established under the Election Law Article; or

(2) informing the lobbyist's employer or others of the positions taken by a particular candidate.

(c) (1) A person who knowingly and willfully violates this part is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(2) If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and on conviction is subject to the same penalties as the business entity.

§5-852.

(a) In this part the following words have the meanings indicated.

(b) (1) "Applicant" means an individual or a business entity that is, with regard to the land that is the subject of an application:

(i) a title owner, an assignee, or a contract purchaser of the land;

(ii) a trustee that has an interest in the land, excluding a trustee described in a mortgage or deed of trust; or

(iii) a holder of at least a 5% interest in a business entity that has an interest in the land if:

1. the interest holder is involved significantly in directing the affairs of the business entity, including the disposition of the land; or

2. the interest holder is engaged in substantive actions specifically pertaining to land development in Howard County as a regular part of the activity of the business entity.

(2) "Applicant" includes:

(i) any other business entity in which an individual or business entity described in paragraph (1) of this subsection holds at least a 3% interest;

(ii) an officer or a director of a corporation who actually holds title to, or is the contract purchaser or assignee of, the land that is the subject of an application if:

1. the corporation is listed on a national securities exchange and the officer or director owns at least 5% of its stock; or

2. in the case of any other corporation, the officer or director owns any interest in the corporation; or

(iii) as to an application for a zoning regulation, any person authorized to sign the application.

(3) “Applicant” does not include:

(i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction of improvements on the land that is the subject of an application;

(ii) a municipal corporation or public corporation;

(iii) a public authority;

(iv) a public service company acting within the scope of Division I of the Public Utilities Article; or

(v) a person who is:

1. less than a full-time employee of a person described in paragraph (1) or (2) of this subsection; and

2. hired or retained as an accountant, an attorney, an architect, an engineer, a land use consultant, an economic consultant, a real estate agent, a real estate broker, a traffic consultant, or a traffic engineer.

(c) “Application” means:

(1) an application for a zoning map amendment;

(2) an application for a zoning regulation amendment; or

(3) participation in the adoption and approval of a comprehensive zoning plan by appearing at a public hearing, filing a statement in an official record, or engaging in other similar communication with an elected official, where the intent is to change the classification or increase the density of the land of the applicant.

(d) “Business entity” means:

- (1) a corporation;
- (2) a general partnership;
- (3) a joint venture;
- (4) a limited liability company;
- (5) a limited partnership; or
- (6) a sole proprietorship.

(e) “Candidate” means a candidate for election as Howard County Executive, or to the Howard County Council, who becomes an elected official.

(f) “Contribution” means any payment or transfer of money or property or the incurring of any liability or promise of anything of value to the treasurer of a candidate, a political committee, or a slate.

(g) “Contributor” means an individual or business entity that makes a contribution.

(h) “Elected official” means an individual who serves as Howard County Executive or as a member of the Howard County Council.

(i) (1) “Engaging in business” means entering into:

(i) a sale, a purchase, a lease, or other transaction involving goods, services, or real property; or

(ii) a contract, an award, a loan, an extension of credit, or any other financial transaction.

(2) “Engaging in business” does not include the sale of goods to an individual for the use or consumption of the individual or others for personal, family,

or household purposes, as distinguished from industrial, commercial, or agricultural purposes.

(j) “Family member” means the spouse or child of either an applicant or a party of record who has made a contribution with the knowledge and consent of the applicant or party of record.

(k) “Party of record” means an individual or business entity that participates in a map amendment proceeding by the County Council or the zoning board, or who participates in the adoption and approval of a comprehensive zoning plan by appearing at a public hearing, filing a statement in an official record, or engaging in other similar communication with an elected official where the intent is to oppose a change in classification or an increase in density of the land of an applicant.

(l) “Political action committee” means a political committee that is not:

(1) a political party;

(2) a central committee;

(3) a slate; or

(4) a political committee organized and operated by, and solely on behalf of, an individual running for any elective office or a slate.

(m) “Political committee” means a committee, whether continuing or noncontinuing, specifically created to promote the candidacy of a person running for elective office.

(n) “Slate” means a group, combination, or organization of candidates created under the Election Law Article.

(o) (1) “Treasurer” has the meaning stated in § 1–101 of the Election Law Article.

(2) “Treasurer” includes a subtreasurer.

§5–853.

(a) (1) When an application is filed, the applicant shall file an affidavit, under oath, stating whether the applicant:

(i) has made any contribution or contributions having a cumulative value of at least \$500 to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before the application is filed, to the best of the applicant's information, knowledge, and belief; or

(ii) currently is engaging in business with an elected official.

(2) (i) 1. Except as provided in subsubparagraph 2 of this subparagraph, if the applicant or a party of record or a family member has made a contribution or contributions having a cumulative value of at least \$500 during the 48-month period before the application was filed or during the pendency of the application, the applicant or the party of record shall file a disclosure providing the name of the candidate or elected official to whose treasurer or political committee the contribution was made, the amount, and the date of the contribution.

2. If the party of record is a community association, the association is not required to poll its members to disclose individual contributions.

(ii) A contribution made between the filing of the application and the disposition of the application shall be disclosed within 5 business days after the contribution.

(3) An applicant who begins engaging in business with an elected official between the filing of the application and the disposition of the application shall file the affidavit at the time of engaging in business with the elected official.

(b) Except as provided in subsection (a)(3) of this section, the affidavit or disclosure shall be filed at least 30 calendar days before any consideration of the application by an elected official.

(c) Within 2 weeks after entering a proceeding, a party of record that has made a contribution shall submit a disclosure as described in subsection (a)(2) of this section.

(d) (1) Except as provided in paragraph (2) of this subsection, a contributor and an elected official are subject to this part if the contributor makes a contribution to:

(i) the candidate;

(ii) a slate; or

(iii) the candidate's political committee.

(2) This part does not apply to a transfer by a political action committee to a candidate or the candidate's continuing political committee.

(e) (1) An affidavit or a disclosure required under this part shall be in a form established by the Howard County Solicitor and approved by the County Council.

(2) The completed form shall be filed in the appropriate case file of an application.

(3) The disclosure form shall repeat the penalty provision in § 5–854(a) of this subtitle.

(f) A contribution made after the filing of the initial disclosure and before final disposition of the application by the County Council shall be disclosed within 5 business days after the contribution.

(g) In the enforcement of this part, the administrative assistant to the zoning board or the administrator of the County Council, as appropriate, considering an application shall be subject to the authority of the Howard County Ethics Commission and, unless otherwise directed by the Ethics Commission, shall:

(1) receive filings of affidavits and disclosures;

(2) maintain filed affidavits and disclosures as public records available for review by the general public during normal business hours;

(3) report violations to the Howard County Ethics Commission; and

(4) perform ministerial duties necessary to administer this part.

(h) (1) Promptly on receipt, the administrative assistant to the zoning board and the administrator of the County Council shall prepare a summary report compiling all affidavits and disclosures filed under this part.

(2) The summary report shall be a public record and available for immediate inspection on written request.

§5–854.

(a) (1) A person who knowingly and willfully violates this part is subject to a fine not exceeding \$5,000.

(2) If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the penalty specified in paragraph (1) of this subsection.

(b) (1) A person who is subject to this part shall preserve all accounts, bills, receipts, books, papers, and other documents necessary to complete and substantiate any reports, statements, or records required to be made under this part for 3 years from the date of filing the application.

(2) The documents shall be available for inspection on request to the Howard County Ethics Commission, after reasonable notice.

§5-857.

(a) In this part the following words have the meanings indicated.

(b) “Agent” means a person that is:

(1) hired or retained by a business entity that is an applicant with an application before the governing body to provide services, for compensation, relating to the application; and

- (2) (i) an attorney;
- (ii) an architect or a landscape architect;
- (iii) a traffic consultant;
- (iv) an engineer; or
- (v) a traffic engineer.

(c) “Aggrieved party” means:

- (1) a property owner whose property:
 - (i) adjoins, fronts, or is located near the subject property; or
 - (ii) is located within sight or sound of the subject property; or

(2) an individual located within the same subdivision as the subject property or who lives up to three-quarters of a mile by road or otherwise one-half mile away from the subject property.

(d) (1) “Applicant” means a person that is:

(i) a title owner or contract purchaser of land that is the subject of an application;

(ii) a trustee who has an interest in land that is the subject of an application, excluding trustees described in a mortgage or deed of trust; or

(iii) a holder of at least a 10% interest in land that is the subject of an application.

(2) “Applicant” includes a person who is an officer or a director of a corporation that actually holds title to the land, or is a contract purchaser of the land, that is the subject of an application.

(3) “Applicant” does not include:

(i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction of or improvements on the land that is the subject of an application;

(ii) a municipal corporation or public corporation;

(iii) a public authority;

(iv) an electric company or electric supplier applying for a certificate of public convenience and necessity under § 7–207 or § 7–208 of the Public Utilities Article; or

(v) a person who is hired or retained as an accountant, an attorney, an architect, an engineer, a land use consultant, an economic consultant, a real estate agent, a real estate broker, a traffic consultant, or a traffic engineer.

(e) “Application” means:

(1) an application for a zoning map amendment as part of a piecemeal or floating zone rezoning proceeding;

(2) a formal application for a comprehensive map planning change or zoning change during the county comprehensive land use plan update;

(3) an application for a map amendment to the county water and sewerage plan;

(4) a request made under § 4–416 of the Local Government Article for the governing body to approve the placement of annexed land in a zoning classification that allows a land use that is substantially different from the use for the land authorized in the zoning classification of the county applicable at the time of annexation; or

(5) an application to create a district or an easement or any other interest in real property as part of an agricultural land preservation program.

(f) “Business entity” means:

- (1) a corporation;
- (2) a limited liability company;
- (3) a partnership; or
- (4) a sole proprietorship.

(g) “Candidate” means a candidate for County Executive or County Council who becomes an elected official.

(h) “Contribution” means a payment or transfer of money or property worth at least \$100, calculated cumulatively during the pendency of the application, to a candidate or a treasurer or political committee of a candidate.

(i) “Governing body” means the governing body of Frederick County.

(j) “Partnership” includes:

- (1) a general partnership;
- (2) a joint venture;
- (3) a limited liability limited partnership;
- (4) a limited liability partnership; or
- (5) a limited partnership.

(k) “Party of record” means a person that participated in a proceeding on an application before the governing body by appearing at a public hearing or filing a statement in an official record.

(l) “Pendency of the application” means the time between the acceptance by the County Department of Planning and Zoning of a filing of an application and the earlier of:

(1) 2 years after the acceptance of the application; or

(2) the expiration of 30 days after:

(i) the governing body has taken final action on the application; or

(ii) the application is withdrawn.

(m) “Political committee” means a committee specifically created to promote the candidacy of a member of the governing body who is running for an elective office.

(n) “Treasurer” has the meaning stated in § 1–101 of the Election Law Article.

§5–858.

(a) An applicant or agent may not make a contribution to a member of the governing body during the pendency of the application.

(b) Except as provided in subsection (c) of this section, after an application has been filed, a member of the governing body may not vote or participate in any way in the proceedings on the application if the member or the treasurer or political committee of the member received a contribution from the applicant or agent during the pendency of the application.

(c) A member of the governing body may participate in a comprehensive zoning or rezoning proceeding.

§5–859.

(a) This section does not apply to a communication between a member of the governing body and an employee of the Frederick County government whose duties involve giving aid or advice to a member of the governing body concerning a pending application.

(b) A member of the governing body who communicates ex parte with an individual concerning a pending application during the pendency of the application shall file with the Chief Administrative Officer a separate disclosure for each

communication within the later of 7 days after the communication was made or received.

§5–860.

At any time before final action on an application, a party of record may file with the Chief Administrative Officer an affidavit including competent evidence of:

- (1) a contribution by an applicant or agent covered under § 5–858 of this subtitle; or
- (2) an ex parte communication covered under § 5–859 of this subtitle.

§5–861.

(a) In the enforcement of this part, the Chief Administrative Officer shall be subject to the direction and control of the Frederick County Ethics Commission and, unless otherwise specifically directed by the County Ethics Commission, may only:

- (1) receive filings;
- (2) maintain records;
- (3) report violations; and
- (4) perform other ministerial duties necessary to administer this part.

(b) (1) The affidavits and disclosures required under this part shall be filed in the appropriate case file of an application.

(2) The Chief Administrative Officer, at least twice each year, shall prepare a summary report compiling all affidavits and disclosures that have been filed in the application case files.

(3) All summary reports compiled under paragraph (2) of this subsection shall be available to members of the public on written request.

(4) All affidavits, disclosures, and accompanying documentation required under this part shall be in the form required by the Frederick County Ethics Commission.

§5–862.

(a) (1) The Frederick County Ethics Commission or another aggrieved party of record may assert as procedural error a violation of this part in an action for judicial review of the application.

(2) If the court finds that a violation of this part occurred, the court shall remand the case to the governing body for reconsideration.

(b) (1) A person that knowingly and willfully violates this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

(2) If the person is a business entity or agent and not an individual, each member, officer, or partner of the business entity or agent who knowingly authorized or participated in the violation is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

(3) An action taken in reliance on an opinion of the State Ethics Commission or the Frederick County Ethics Commission may not be considered a knowing and willful violation.

(c) (1) A person that is subject to this part shall preserve all books, papers, and other documents necessary to complete and substantiate any reports, statements, or records required to be made under this part for 3 years from the date of filing the application.

(2) The documents shall be available for inspection on request.

§5-865.

This part applies only to an appointed member of the Frederick County Board of Zoning Appeals, the Frederick County Ethics Commission, the Frederick County Planning Commission, or the Board of License Commissioners for Frederick County.

§5-866.

(a) In this part, “campaign finance entity” has the meaning stated in § 1-101 of the Election Law Article.

(b) A member, a person acting on behalf of the member, a campaign finance entity of the member, or any other campaign finance entity operated in coordination with the member may not solicit, receive, deposit, or use a contribution while the member is serving on the board or commission.

(c) A campaign finance entity of the member or any other campaign finance entity operated in coordination with the member may not make an expenditure, except to pay a late filing fee or civil penalty imposed under Title 13 of the Election Law Article, while the member is serving on the board or commission.

(d) A campaign finance entity of the member or any other campaign finance entity operated in coordination with the member shall pay any outstanding obligations before the member begins serving on the board or commission.

(e) Not later than 48 hours after opening a campaign account through a campaign finance entity, an appointed member of a board or commission under § 5–865 of this subtitle who has established an authorized candidate campaign committee shall vacate the position on the board or commission.

§5–869.

(a) In this part the following words have the meanings indicated.

(b) (1) “Candidate” means an individual who files a certificate of candidacy for:

- (i) election to the County Council; or
- (ii) County Executive.

(2) “Candidate” includes an incumbent member of the County Council and an incumbent County Executive.

(c) “County Council” means the County Council of Anne Arundel County.

(d) “County Executive” means the County Executive of Anne Arundel County.

§5–870.

(a) The County Council may enact a local law to regulate the participation of a member of the County Council or the County Executive in any legislative action relevant to a zoning change or amendment, or to a land use application that is before the Office of Planning and Zoning or the Department of Inspections and Permits, if the member of the County Council or the County Executive accepts or has accepted, or as a candidate accepted, a campaign contribution from an individual or a business entity involved with the action or application.

(b) The County Council may enact a local law to prohibit or otherwise regulate campaign contributions made to, or for the benefit of, a member of the County Council, the County Executive, or a candidate for election to the County Council or County Executive by an individual or a business entity involved with a legislative action relevant to a zoning change or amendment, or to a land use application that is before the Office of Planning and Zoning or the Department of Inspections and Permits.

§5–871.

If the County Council enacts a local law under § 5–870 of this subtitle, the Anne Arundel County Ethics Commission shall administer and implement the provisions of the local law.

§5–901.

To compel compliance with an order, or to seek other relief authorized by this subtitle, the Ethics Commission may file a petition in a circuit court with venue over the proceeding.

§5–902.

(a) The court may compel compliance with the Ethics Commission's order by:

- (1) issuing an order to cease and desist from the violation; or
- (2) granting other injunctive relief.

(b) (1) The court may also:

(i) impose a fine:

1. not exceeding \$5,000 for a violation of this title;
2. with each day that the violation occurs being a separate offense; and
3. which shall be paid to the State Treasurer and deposited in the General Fund; or

(ii) except as provided in paragraph (2) of this subsection, void an official act of an official or employee if:

1. the official or employee had a conflict of interest that is prohibited by this title;

2. the act arose from or concerned the subject matter of the conflict;

3. the proceeding was brought within 90 days after the act occurred; and

4. the court determines that the conflict had an impact on the act.

(2) The court may not void an official act that:

(i) appropriates public funds;

(ii) imposes a tax; or

(iii) provides for the issuance of a bond, a note, or any other evidence of public obligation.

(c) After hearing the case, the court may grant all or part of the relief sought.

§5–903.

(a) Except as provided in § 5–716 of this title, a person that knowingly and willfully violates Subtitle 7 of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 1 year or both.

(b) If the person is not an individual, each officer or partner who knowingly authorizes or participates in a violation of Subtitle 7 of this title is guilty of a misdemeanor and on conviction is subject to the penalty specified in subsection (a) of this section.

(c) A fine assessed under this section shall be distributed to the Fair Campaign Financing Fund established under § 15–103 of the Election Law Article.

§5–904.

In addition to any other penalty under this title, a public official or employee found by the Ethics Commission or a court to have violated this title:

(1) may be removed or subjected to other disciplinary action; and

(2) if subject to an order of the Ethics Commission or a court directing compliance, may not receive salary or other compensation until the individual complies fully with the order.

§5–1001.

This title may be cited as the Maryland Public Ethics Law.

§6–101.

Subject to the limitations in this title, the State gives the consent for the acquisition of land that Congress needs under Article I, § 8, Clause 17 of the United States Constitution to exercise jurisdiction over the land.

§6–102.

(a) In this section, “navigational aid” means a beacon, lighthouse, or other aid to navigation.

(b) This subtitle does not authorize the acquisition of more than 5 acres to be used for a navigational aid.

(c) If land that is needed for a navigational aid is under navigable waters and the United States submits to the Governor an application that describes the site, the Governor may:

(1) cede jurisdiction over the land; and

(2) convey any title that the State holds in the land.

§6–103.

When the United States acquires land, the United States shall record each deed or document of title to the land in the land records of the county where the land is located.

§6–104.

(a) Condemnation of private property by the United States shall be in accordance with Title 12 of the Real Property Article.

(b) (1) Except as provided in paragraph (2) of this subsection, this subtitle does not authorize condemnation of any tract of land that exceeds 10 acres.

(2) The United States may condemn a tract of land that exceeds 10 acres to build an arsenal, a coastal defense, a fort, or a magazine, including a barracks for staff.

§6–201.

(a) With respect to land that the United States or any unit of the United States leases or otherwise holds in the State, the State reserves jurisdiction and authority over the land, and persons, property, and transactions on the land, to the fullest extent that is:

(1) allowed by the United States Constitution; and

(2) not inconsistent with the governmental purpose for which the land is held.

(b) This section does not affect the jurisdiction and authority of the State over land, or persons, property, and transactions on the land, that the United States or a unit of the United States acquired on or before May 31, 1943, to the extent that the State ceded jurisdiction under:

(1) Chapter 193, §§ 3 and 4, of the Acts of the General Assembly of 1874;

(2) Chapter 395, §§ 13 and 14, of the Acts of the General Assembly of 1874;

(3) Chapter 67, § 21, of the Acts of the General Assembly of 1900;

(4) Chapter 743, §§ 2 and 3, of the Acts of the General Assembly of 1906;

(5) Chapter 194 of the Acts of the General Assembly of 1908; or

(6) any other act in which the State gave consent for the acquisition of property and ceded jurisdiction with respect to the property.

§6–202.

Notwithstanding § 6–201(a) of this subtitle, for the purpose of enforcing the civil or criminal laws of the State, the Governor may enter into an agreement with

the United States to establish full or partial concurrent jurisdiction of the State and the United States over any land in the State held by the United States.

§6-203.

(a) (1) Except as provided in subsection (c) of this section, and for as long as the United States shall own the land, the State cedes exclusive jurisdiction to the United States over all that certain tract or parcel of land situate in Anne Arundel County, being a portion of the Fort George G. Meade Military Reservation, lands owned by the United States as designated by Tract Numbers 170-1, 171, 172, and 174, comprising approximately 265 acres and hereinafter referred to by the tract number and more particularly bounded and described as follows:

Beginning at concrete monument number 77 in the Fort George G. Meade Military Reservation boundary line, being an original corner of the Fort George G. Meade Military Reservation boundary line, said corner being common to Tract Number 170-1 and the original reservation, both being lands of said Military Reservation owned by the United States; thence crossing said Military Reservation by running and binding along the original Military Reservation line, said line common to the easterly line of said Tract Number 170-1 the following 16 courses:

- (i) south 05 degrees 48 minutes 40 seconds west 665.51 feet,
- (ii) south 21 degrees 08 minutes 19 seconds west 1,586.36 feet,
- (iii) south 61 degrees 34 minutes 06 seconds west 784.82 feet,
- (iv) south 61 degrees 45 minutes 24 seconds west 243.08 feet,
- (v) south 17 degrees 49 minutes 32 seconds east 377.50 feet,
- (vi) south 72 degrees 10 minutes 13 seconds west, passing concrete monument number 65 at 300.00 feet, in all 849.95 feet to concrete monument number 64,
- (vii) south 18 degrees 03 minutes 44 seconds east 100.16 feet, to concrete monument number 63,
- (viii) south 73 degrees 03 minutes 24 seconds west 246.48 feet,
- (ix) south 53 degrees 53 minutes 26 seconds east 108.71 feet, to concrete monument number 61,

(x) south 29 degrees 19 minutes 41 seconds west 198.24 feet,
to concrete monument number 60,

(xi) south 44 degrees 57 minutes 02 seconds west 1,201.77 feet,
to concrete monument number 58,

(xii) north 61 degrees 38 minutes 35 seconds west 148.49 feet,
to concrete monument number 57,

(xiii) south 42 degrees 41 minutes 45 seconds west 1,087.75 feet,

(xiv) south 59 degrees 02 minutes 46 seconds west 619.72 feet,

(xv) south 36 degrees 20 minutes 02 seconds west 453.33 feet,
to concrete monument number 54,

(xvi) south 46 degrees 48 minutes 10 seconds west 136.61 feet,
to an iron pipe located in the northern right-of-way line of State Route 32; thence
leaving said original Military Reservation line of Fort George G. Meade and running
and binding along the Fort George G. Meade Military Reservation boundary line
being the southerly line of said Tract Number 170-1, and said northerly road right-
of-way,

North 24 degrees 40 minutes 07 seconds west 1,027.36 feet, to a corner common
to said northern road right-of-way line of State Route 32 and the easterly right-of-
way line of Colony Seven Road;

Thence continuing along said Military Reservation boundary line, being a
portion of the westerly line of said Tract Number 170-1, and leaving said State Route
32 northern right-of-way line and running and binding along said Colony Seven
Road easterly right-of-way line the following two courses and distances:

(i) north 05 degrees 08 minutes 30 seconds east 93.49 feet,

(ii) north 37 degrees 00 minutes 50 seconds east 408.54 feet;

Thence leaving said Colony Seven Road easterly right-of-way line and
continuing running and binding along said Military Reservation boundary line and
said westerly line of Tract Number 170-1 the following two courses and distances:

(i) north 15 degrees 08 minutes 34 seconds east 505.57 feet,

(ii) north 49 degrees 50 minutes 53 seconds east 478.74 feet to
a point in the easterly right-of-way line of State Route 295, commonly known as the

Baltimore–Washington Parkway, said point being a corner common to Tract Numbers 170–1 and 174 of said Military Reservation;

Thence continuing running and binding along said Military Reservation boundary line being common to the westerly lines of said Tract Numbers 170–1 and 174 and said Parkway easterly right-of-way line the following nine courses and distances:

- (i) north 49 degrees 42 minutes 59 seconds east 311.11 feet,
- (ii) north 47 degrees 19 minutes 55 seconds east 1,441.09 feet,
- (iii) north 47 degrees 23 minutes 45 seconds east 290.05 feet,
- (iv) north 45 degrees 09 minutes 58 seconds east, crossing the center line of the old Severn–Annapolis Junction Road at 27.00 feet, in all 220.64 feet,
- (v) north 36 degrees 46 minutes 58 seconds east 319.80 feet,
- (vi) south 63 degrees 38 minutes 32 seconds east 200.28 feet,
- (vii) north 25 degrees 51 minutes 09 seconds east 997.62 feet,
- (viii) north 30 degrees 20 minutes 54 seconds east 1,542.06 feet,
- (ix) north 29 degrees 35 minutes 54 seconds east 1,721.68 feet;

Thence leaving said Parkway easterly right-of-way line and continuing running and binding along said Military Reservation boundary line being common to the northerly and easterly lines of said Tract Number 170–1 the following six courses and distances:

- (i) south 50 degrees 05 minutes 05 seconds east 87.89 feet,
- (ii) north 86 degrees 29 minutes 26 seconds east 123.40 feet,
- (iii) south 04 degrees 51 minutes 50 seconds east 635.41 feet,
- (iv) south 75 degrees 17 minutes 41 seconds east 86.63 feet,
- (v) south 02 degrees 22 minutes 05 seconds east 866.38 feet,
- (vi) north 88 degrees 17 minutes 30 seconds east 278.48 feet to the point of beginning, containing 265.45 acres, more or less.

(2) The bearings used are referenced to the Maryland State Plane Coordinate System, 1927 North American Datum.

(b) It is the intent that the description in subsection (a) of this section include all the same lands acquired by the United States and as filed and recorded in the land records of Anne Arundel County for the following four tracts:

(1) Tracts 170–1 and 170–2 – by declaration of taking, civil number WN 87–2810, filed October 19, 1987;

(2) Tract 171 – from John Cronmiller, et al., by deed dated August 22, 1988, Deed Book 4676, page 779;

(3) Tract 172 – from Nancy V. Allan and Alexander V. Allan, by deed dated February 23, 1988, Deed Book 4555, page 846; and

(4) Tract 174 – From Colony 7 Motor Inn Limited Partnership, Party of the First Part, and Arthur C. Grant, Frieda C. Grant, William A. Grant, Harold Pollin, Elaine Korn, and Richard Pollin, Trustees and Nominees of Colony 7 Motor Inn Limited Partnership I, by deed dated July 11, 1980, Deed Book 5129, page 168.

(c) Notwithstanding the grant of exclusive jurisdiction ceded by the State under subsection (a) of this section, the State retains the right to:

(1) serve all civil and criminal process of the courts of the State; and

(2) enforce and ensure compliance with all applicable environmental and Public Service Commission laws and regulations.

§6–301.

Any land that is within the George Washington Memorial Parkway and was transferred to the United States under Chapter 378 of the Acts of the General Assembly of 1941 reverts to the State if the United States ceases to use the land for park purposes.

§6–302.

Jurisdiction ceded to the United States reverts to the State if the United States ceases to hold land acquired under:

(1) Chapter 394 of the Acts of the General Assembly of 1910;

(2) Chapter 59, §§ 36A and 36B, of the Acts of the General Assembly of 1950; or

(3) Chapter 158 of the Acts of the General Assembly of 1953.

§7–101.

(a) The Great Seal of Maryland is the State seal.

(b) The reverse of the State seal shall be used officially.

§7–102.

(a) (1) The obverse of the Great Seal of Maryland depicts:

(i) an equestrian figure of the Lord Proprietary arrayed in complete armor and holding a drawn sword;

(ii) a horse wearing caparisons adorned with the family coat of arms for Lord Baltimore; and

(iii) on the ground below the equestrian figure, a sparse growth of grass on sandy soil and a few small blue and yellow flowers.

(2) The circle surrounding the obverse of the Great Seal of Maryland contains the Latin inscription “Caecilius Absolutus Dominus Terrae Mariae et Avaloniae Baro de Baltemore”, which means “Cecil Absolute Lord of Maryland and Avalon Baron of Baltimore”, referring to Lord Baltimore’s first settlement in the new world, on the Avalon Peninsula of Newfoundland.

(b) (1) The reverse of the Great Seal of Maryland depicts:

(i) the family coat of arms for Lord Baltimore, as described in paragraph (2) of this subsection;

(ii) an Earl’s coronet placed above the shield indicating George Calvert’s status as an earl or a count palatine in Maryland, though only a baron in England;

(iii) above the Earl’s coronet, a helmet set full-faced;

(iv) above the helmet, the Calvert crest, which consists of two pennons, or pennants, supported by gules (red) staffs, issuing from the ducal coronet:

1. the dexter (right) pennon, of or (gold); and
2. the other pennon, of sable (black);

(v) a plowman wearing a high-crowned, broad-brimmed beaver hat and holding one side of the shield with his left hand and a spade in his right hand;

(vi) a fisherman wearing a knitted cap somewhat resembling a stocking cap and holding one side of the shield with his right hand and in his left hand a fish that is not specific to any species; and

(vii) at the feet of the plowman and fisherman, a ribbon containing, in Italian, the Calvert family motto, “Fatti maschii parole femine”, which generally means “Strong deeds, gentle words”.

(2) (i) The family coat of arms for Lord Baltimore is divided into quarters.

(ii) The first and fourth quarters:

1. appear in the top-left and bottom-right quarters;
2. represent the coat of arms of the Calvert family; and
3. are a paly of six pieces, or (gold) and sable (black), and a bend dexter (right diagonal band) counterchanged, so that they consist of six alternating gold and black vertical bars with a diagonal band on which the colors are reversed.

(iii) The second and third quarters:

1. appear in the top-right and bottom-left quarters;
2. show the coat of arms of the Crossland family, which Cecil Calvert inherited from his grandmother, Alicia, wife of Leonard Calvert, the father of George Calvert, the first Lord Baltimore; and
3. are quartered argent (silver) and gules (red), a cross bottony counterchanged, so that they consist of a quartered field of silver and red, charged with a cross bottony that has arms terminating in a button or a three-leaf clover and opposite coloring.

(3) Behind and surrounding the depiction described in paragraph (1) of this subsection are:

- (i) an ermine-lined mantle;
- (ii) a circle around the seal containing the words “Scuto bonae voluntatis tuae coronasti nos”, meaning “With favor wilt thou compass us as with a shield” (Psalm 5:12); and
- (iii) the date 1632, the year the Maryland charter was granted.

§7-103.

The Secretary of State shall have custody of the State seal.

§7-104.

- (a) (1) The Governor may have the State seal:
 - (i) to affix it to a certified copy of a law or resolution;
 - (ii) to affix it to a communication from the State to the United States, another state, or a foreign country; or
 - (iii) as needed for any other purpose provided by law.
- (2) Unless the Governor signs the document, the Governor may not affix the State seal to a document or allow the State seal to be affixed to a document issued by the Executive Branch of the State government.
- (b) The Secretary of the Senate and the Chief Clerk of the House may have the State seal to affix it to a bill as required by law.

§7-201.

The Maryland flag is the State flag.

§7-202.

- (a) The State flag is divided into quarters.
- (b) The first and fourth quarters are a paly of six pieces, or (gold) and sable (black), and a bend dexter (right diagonal band) counterchanged, so that they consist

of six alternating gold and black vertical bars with a diagonal band on which the colors are reversed.

(c) The second and third quarters are quartered argent (white) and gules (red), a cross bottony counterchanged, so that they consist of a quartered field of white and red, charged with a Greek cross that has arms terminating in trefoils and opposite coloring so that red is on the white quarters and white is on the red quarters, as represented on the escutcheon of the State seal.

§7-203.

Only a gold cross bottony may be used as an ornament on the top of a flagstaff that carries the State flag.

§7-204.

(a) The flag of the United States and the State flag shall be flown from the State House as provided in this section.

(b) When the General Assembly is in session, the flag of the United States and the State flag shall be flown continuously.

(c) When the General Assembly is not in session, the flag of the United States and the State flag shall be flown:

(1) continuously on each day that the Governor designates as a public occasion; and

(2) between sunrise and sunset on any other day when the weather permits.

(d) The State flag shall be flown with the black stripe on the diagonal bands of the first quarter at the top of the flagstaff, as shown in the illustration of the State flag in “Chronicles of Colonial Maryland”.

§7-205.

(a) (1) In this section the following words have the meanings indicated.

(2) “Flag to honor and remember members of the armed forces who died in the line of duty” means:

(i) a flag created by Honor and Remember, Inc.; or

(ii) the flag designated by the United States Congress as the official symbol to honor and remember members of the armed forces who died in the line of duty.

(3) “POW/MIA flag” means the Prisoners of War/Missing in Action (POW/MIA) flag of the National League of Families of American Prisoners and Missing in Southeast Asia.

(b) (1) Subject to paragraph (2) of this subsection, each year, the POW/MIA flag and a flag to honor and remember members of the armed forces who died in the line of duty shall be flown on the State House grounds on:

(i) the third Saturday in May, for Armed Forces Day;

(ii) May 30, for Memorial Day;

(iii) the day that the United States Congress designates for the observance of Memorial Day, if other than May 30;

(iv) the Saturday and Sunday that are closest to May 30, unless the United States Congress designates another day for the observance of Memorial Day, in which case, the Saturday and Sunday that are closest to the day designated by the United States Congress;

(v) July 4, for Independence Day;

(vi) the third Friday in September, for POW/MIA Recognition Day;

(vii) November 11, for Veterans’ Day;

(viii) the day that the United States Congress designates for the observance of Veterans’ Day, if other than November 11; and

(ix) the Saturday and Sunday that are closest to November 11, unless the United States Congress designates another day for the observance of Veterans’ Day, in which case, the Saturday and Sunday that are closest to the day designated by the United States Congress.

(2) If the United States Congress designates a flag as the official symbol to honor and remember members of the armed forces who died in the line of duty, the flag designated by Congress instead of the flag created by Honor and Remember, Inc., shall be flown in accordance with paragraph (1) of this subsection.

§7-206.

A flag of the United States or a State flag that is displayed on State property and purchased with State money must be manufactured in the United States.

§7-301.

The Baltimore Oriole (*Icterus galbula*) is the State bird.

§7-302.

The calico cat is the State cat.

§7-303.

The Maryland Blue Crab (*Callinectes sapidus*) is the State crustacean.

§7-304.

The Chesapeake Bay Retriever is the State dog.

§7-305.

The striped bass or rockfish (*Morone saxatilis*) is the State fish.

§7-306.

The Black-Eyed Susan (*Rudbeckia hirta*) is the State flower.

§7-307.

The thoroughbred horse is the State horse.

§7-308.

The Baltimore Checkerspot Butterfly (*Euphydryas phaeton*) is the State insect.

§7-309.

The diamondback terrapin (*Malaclemys terrapin*) is the State reptile.

§7-310.

The white oak (*Quercus alba*) is the State tree.

§7-313.

Smith Island cake is the State dessert.

§7-314.

Milk is the State drink.

§7-315.

Square dancing is the State folk dance.

§7-316.

The diamondback terrapin (*Malaclemys terrapin*) is the official mascot of the University of Maryland, College Park Campus.

§7-317.

(a) The Governor may designate a citizen of the State as its Poet Laureate.

(b) (1) The Poet Laureate:

(i) may not receive compensation as Poet Laureate; but

(ii) subject to paragraph (2) of this subsection, is entitled to reimbursement for any expenses incurred in the performance of duties as Poet Laureate.

(2) Reimbursement under this subsection:

(i) shall be paid from the General Emergency Fund of the Board of Public Works; and

(ii) may not exceed \$1,000 in any 1 fiscal year.

§7-318.

(a) The poem “Maryland! My Maryland!”, written by James Ryder Randall in 1861 and set to the tune of “Lauriger Horatius”, is the State song.

(b) The words of the State song are:

I

The despot's heel is on thy shore,
Maryland!
His torch is at thy temple door,
Maryland!
Avenge the patriotic gore
That flecked the streets of Baltimore,
And be the battle queen of yore,
Maryland! My Maryland!

II

Hark to an exiled son's appeal,
Maryland!
My mother State! to thee I kneel,
Maryland!
For life and death, for woe and weal,
Thy peerless chivalry reveal,
And gird thy beauteous limbs with steel,
Maryland! My Maryland!

III

Thou wilt not cower in the dust,
Maryland!
Thy beaming sword shall never rust,
Maryland!
Remember Carroll's sacred trust,
Remember Howard's warlike thrust,—
And all thy slumberers with the just,
Maryland! My Maryland!

IV

Come! 'tis the red dawn of the day,
Maryland!
Come with thy panoplied array,
Maryland!
With Ringgold's spirit for the fray,
With Watson's blood at Monterey,
With fearless Lowe and dashing May,
Maryland! My Maryland!

V

Come! for thy shield is bright and strong,
Maryland!

Come! for thy dalliance does thee wrong,
Maryland!
Come to thine own heroic throng,
Stalking with Liberty along,
And chaunt thy dauntless slogan song,
Maryland! My Maryland!

VI
Dear Mother! burst the tyrant's chain,
Maryland!
Virginia should not call in vain,
Maryland!
She meets her sisters on the plain—
"Sic semper!" 'tis the proud refrain
That baffles minions back again,
Maryland! My Maryland!

VII
I see the blush upon thy cheek,
Maryland!
For thou wast ever bravely meek,
Maryland!
But lo! there surges forth a shriek
From hill to hill, from creek to creek—
Potomac calls to Chesapeake,
Maryland! My Maryland!

VIII
Thou wilt not yield the vandal toll,
Maryland!
Thou wilt not crook to his control,
Maryland!
Better the fire upon thee roll,
Better the blade, the shot, the bowl,
Than crucifixion of the soul,
Maryland! My Maryland!

IX
I hear the distant thunder—hum,
Maryland!
The Old Line's bugle, fife, and drum,
Maryland!
She is not dead, nor deaf, nor dumb—
Huzza! she spurns the Northern scum!

She breathes! she burns! she'll come! she'll come!
Maryland! My Maryland!

§7-319.

- (a) Center Stage in Baltimore City is the State theater.
- (b) Olney Theatre in Montgomery County is the State summer theater.

§7-322.

The *Astrodon johnstoni* is the State dinosaur.

§7-323.

The *Ecphora gardnerae gardnerae* (Wilson) is the State fossil shell.

§7-324.

The Patuxent River stone is the State gem.

§7-325.

The Calvert Marine Museum is the State paleontology collection and research center.

§7-327.

The skipjack is the State boat.

§7-328.

Walking is the State exercise.

§7-329.

- (a) Jousting is the State sport.
- (b) Lacrosse is the State team sport.

§7-401.

(a) The Governor annually shall proclaim the day designated as new year on the Asian lunar calendar as Asian Lunar New Year Day.

(b) Asian Lunar New Year Day is in recognition of the economic and cultural contributions of the many Marylanders for whom the lunar new year holds special significance.

§7-402.

March 30 shall be Welcome Home Vietnam Veterans Day in recognition of the service and sacrifice of Vietnam veterans.

§7-403.

The Governor annually shall:

(1) proclaim April 3 as Crime Victim and Advocate Commemorative Day to honor the individuals in the State who have become crime victims and the advocates who serve those victims; and

(2) take appropriate steps to publicize Crime Victim and Advocate Commemorative Day.

§7-404.

The Governor annually shall proclaim April 13 as John Hanson's birthday and dedicate April 13 to him.

§7-405.

The Governor annually shall proclaim April 16 as National Healthcare Decisions Day.

§7-406.

The Governor annually shall proclaim May 1 as Law Day U.S.A.

§7-407.

The Governor annually shall proclaim the second Thursday in May as Maryland Centenarians Day in recognition of the lives of the State's citizens who have reached the landmark age of 100 years.

§7-408.

The Governor annually shall proclaim the second Saturday in May as Negro Baseball League Day.

§7-409.

The Governor annually shall issue a proclamation encouraging the media, government units, business and recreational facilities, and citizens of the State to unite in remembrance and commemorate the heroic acts and efforts of Marylanders who have served and died in the United States armed forces by observing a moment of silence at 3 p.m. on Memorial Day.

§7-410.

(a) The Governor annually shall proclaim the first Sunday in June as the day to honor the fire, rescue, and emergency services workers of the State who made the ultimate sacrifice in the performance of their duties.

(b) The Governor annually shall order the State flag to be flown at half-staff on the first Sunday in June.

(c) On the first Sunday in June each year, memorial plaques containing the names of the fire, rescue, and emergency services workers who made the ultimate sacrifice shall be placed on the Maryland Fire-Rescue Services Memorial in the City of Annapolis by the Maryland Fire-Rescue Services Memorial Foundation, Inc.

§7-411.

The Governor annually shall proclaim June 19 as Juneteenth National Freedom Day.

§7-412.

The Governor annually shall proclaim June 20 as Maryland Charter Day.

§7-413.

(a) The Governor annually shall proclaim July 2 as Thurgood Marshall Day.

(b) The proclamation shall urge educational and cultural organizations to observe Thurgood Marshall Day properly.

§7-414.

(a) The Governor shall proclaim annually October 2 as South Asian American Heritage Day.

(b) The proclamation shall urge educational and cultural organizations to observe South Asian American Heritage Day properly with appropriate programs, ceremonies, and activities.

§7-415.

(a) The Governor annually shall proclaim October 15 as Poetry Day in recognition of the cultural and human values of poetry and poetic expression.

(b) The proclamation shall urge cultural, educational, patriotic, and religious organizations to observe Poetry Day properly.

§7-416.

The Governor annually shall proclaim November 1 as Maryland Emancipation Day in recognition of the emancipation of the slaves in the State.

§7-417.

The Governor annually shall proclaim December 17 as Annapolis Charter Day.

§7-501.

(a) The Governor annually shall proclaim the month of February as Black History Month in recognition of the historical contributions that Black Americans have made to the State.

(b) The proclamation shall urge educational and cultural organizations to observe Black History Month properly with appropriate programs, ceremonies, and activities.

§7-502.

(a) The Governor annually shall proclaim the month of March as Irish-American Heritage Month in recognition of the contributions that Irish Americans have made to the State.

(b) The proclamation shall urge educational and cultural organizations to observe Irish-American Heritage Month properly with appropriate programs, ceremonies, and activities.

§7-503.

(a) The Governor annually shall proclaim the month of March as Women's History Month in recognition of the historical contributions that women have made to the State.

(b) The proclamation shall urge educational and cultural organizations to observe Women's History Month properly with appropriate programs, ceremonies, and activities.

§7-504.

(a) The Governor annually shall proclaim the month of August as Caribbean Heritage Month in recognition of the contributions that Caribbean Americans have made to the State.

(b) The proclamation shall urge educational and cultural organizations to observe Caribbean Heritage Month properly with appropriate programs, ceremonies, and activities.

§7-505.

(a) The Governor annually shall proclaim the month from September 15 to October 15, both inclusive, as Hispanic Heritage Month in recognition of the contributions that Hispanic Americans have made to the State.

(b) The proclamation shall urge educational and cultural organizations to observe Hispanic Heritage Month properly with appropriate programs, ceremonies, and activities.

§7-506.

(a) The Governor annually shall proclaim the month of October as German-American Heritage Month in recognition of the contributions that German Americans have made to the State.

(b) The proclamation shall urge educational and cultural organizations to observe German-American Heritage Month properly with appropriate programs, ceremonies, and activities.

§7-507.

(a) In recognition of the contributions that American Indians have made to the State, the Governor annually shall proclaim November as American Indian Heritage Month.

(b) The proclamation shall urge educational and cultural organizations to observe American Indian Heritage Month properly with appropriate programs, ceremonies, and activities.

§7-601.

(a) The Governor annually shall proclaim the second week in June as Chesapeake Bay Awareness Week.

(b) The proclamation shall urge educational and environmental organizations, including the Chesapeake Bay Foundation, the Alliance for the Chesapeake Bay, the Choose Clean Water Coalition, and the Chesapeake Bay Commercial Fishermen's Association, to observe Chesapeake Bay Awareness Week properly with appropriate events, activities, and programs designed to increase awareness of the importance of the Chesapeake Bay to the State, the region, and the United States.

§8-101.

(a) In this title the following words have the meanings indicated.

(b) (1) "Claim" means a request or demand, under a contract or otherwise, for money or other property, whether or not the governmental entity has title to the money or property, that is:

(i) presented to an officer, employee, or agent of a governmental entity; or

(ii) made to a contractor, a grantee, or another recipient, if the money or other property is to be spent or used on a governmental entity's behalf or to advance an interest of a governmental entity, and the governmental entity:

1. provides or has provided any portion of the money or other property requested or demanded; or

2. will reimburse the contractor, grantee, or other recipient for any portion of the money or other property that is requested or demanded.

(2) “Claim” does not include requests or demands for money or other property that a governmental entity has paid to an individual as compensation for employment or as an income subsidy with no restrictions on that individual’s use of the money or other property.

(c) “Employee” means an individual who performs services:

(1) for and under the control and direction of an employer; and

(2) under an employer’s promise or implied promise of payment of wages or other remuneration.

(d) “Employer” means a person or group of persons that, acting directly or indirectly on behalf of another person or group of persons:

(1) allows an employee to perform services under the employer’s control and direction; and

(2) promises or implies that the employee will receive wages or other remuneration in payment for the performance of those services.

(e) “Governmental entity” means:

(1) the State;

(2) a county; or

(3) a municipal corporation.

(f) (1) “Knowing” or “knowingly” means, with respect to information and without requiring proof of specific intent to defraud, that a person:

(i) has actual knowledge that the information is false;

(ii) acts in deliberate ignorance of the truth or falsity of the information; or

(iii) acts in reckless disregard of the truth or falsity of the information.

(2) “Knowing” or “knowingly” does not mean, with respect to information, that a person acts in a manner that constitutes a mistake or negligence.

(g) “Material” means having a natural tendency to influence or be capable of influencing the payment or receipt of money or other property.

(h) “Obligation” means an established duty, whether or not fixed, arising from:

- (1) an express or implied:
 - (i) contractual relationship;
 - (ii) grantor–grantee relationship; or
 - (iii) licensor–licensee relationship;
- (2) a fee–based or similar relationship;
- (3) statute or regulation; or
- (4) the retention of an overpayment.

(i) “Public body” means:

- (1) the General Assembly or any other elected body;
 - (2) a member or an employee of the General Assembly or any other elected body;
 - (3) a State court;
 - (4) a member or an employee of a State court;
 - (5) a State or local regulatory, administrative, or public agency or authority;
 - (6) an instrumentality of a State or local regulatory, administrative, or public agency or authority;
 - (7) a State or local law enforcement agency, prosecutorial office, or police or peace officer;
 - (8) a State or local department of an executive branch of government;
- or

(9) a division, a board, a bureau, an office, a committee, or a commission of any of the public bodies listed in this subsection.

(j) “Retaliatory action” means discharging, suspending, demoting, threatening, harassing, or discriminating against an employee, a contractor, or an agent as a result of an activity described in § 8–107(a) of this title.

(k) “Supervisor” means an individual within an employer’s organization who has the authority to:

(1) direct and control the work performance of an employee; or

(2) take corrective action regarding the violation of a law or regulation that is the subject of a complaint or charge under this title.

§8–102.

(a) This section does not apply to claims, records, or statements related to State or local taxes.

(b) A person may not:

(1) knowingly present or cause to be presented a false or fraudulent claim for payment or approval;

(2) knowingly make, use, or cause to be made or used a false record or statement material to a false or fraudulent claim;

(3) conspire to commit a violation under this title;

(4) have possession, custody, or control of money or other property used or to be used by or on behalf of a governmental entity and knowingly deliver or cause to be delivered to the governmental entity less than all of that money or other property;

(5) (i) be authorized to make or deliver a receipt or other document certifying receipt of money or other property used or to be used by a governmental entity; and

(ii) make or deliver a receipt or document intending to defraud the governmental entity, knowing that the information contained in the receipt or document is not true;

(6) knowingly buy or receive as a pledge of an obligation or a debt publicly owned property from an officer, employee, or agent of a governmental entity who lawfully may not sell or pledge the property;

(7) knowingly make, use, or cause to be made or used a false record or statement material to an obligation to pay or transmit money or other property to a governmental entity;

(8) knowingly conceal, or knowingly and improperly avoid or decrease, an obligation to pay or transmit money or other property to a governmental entity, including misrepresenting the time at which a trade was made to make the transaction appear less favorable; or

(9) knowingly make any other false or fraudulent claim against a governmental entity.

(c) (1) A person that is found to have violated subsection (b) of this section is liable to the governmental entity for:

(i) a civil penalty of not more than \$10,000 for each violation;
and

(ii) an additional amount of not more than three times the amount of damages that the governmental entity sustains as a result of the acts of that person in violation of subsection (b) of this section.

(2) The total amount owed by a person under paragraph (1) of this subsection may not be less than the amount of the actual damages the governmental entity incurs as a result of the person's violation of subsection (b) of this section.

(d) In determining the appropriate amount of fines and damages under subsection (c) of this section, the court shall consider:

(1) the number, nature, and severity of the violations of this title for which the person has been found liable;

(2) the number, nature, and severity of any previous violations of this title;

(3) the degree of loss suffered by the governmental entity;

(4) the person's history of billing compliance;

(5) whether the person has a compliance program in place;

(6) the extent to which the person has taken steps to address and correct the violation since the person became aware of the violation;

(7) any funds previously returned to the governmental entity in compliance with federal requirements regarding overpayments, to the extent the funds represented losses to the governmental entity caused by the violation;

(8) (i) whether the person self-reported the violation;

(ii) the timeliness of the self-reporting;

(iii) the extent to which the person otherwise cooperated in the investigation of the violation; and

(iv) the extent to which the person had prior knowledge of an investigation or other action relating to the violation; and

(9) any other factor as justice requires.

(e) The penalties provided in subsection (c) of this section are in addition to any criminal, civil, or administrative penalties provided under any other State or federal statute or regulation.

§8–103.

(a) If a governmental entity finds that a person has violated or is violating § 8–102 of this title, the governmental entity may file a civil action in a court of competent jurisdiction within the State against the person.

(b) In filing a civil action under this section, the governmental entity may seek the penalties provided under § 8–102(c) of this title.

(c) A governmental entity may not maintain an action under this section if the governmental entity has filed a civil action based on the same underlying act under § 2–603 of the Health – General Article or has sought enforcement by the Attorney General under § 11–205 or § 11–205.1 of the State Finance and Procurement Article.

§8–104.

(a) (1) (i) A person may file a civil action on behalf of the person and the governmental entity in a court of competent jurisdiction within the State against a person who has acted or is acting in violation of § 8–102 of this title.

(ii) A civil action filed under subparagraph (i) of this paragraph shall be brought in the name of the governmental entity.

(2) A person filing an action under this section may seek:

(i) the penalties provided under § 8–102(c) of this title; and

(ii) subject to the guidelines set forth in § 8–105(a)(4) of this title, court costs and attorney’s fees.

(3) (i) The person shall serve on the governmental entity a copy of the complaint and a written disclosure of substantially all material evidence and information that the person possesses, in accordance with the provisions of Title 2 of the Maryland Rules for serving process on the State or a local entity.

(ii) 1. The complaint shall be filed in camera and shall remain under seal for at least 60 days.

2. The complaint may not be served on the defendant until the complaint is unsealed and the court orders the complaint served.

3. Within 60 days after the governmental entity is served with the complaint and the material evidence and information, the governmental entity may elect to intervene and proceed with the action.

(4) (i) For good cause shown, the governmental entity may move the court for extensions of the time during which the complaint remains under seal under paragraph (3)(ii)1 of this subsection.

(ii) Any motions made under subparagraph (i) of this paragraph may be supported by affidavits or other submissions in camera.

(5) (i) The defendant may not be required to answer a complaint filed under this section until after the complaint is:

1. unsealed and ordered by the court to be served; and

2. served on the defendant in accordance with Title 2 of the Maryland Rules.

(ii) When answering a complaint filed under this section, a defendant shall follow the time frames and other provisions for filing answers to a complaint as required under Title 2, Chapter 300 of the Maryland Rules.

(iii) During the period in which the complaint is under seal, if the governmental entity's investigation reveals that the act, transaction, or occurrence that gave rise to the alleged violation of this title is reasonably likely to be continuing, the governmental entity shall notify the defendant as soon as practicable without jeopardizing the course and conduct of the governmental entity's or the federal government's investigation of the violation, compromising the development of evidence, or violating any State or federal law.

(6) Before the later of the expiration of the 60-day period during which the complaint remains under seal under paragraph (3)(ii)1 of this subsection or any extension of the 60-day period obtained under paragraph (4) of this subsection, the governmental entity shall:

(i) intervene and proceed with the action in a court of competent jurisdiction within the State; or

(ii) notify the court that it will not intervene and proceed with the action.

(7) If the governmental entity does not elect to intervene and proceed with the action under paragraph (6) of this subsection, before unsealing the complaint, the court shall dismiss the action.

(8) If a person initiates an action under this section, no person other than the governmental entity may intervene in the action or initiate a related action based on the facts underlying the pending action.

(b) (1) If the governmental entity intervenes and proceeds with the action under subsection (a)(6)(i) of this section:

(i) the governmental entity shall have the primary responsibility for proceeding with the action and may not be bound by any act of the person who initiated the action; and

(ii) subject to paragraphs (3) through (6) of this subsection, the person who initiated the action may continue as a party to the action.

(2) (i) During an investigation by the governmental entity conducted either independently or in conjunction with a civil action filed under this title, the governmental entity shall have the same rights of discovery as a civil litigant in the circuit court under Title 2, Chapter 400 of the Maryland Rules.

(ii) A person from whom the governmental entity seeks discovery shall be considered a party under Title 2, Chapter 400 of the Maryland Rules.

(3) (i) Notwithstanding the objections of the person initiating the action, the governmental entity may elect at any point to withdraw its intervention as a party to the action.

(ii) If the governmental entity elects to withdraw as a party to the action:

1. the governmental entity shall notify the court and the party initiating the action; and

2. the court shall dismiss the action.

(4) Notwithstanding the objections of the person initiating the action, if the court determines after a hearing that a proposed settlement is fair, adequate, and reasonable under the circumstances, the governmental entity may settle a civil action filed under this section.

(5) On motion of the governmental entity or the defendant or on the court's own motion, the court may impose limitations on the participation of the person initiating an action under this section if:

(i) the governmental entity shows that the person's unrestricted participation in the action would:

1. interfere with or unduly delay the governmental entity in its pursuit of the civil action; or

2. be repetitious, irrelevant, or harassing to the defendant; or

(ii) the defendant shows that unrestricted participation by the person initiating the action would harass the defendant or cause the defendant undue burden or unnecessary expense.

(6) Limitations imposed by the court under paragraph (5) of this subsection may include:

(i) a limitation on the number of witnesses the person may call to testify;

(ii) a limitation on the length of the testimony of witnesses called by the person;

(iii) a limitation on the person's cross-examination of witnesses; and

(iv) a limitation on the participation of the person in the litigation.

(c) (1) On a showing in camera by the governmental entity that certain actions of discovery by the person initiating the action would interfere with the governmental entity's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay the discovery for a period of not more than 60 days.

(2) The court may extend the 60-day period on a further showing in camera that:

(i) the governmental entity has pursued the criminal or civil investigation or proceeding with reasonable diligence; and

(ii) any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceeding.

§8–105.

(a) (1) If the governmental entity intervenes and proceeds with an action filed under § 8–104 of this title and the governmental entity prevails, the court shall award the person initiating the action an amount that is:

(i) not less than 15% and not more than 25% of the proceeds of the action or settlement of the claim; and

(ii) proportional to the amount of time and effort that the person substantially contributed to the final resolution of the civil action.

(2) (i) If the court finds that the action is based primarily on disclosures of specific information relating to allegations or transactions in a criminal, a civil, or an administrative hearing, in a legislative or an administrative report, a hearing, an audit, or an investigation, or from the news media, the court may make an award to the person initiating the action that:

1. the court considers appropriate, taking into account the significance of the information and the role of the person initiating the action in advancing the case to litigation; and

2. does not exceed 10% of the proceeds of the action.

(ii) The information described in subparagraph (i) of this paragraph does not include information disclosed and provided by the person initiating the action.

(3) Any payment to a person under paragraph (1) or (2) of this subsection shall be made from the proceeds of the action.

(4) (i) In addition to the amount provided under paragraphs (1) and (2) of this subsection, a court may award the person initiating the action:

1. an amount for reasonable expenses that the court finds to have been necessarily incurred; and

2. reasonable attorney's fees and costs.

(ii) In determining the amount of any award under subparagraph (i) of this paragraph, the court shall consider the amount of any penalties and damages recovered in the action and any other factor as justice may require.

(iii) Any expenses, fees, and costs awarded under this paragraph shall be awarded against the defendant.

(b) (1) If a court finds that the action is initiated by a person who planned and initiated or otherwise deliberately participated in the violation on which the action was based, the court may, to the extent it considers appropriate, reduce the share of the proceeds of the action that the person otherwise would have received under this section.

(2) In reducing the share of the proceeds of the person initiating the action under this subsection, the court shall consider:

(i) the role of the person in advancing the case to litigation;
and

(ii) any relevant circumstances relating to the underlying violation.

(3) (i) If the person initiating a civil action under § 8–104 of this title is convicted of criminal conduct arising from the person’s participation in the violation on which the action was based prior to a final determination of the action, the person:

1. shall be dismissed from the action; and
2. may not receive any share of the proceeds of the action.

(ii) The dismissal of the person initiating the action in accordance with this paragraph does not prejudice the right of the governmental entity to continue the action.

(4) If the person initiating a civil action under § 8–104 of this title is convicted of criminal conduct arising from the person’s participation in the violation on which the action was based after the proceeds from the action are awarded to that person, the court shall order the person to repay the proceeds previously awarded.

(c) A court may award reasonable attorney’s fees and expenses to a defendant and against the person initiating the action if:

- (1) the defendant prevails in the action; and
- (2) the court finds that the claim of the person initiating the action was brought primarily for purposes of harassment or otherwise was brought in bad faith.

§8–106.

(a) No court in this State shall have jurisdiction over an action filed under § 8–104 of this title against any member of the Legislative Branch or the Judiciary of the State, any member of the Governor’s Executive Council, the Attorney General, the Comptroller, or the State Treasurer if the action is based on evidence or information known to the governmental entity when the action was filed.

(b) A civil action may not be brought under this title by a person who is or was a public employee or public official if the allegations of the action are based substantially on:

- (1) allegations of wrongdoing or misconduct that the person had a duty or an obligation to report or investigate within the scope of the person’s public employment or office; or

(2) information or records to which the person had access as a result of the person's public employment or office.

(c) A person may not bring an action under § 8–104 of this title that is based on allegations or transactions that are the subject of a civil action or an administrative civil money penalty proceeding in which the governmental entity is already a party.

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, no court in this State shall have jurisdiction over an action filed under § 8–104 of this title that is based on the public disclosure of allegations or transactions:

(i) in a criminal, a civil, or an administrative hearing;

(ii) in a legislative or an administrative report, a hearing, an audit, or an investigation; or

(iii) from the news media.

(2) Paragraph (1) of this subsection does not apply if the action is initiated by a person that:

(i) has direct and independent knowledge of the information on which the allegations are based; and

(ii) has voluntarily provided the information to the governmental entity before filing an action under § 8–104 of this title that is based on the information.

(3) A governmental entity, through the Attorney General, may file a civil action under § 8–103 of this title based on a public disclosure described in paragraph (1) of this subsection.

(e) The governmental entity is not liable for expenses that a person incurs in bringing an action under § 8–104 of this title.

(f) A person that is or was employed by the State, a local government, or any other political subdivision of the State as an auditor, an investigator, an attorney, a financial officer, or a contracting officer may not bring an action under § 8–104 of this title that is based on allegations or transactions that the person discovered or learned of while acting in the person's capacity as an auditor, an investigator, an attorney, a financial officer, or a contracting officer for the State, local government, or other political subdivision of the State.

§8–107.

(a) A person may not take a retaliatory action against an employee, a contractor, or a grantee because the employee, contractor, or grantee:

(1) acts lawfully in furtherance of an action filed under this title, including an investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this title;

(2) discloses or threatens to disclose to a supervisor or to a public body an activity, a policy, or a practice of the person that the employee, contractor, or grantee reasonably believes is in violation of § 8–102 of this title or a regulation adopted under this title;

(3) provides information to, or testifies before, a public body conducting an investigation, a hearing, or an inquiry into a violation of § 8–102 of this title or a regulation adopted under this title that is allegedly or actually committed by the person; or

(4) objects to or refuses to participate in any activity, policy, or practice that the employee, contractor, or grantee reasonably believes is in violation of § 8–102 of this title or a regulation adopted under this title.

(b) (1) An employee, a contractor, or a grantee may file a civil action against a person other than a supervisor in State government, an appointing authority in State government, or the head of a principal unit in State government if the person takes a retaliatory action against the employee, contractor, or grantee in violation of subsection (a) of this section.

(2) The employee, contractor, or grantee may seek in the civil action:

(i) an injunction to restrain a continuing violation of subsection (a) of this section;

(ii) reinstatement to the same seniority status held before the retaliatory action;

(iii) reinstatement of full fringe benefits and seniority rights;

(iv) two times the amount of lost wages, benefits, and other remuneration, including any interest accumulated;

(v) payment by the person of reasonable costs and attorney's fees;

(vi) punitive damages;

(vii) an assessment of a civil penalty:

1. not exceeding \$1,000 for the first violation; and

2. not exceeding \$5,000 for each subsequent violation;

and

(viii) any other relief necessary to make the employee, contractor, or grantee whole.

(3) The remedies provided under this section do not diminish or affect the rights, privileges, or remedies available to the employee, contractor, or grantee under:

(i) any other federal or State statute or regulation; or

(ii) any collective bargaining agreement or employee contract.

(c) A State employee who is subject to retaliatory action in violation of subsection (a) of this section may file a complaint under Title 5, Subtitle 3 of the State Personnel and Pensions Article.

§8–108.

(a) A civil action filed under this title may not be filed after the later of:

(1) 6 years after the date on which the underlying violation of § 8–102 of this title occurred; or

(2) 3 years after the date when facts material to the right of action are known or reasonably should have been known by the person initiating the action or the official of the governmental entity charged with responsibility for acting under the circumstances, but in no event more than 10 years after the date on which the underlying violation of § 8–102 of this title occurred.

(b) If the governmental entity elects to intervene and proceed with an action brought under this title, the governmental entity, through the Office of the Attorney General or the attorney for the local governmental entity, may:

(1) file its own complaint; or

(2) amend the complaint of the person that brought the action to clarify, add detail to the complaint, or add additional claims to the complaint.

(c) To the extent that the claim of the governmental entity arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth by a person, a pleading by the governmental entity relates back to the filing date of the complaint of the person that originally brought the action.

(d) In an action filed under this title, all essential elements of the cause of action, including damages, shall be proven by a preponderance of the evidence.

(e) Notwithstanding any other provision of law or rule of procedure or evidence in the Maryland Rules, a final judgment rendered in favor of the governmental entity in any criminal proceeding charging fraud or false statements, whether on a verdict after trial or on a plea of guilty or nolo contendere, shall stop the defendant from denying the essential elements of the offense in any action filed under this title that involves the same act, transaction, or occurrence as in the criminal proceeding.

§8–109.

(a) Any remedy provided under this title is in addition to any other appropriate legal or equitable relief provided under any other applicable State or federal statute or regulation.

(b) (1) The governmental entity shall make all reasonable efforts to coordinate any investigation of an alleged violation under this title with any investigation conducted by the federal government involving the same violation.

(2) The governmental entity's objective shall be to avoid unnecessary duplication of effort on the part of the person alleged to have committed the violation and to minimize the burden of the investigation on the person.

(c) The Comptroller shall deposit any civil penalty or damages collected by the State under this title into the General Fund of the State.

§8–110.

(a) Beginning October 1, 2016, the Office of the Attorney General shall report annually to the General Assembly, in accordance with § 2–1257 of the State Government Article, the following information for the previous fiscal year:

(1) the number of civil actions filed under this title;

(2) the number of civil actions under this title in which a judgment was entered, whether by settlement or adjudication; and

(3) the number of claims made by the governmental entity based on alleged violations of § 8–102 of this title that are settled without the filing of a civil action under this title.

(b) Unless the action is under seal in accordance with § 8–104 of this title, for each civil action reported under subsection (a)(1) or (2) of this section, the report shall state:

(1) whether the action was filed by the governmental entity or by a person on behalf of the governmental entity and, if filed by a person, whether the governmental entity intervened and proceeded with the action;

(2) the name of the defendant;

(3) a description of the violation or alleged violation of § 8–102 of this title; and

(4) the amount sought in the action and, if applicable, the amount for which the defendant is liable under a settlement agreement or court order.

(c) For each claim reported under subsection (a)(3) of this section, the report shall state:

(1) a description of the violation or alleged violation of § 8–102 of this title;

(2) the resolution of the claim;

(3) the amount, if any, the person against whom the claim was made agreed to pay in settlement of the claim; and

(4) the amount, if any, collected by the governmental entity.

(d) The attorney for each county and the attorney for each municipal corporation shall submit to the Office of the Attorney General any information the Office determines is necessary to complete the report required under this section.

§8–111.

This title may be cited as the Maryland False Claims Act.