

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2022 Legislative Session**

**Bill 2022-02**

**Code of Ethics**

**Introduced by Charles County Commissioners**

Adopting changes to the local Code of Ethics to remain in compliance with the public ethics laws of the State of Maryland.

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**Date introduced:** 03 / 15 / 2022

**Public Hearing:** 05 / 18 / 2022 @ 6:00 p.m. Hybrid- Virtually and In Person

**Commissioners Action:** 05 / 18 / 2022 \_\_\_\_\_

**Commissioner Votes:** RBC: Y, BR: Y, GB: A, TC: Y, AS: Y

**Pass/Fail:** Pass

**Effective Date:** 07 / 02 / 2022

**Remarks:** \_\_\_\_\_

NOTE: CAPITALS indicate matter added to existing text.  
[Brackets] indicate matter deleted from existing law.

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2 **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

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4 **2022 Legislative Session**

5 Bill No. 2022-02

6 Chapter No. 170

7 Introduced by The Board of County Commissioners

8 Date of Introduction March 15, 2022

9  
10 **BILL**

11 AN ACT concerning

12 **CODE OF ETHICS**

13  
14 FOR the purpose of

15 Adopting changes to the local Code of Ethics to remain in compliance with the public  
16 ethics laws of the State of Maryland.

17  
18 BY repealing and reenacting, with amendments,

19 Chapter 170 – ETHICS, CODE OF

20 Section 3: Definitions;

21 Section 5: Prohibited conduct and interests.

22 Section 6: Financial disclosure by local elected officials and candidates to be local elected  
23 officials, officials and employees.

24 *Code of Charles County, Maryland*

25 *(2021 Edition)*

26  
27  
28 **SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES**  
29 **COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:**

30 Chapter 170. Ethics, Code of

31 \* \* \* \* \*

32 §170-3 Definitions.

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

Asterisks \*\*\* mean intervening code language remaining unchanged

CAPITALS mean language added to the law

[Brackets] mean language deleted from the law

\* \* \* \* \*

**“QUASI-GOVERNMENTAL ENTITY” MEANS AN ENTITY THAT IS CREATED BY STATE STATUTE, THAT PERFORMS A PUBLIC FUNCTION, AND THAT IS SUPPORTED IN WHOLE OR IN PART BY THE STATE BUT IS MANAGED PRIVATELY.**

\* \* \* \* \*

§170-5 Prohibited conduct and interests.

\* \* \* \* \*

E. Solicitation and acceptance of gifts.

(1) An official or employee may not solicit any gift.

(2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has reason to know:

(a) Is doing business with or seeking to do business with the County government office, agency, board, or commission with which the official or employee is affiliated;

(b) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(c) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; [or]

(d) Is a lobbyist with respect to matters within the jurisdiction of the official or employee; **OR**

**(E) IS AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.**

\* \* \* \* \*

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

(1) An official or employee **OR FORMER OFFICIAL OR EMPLOYEE** may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position **OR FORMER PUBLIC POSITION** and that is not available to the public, for the economic benefit of the official or employee or that of another person.

G. Participation in procurement.

(1) An individual or a person that employs an individual who assists a County agency or unit in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.



1 **H. AN OFFICIAL OR EMPLOYEE MAY NOT RETALIATE AGAINST AN**  
2 **INDIVIDUAL FOR REPORTING OR PARTICIPATING IN AN INVESTIGATION OF A**  
3 **POTENTIAL VIOLATION OF THE LOCAL ETHICS LAW OR ORDINANCE.**  
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6 §170-6 Financial disclosure by local elected officials and candidates to be local elected officials,  
7 officials and employees.  
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9 \* \* \* \* \*  
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11 E. Public record.

12 (1) The County Attorney shall maintain all financial disclosure statements filed under this  
13 section.

14 (2) The County Attorney shall make financial disclosure statements available during normal  
15 office hours for examination and copying by the public, subject to reasonable fees and  
16 administrative procedures established by the Commission.

17 (3) If an individual examines or copies a financial disclosure statement, the County Attorney  
18 shall record:

19 (a) The name and home address of the individual reviewing or copying the statement; and

20 (b) The name of the person whose financial disclosure statement was examined or copied.

21 (4) The County Attorney shall provide the official or employee with a copy of the name and  
22 home address of the person who reviewed the official's or employee's financial disclosure  
23 statement.

24 **(5) THE COUNTY ATTORNEY SHALL NOT PROVIDE PUBLIC ACCESS TO**  
25 **INFORMATION RELATED TO CONSIDERATION RECEIVED FROM:**

26 **(I) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;**

27 **(II) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL**  
28 **GOVERNMENT IN THE STATE; OR**

29 **(III) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL**  
30 **GOVERNMENT IN THE STATE.**  
31

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

34 G. Contents of statement.

35 (1) Interests in real property.

36 (a) A statement filed under this section shall include a schedule of all interests in real property  
37 wherever located.

38 (b) For each interest in real property, the schedule shall include:

39 [1] The nature of the property and the location by street address, mailing address, or legal  
40 description of the property;

41 [2] The nature and extent of the interest held, including any conditions and encumbrances on  
42 the interest;

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- [3] The date when, the manner in which, and the identity of the person from whom the interest was acquired;
- [4] The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
- [5] If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
- [6] The identity of any other person with an interest in the property.
- (2) Interests in corporations and partnerships.
- (a) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability **COMPANY** [~~corporation~~], regardless of whether the **COMPANY**, corporation or partnership does business with the County government.
- (b) For each interest reported under this subsection, the schedule shall include:
- [1] The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability **COMPANY** [~~corporation~~];
- [2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;
- [3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
- [4] With respect to any interest acquired during the reporting period:
- [a] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
- [b] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- [5] ANY OTHER NAMES THAT THE BUSINESS IS TRADING AS OR DOING BUSINESS AS.**
- (c) An individual may satisfy the requirement to report the amount of the interest held under Subsection **G(2)(b)[2]** of this section by reporting, instead of a dollar amount:
- [1] For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

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- 1 [2] For an equity interest in a partnership, the percentage of equity interest held.
- 2 (3) Interests in business entities doing business with the County.
- 3 (a) A statement filed under this section shall include a schedule of all interests in any business  
4 entity that does business with the County, other than interests reported under Subsection  
5 **G(2)** of this section.
- 6 (b) For each interest reported under this subsection, the schedule shall include:
- 7 [1] The name and address of the principal office of the business entity;
- 8 [2] The nature and amount of the interest held, including any conditions to and encumbrances  
9 on the interest;
- 10 [3] With respect to any interest transferred, in whole or in part, at any time during the reporting  
11 period, a description of the interest transferred, the nature and amount of the consideration  
12 received in exchange for the interest, and, if known, the identity of the person to whom the  
13 interest was transferred; and
- 14 [4] With respect to any interest acquired during the reporting period:
- 15 [a] The date when, the manner in which, and the identity of the person from whom the interest  
16 was acquired; and
- 17 [b] The nature and the amount of the consideration given in exchange for the interest or, if  
18 acquired other than by purchase, the fair market value of the interest at the time acquired.
- 19 **[5] ANY OTHER NAMES THAT THE BUSINESS IS TRADING AS OR DOING**  
20 **BUSINESS AS.**
- 21 (4) Gifts.
- 22 (a) A statement filed under this section shall include a schedule of each gift in excess of \$20 in  
23 value or a series of gifts totaling \$100 or more received during the reporting period from or  
24 on behalf of, directly or indirectly, any one person who does business with the County[-]**OR**  
25 **FROM AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN**  
26 **ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR**  
27 **MUNICIPAL CORPORATIONS.**
- 28 (b) For each gift reported. The schedule shall include:
- 29 [1] A description of the nature and value of the gift; and
- 30 [2] The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift  
31 was received.

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(8) Sources of earned income.

(a) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

(b) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

**(C) FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, IF THE INDIVIDUAL'S SPOUSE IS A LOBBYIST REGULATED BY THE COUNTY, THE INDIVIDUAL SHALL DISCLOSE THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.**

**(9) RELATIONSHIP WITH UNIVERSITY OF MARYLAND MEDICAL SYSTEM, STATE OR LOCAL GOVERNMENT, OR QUASI-GOVERNMENTAL ENTITY.**

**(I) AN INDIVIDUAL SHALL DISCLOSE THE INFORMATION SPECIFIED IN GENERAL PROVISIONS ARTICLE §5-607(J)(1), ANNOTATED CODE OF MARYLAND, FOR ANY FINANCIAL OR CONTRACTUAL RELATIONSHIP WITH:**

**(A) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;**

**(B) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE; OR**

**(C) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE.**

**(II) FOR EACH FINANCIAL OR CONTRACTUAL RELATIONSHIP REPORTED, THE SCHEDULE SHALL INCLUDE:**

**(A) A DESCRIPTION OF THE RELATIONSHIP;**

**(B) THE SUBJECT MATTER OF THE RELATIONSHIP; AND**

**(C) THE CONSIDERATION.**

~~{(9)}~~**(10).** A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

H. For the purposes of Subsection G(1), (2), and (3) of this section, the following interests are

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1 considered to be the interests of the individual making the statement:

2 (1) An interest held by a member of the individual's immediate family, if the interest was, at  
3 any time during the reporting period, directly or indirectly controlled by the individual.

4 **(2) AN INTEREST HELD, AT ANY TIME DURING THE APPLICABLE PERIOD, BY:**

5 **(I) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL HELD A (10)% OR GREATER**  
6 **INTEREST;**

7 **(II) A BUSINESS ENTITY DESCRIBED IN SECTION (I) OF THIS SUBSECTION IN**  
8 **WHICH THE BUSINESS ENTITY HELD A 25% OR GREATER INTEREST;**

9 **(III) A BUSINESS ENTITY DESCRIBED IN SECTION (II) OF THIS SUBSECTION IN**  
10 **WHICH THE BUSINESS ENTITY HELD A 50% OR GREATER INTEREST; AND**

11 **(IV) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL DIRECTLY OR**  
12 **INDIRECTLY, THROUGH AN INTEREST IN ONE OR A COMBINATION OF**  
13 **OTHER BUSINESSENTITIES, HOLDS A 10% OR GREATER INTEREST.**

14 [~~An interest held by a business entity in which the individual held a 30% or greater interest at~~  
15 ~~any time during the reporting period.~~]

16 (3) An interest held by a trust or an estate in which, at any time during the reporting period:

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

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

19 [1] The Commission shall review the financial disclosure statements submitted under this  
20 section for compliance with the provisions of this section and shall notify an individual  
21 submitting the statement of any omissions or deficiencies.

22 [2] The Charles County Ethics Commission may take appropriate enforcement action to ensure  
23 compliance with this section.

24 \* \* \* \* \*

25 **SECTION 2. BE IT FURTHER ENACTED THAT THIS ACT SHALL TAKE EFFECT**  
26 **FORTY-FIVE (45) CALENDAR DAYS AFTER IT BECOMES LAW.**

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28 **ADOPTED THIS 18th DAY OF May 2022.**

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COUNTY COMMISSIONERS  
CHARLES COUNTY, MARYLAND



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Reuben B. Collins, President

  
Bobby Rucci, Vice President

  
Gilbert "B.J." Bowling, III

  
Thomasina M. Coates, M.S.

  
Amanda M. Stewart, M.Ed.

ATTEST:

  
Carol A. DeSoto  
Clerk to the Commissioners