

COUNTY ORDINANCE NO. 24-16

A BILL ENTITLED

AN ACT CONCERNING Revisions to the Queen Anne's County Ethics Ordinance, Chapter 8 of the Code of Public Local Laws of Queen Anne's County.

FOR THE PURPOSE of revising and updating the Ethics Ordinance in Queen Anne's County, Chapter 8 of the Code of Public Local Laws; and dealing generally with Ethics in Queen Anne's County;

BY REPEALING AND READOPTING Chapter 8 of the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Chapter 8 of the Code of Public Local Laws be and is hereby **REPEALED** and a new Chapter 8 as set forth on the attached Exhibit A be and is hereby **ADOPTED**.

SECTION II

BE IT FURTHER ENACTED that this Ordinance will take effect on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: Commissioner Phil Dumenil

DATE: September 10, 2024

PUBLIC HEARING HELD: October 8, 2024 @ 6:00 pm

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: April 8, 2025

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Chapter 8

Ethics

[HISTORY: Adopted by the Board of Commissioners of Queen Anne's County 2-12-2013 by Ord. No. 12-23. Amendments noted where applicable.]

GENERAL REFERENCES

Definitions — See Ch. 2.

Rules of interpretation — See Ch. 3.

Board of County Commissioners — See Ch. 4.

County finance — See Ch. 5.

Human resources — See Ch. 27.

Article I

Definitions

§ 8-1 Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSION

The Queen Anne's County Ethics Commission.

§ 8-2 Short title.

This chapter may be cited as the Queen Anne's County Public Ethics Law.

§ 8-3 Authority.

This chapter is adopted under the authority and in conformance with the provisions of Subtitle 8, § 15-801 et seq. of the ~~State Government Article of the Annotated Code of Maryland, as amended~~, Code of

Maryland, General Provisions Title 5 (Md. Code Ann., Gen'l. Prov. Art. Title 5)

§ 8-4 Statement of purpose and policy.

- A. Queen Anne's County, recognizing that our system of representative government is dependent in large measure upon the people having trust and confidence in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.
- B. This confidence and trust is eroded when the conduct of Queen Anne's County business is subject to improper influence or even the appearance of improper influence.
- C. The people have a right to be assured that the financial interest of holders of and candidates for public office and public officials and employees present no conflict with the public interest.

- D. This chapter establishes ethical standards for County officials and employees, financial disclosure requirements for certain County officials, employees, and members of Boards and Commissions, and disclosure requirements for lobbyists.
- E. For the purpose of guarding against improper influence and setting minimum standards for the ethical conduct of public business, the Board of County Commissioners of Queen Anne's County enacts this Public Ethics Law.
- F. The policy goal is the maintenance of a system that liberally construes this chapter, except its provisions for criminal sanction.

§ 8-5 Applicability.

The provisions of this chapter shall be applicable as follows:

- A. Elected County officials. The elected Board of County Commissioners shall be subject to the provisions of this chapter.
- B. Officials and employees.
 - (1) All County administrators, managers and supervisors at Grade 110 or above in the Classified Service, all professional and executive service employees, and the following positions shall be subject to the provisions of this chapter: **[Amended 10-11-2016 by Ord. No. 16-13; 2-12-2019 by Ord. No. 19-02]**

Accountant(s)

Analyst(s)

Benefits Counselor Program Specialist

County Attorney

County Contract Attorneys

Planners

Engineers

Case Managers

Resource and Development Specialists

- (2) Also included are all other department heads or division chiefs of County government not specifically mentioned herein.

- C. Boards and commissions.

- (1) Members of all boards and commissions established by the County are subject to the provisions of this chapter.

Members of the following boards and commissions are subject to the provisions of this chapter:

Agricultural Preservation Board

~~Animal Control Commission~~

~~Board of Appeals~~

~~Bay Bridge Airport Commission~~

~~Board of Building Appeals~~

~~Advisory Board of Recreation and Parks~~

~~Board of Electrical Examiners~~

~~Ethics Commission~~

~~Plumbing Board~~

~~Queen Anne's County Housing Authority~~

~~Kent Narrows Development Foundation Board of Directors~~

~~Board of Liquor License Commissions~~

~~Queen Anne's County Planning Commission~~

~~(2) Members of any other board or commission that has decision making authority are subject to the provisions of this chapter.~~

D. Exempt County officials. The following County officials are covered under the provisions of the Maryland Public Ethics Law: **[Amended 2-12-2019 by Ord. No. 19-02]**

State's Attorney

Deputy State's Attorney

Assistant State's Attorney

Clerk of the Circuit Court

Judges of the Orphans Court

Judges of the Circuit Court

Judges of the District Court

Register of Wills

Sheriff

Deputy Sheriffs

Personnel and employees of the Sheriff's Department

- E. Queen Anne's County officials and employees, In addition to the officials and employees and members of the boards and commissions identified in Subsections A, B and C of this section, all other officials and employees of Queen Anne's County, Maryland, and all members of other County boards and commissions shall be subject to the provisions of § 8-11, Conflicts of interests, and § 8-12, Gifts, of this chapter.

§ 8-6 Definitions.

The words used in this chapter shall have their normal, accepted meanings except as set forth below:

BUSINESS ENTITY

Any corporation (including any parent, subsidiary, or affiliated corporation or business entity), general or limited partnership, sole proprietorship (including a private consultant operation), LLCs, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.

COMPENSATION

Any money or thing of value, regardless of form, received or to be received by any individual covered by this chapter for service rendered. If lobbying is only a portion of a person's employment, compensation means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.

DOING BUSINESS WITH

Having or negotiating a contract that involves the commitment (either in a single transaction or combination of transactions) of funds controlled by Queen Anne's County in a calendar year.

FAMILY MEMBER

The parents, children, siblings, and the spouse of any official or employee.

GIFT

The transfer of anything of economic value, regardless of form, without adequate and lawful consideration. Gift does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated under Chapter 13 of the Election Law Article (fair election practices) of the Annotated Code of Maryland, or under any other state or local law regulating the conduct of elections or the receipt of political campaign contributions.

INTEREST

Any economic interest, either legal or equitable, whether or not subject to an encumbrance or a condition, owned or held, in whole or in part, jointly or severally, directly or indirectly. Interest does not include:

- A. An interest held in the capacity of a personal agent, representative, custodian, fiduciary or trustee, unless the holder has an equitable interest therein; or
- B. An interest in a time or demand deposit in a financial institution, a money market fund, publicly traded mutual fund, or retirement fund, including any County or state retirement or pension fund; or
- C. An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars, whether in a lump sum or periodically for life or some other specified period; or
- D. A common trust fund or a trust fund which forms part of a pension or profit-sharing plan which has been determined by the Internal Revenue Service to be a qualified trust under Sections 401 and 501 of the Internal Revenue Code of 1954, as amended.

LOBBYING

Communicating with any official or employee, for the purpose of influencing that person in performance of his or her official duties, by a person required to register pursuant to the provisions of § 8-14, Lobbying disclosure, of this article. Lobbying does not include:

- A. Drafting bills; or
- B. Advising and rendering opinions to clients as to the construction and effect of proposed or pending legislative or executive actions; or
- C. Actions of a publisher or working member of the press (including radio and television) in the ordinary course of disseminating news or making editorial comment; or
- D. Communication from a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization; or
- E. Communication as a witness at specific invitation or request of an official, employee or registered lobbyist; or
- F. Communication by any public official or employee as part of his/her official duties.

LOBBYIST

Any person lobbying, as defined above, if such person:

- A. Spends or intends to spend \$100 or more on food, entertainment, services, or gifts for officials or employees or their spouses, or dependent children during a calendar year; or
- B. Is compensated \$500 or more in a calendar year for lobbying; or
- C. Spends \$500 or more in a calendar year to compensate another person or persons for lobbying to influence an official or employee in the performance of his or her official duties;
- D. Spends at least \$2,000 or more in a calendar year for salaries, contractual employees, postage, telecommunications services, electronic services (including the creation and/or maintenance of an Internet website), advertising, printing, and delivery services for the express purpose of soliciting others to communicate with an employee or official to influence that person in performance of his or her official duties.

OFFICIAL/EMPLOYEE

Any person elected to, appointed to, or employed by Queen Anne's County or any County agency, board or commission.

PERSON

- A. An individual; or
- B. A business entity.

QUASI-GOVERNMENTAL ENTITY

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

[Added 9-27-2022 by Ord. No. 22-10]

SUBJECT TO THE AUTHORITY OF

Engaged in any activity that is, as distinguished from the public generally, regulated by, requires approval or supervision by, or otherwise subject to the regulatory, administrative, or is other jurisdiction or authority of any department, board, commission, office, agency or other unity of the County.

Article II Ethics Commission

§ 8-7 Established.

There is a Queen Anne's County Ethics Commission.

§ 8-8 Membership and terms.

A. **Membership.** The Commission shall consist of five members and one alternate member appointed by the County Commissioners; each of whom:

- (1) Is a resident of Queen Anne's County;
- (2) Does not hold nor is a candidate for office of the United States government, state government, a political subdivision, or municipality;
- (3) Is not an employee of Queen Anne's County government;
- (4) Is not an employee of any political party; and
- (5) Is not a registered lobbyist.

B. **Terms.** The County Commissioners shall appoint one member to serve a one-year term, one member to serve a two-year term, one member to serve a three-year term. Thereafter, all members shall serve a term of five years. The alternate shall be appointed for a five-year term and shall sit when any member is unavailable for any reason. A member may not be removed from office except for good cause shown and upon notice and an opportunity to be heard.

C. **Vacancies.** If a vacancy occurs on the Commission, the Board of County Commissioners shall appoint a qualified individual to serve the remainder of that term.

D. **Meetings.**

- (1) **Actions to be public.** All final actions of the Commission shall be taken at a public meeting. The Commission shall keep a formal record of each public meeting.
- (2) **Executive session.** This section does not prohibit the Commission from meeting and deliberating in executive session, provided that all action is taken at a public meeting.

§ 8-9 Counsel.

The Commission shall be advised by an attorney appointed by the Commission, with the approval of the County Commissioners. Upon request of the Commission, the County Commissioners may appoint special legal counsel for the Commission in appropriate circumstances.

§ 8-10 Administration; powers and duties.

- A. The Commission shall select its Chairman in January of each year by majority vote. A member shall serve until a successor has been appointed. The Commission, upon request, shall be assisted in carrying out its responsibilities by the attorney designated by the County Commissioners.
- B. This Commission shall be the advisory body responsible for interpreting this chapter and advising persons subject to it as to its application.

- C. The Commission shall be responsible for hearing and deciding any written complaint filed regarding an alleged violation of this chapter.
- D. The Commission shall be the custodian of all statements, registration, reports and complaints submitted in accordance with this chapter.
- E. The Commission shall be responsible for conducting information and education programs regarding the purpose and implementation of this chapter.
- F. **Advisory opinions.** Any person may make a request to the Commission for an advisory opinion concerning application of this chapter. The Commission shall respond within a reasonable time to the requests of persons governed by this chapter, provided that the facts are furnished or reasonably available to it. The Commission shall also respond to such requests from persons not specifically governed by this chapter. Copies of the responses shall be made available to the public, subject to any applicable state or County law regarding public records. Information which may identify the person who is the subject of the opinion shall be deleted to the fullest extent possible from advisory opinions.
- G. **Complaints.**
 - (1) Any person, including, by majority vote, the Ethics Commission, may file, under oath, a written signed complaint with the Commission alleging a violation of any of the provisions of the chapter.
 - (2) The complaint must be filed within two years of the alleged violation. Complaints after two years may be considered if the delay in the discovery of the alleged violation is caused by deception or the attempt to hide the violation.
 - (3) The Commission shall promptly acknowledge the receipt of the complaint to the complainant and, within 30 days of receipt of the complaint, shall dismiss the complaint if plainly frivolous or legally insufficient; otherwise it shall provide a copy of the complaint to the respondent. The respondent shall be notified of the right to submit a written response to the complaint, along with any accompanying documentation and/or statements (sworn or unsworn) supporting the respondent's contention that no violation occurred. The respondent shall be advised in the initial contention that no violation occurred. The respondent shall be advised in the initial notice of a complaint that he/she has the right to counsel. **[Amended 10-27-2020 by Ord. No. 20-12]**
 - (4) After reviewing the complaint, as well as any response submitted by or on behalf of the respondent, the Commission may:
 - (a) Dismiss the complaint if deemed plainly frivolous or if the facts alleged do not indicate a violation of the chapter. Any person who files more than two plainly frivolous complaints is in violation of this chapter and, on a complaint filed and processed in accordance with this section, is subject to the enforcement and penalty provisions of Article IV of this chapter.
 - (b) Conduct an investigation into the allegations of the complaint or refer the complaint to the County Attorney, State's Attorney, or other legal counsel for investigation and report. Counsel shall refer the evidence collected to the Commission for its disposition.
 - (c) Based upon the Commission's investigation or the investigation and report of other counsel, the Commission may, if appropriate, proceed as follows:
 - [1] Dismiss the complaint.
 - [2] Notify the complainant and the respondent that if action is taken by the respondent to cure the violation or violations within a time period specified by Commission regulations, the complaint may be dismissed

if such dismissal is not contrary to the purposes of this chapter, or

- (3) If not dismissed pursuant to Subsection G(4)(c)[1] or [2] above, the Commission shall hold a closed hearing on the complaint.

H. Hearing.

- (1) The respondent may be represented by counsel, and the proceedings shall be conducted in accordance with regulations governing hearings as adopted by the Commission.
- (2) The burden of proof at such a hearing is on the Commission to demonstrate, by a preponderance of the evidence, that the respondent or respondents have engaged in a violation of the Queen Anne's County Ethics Code.
- (3) Any final determination resulting from the hearing shall include written findings of fact, conclusions of law and recommendations. Any such reports or decisions shall be maintained by the Commission as public records and will be redacted to protect personally identifiable information as the Commission deems appropriate. If a violation is found, the Commission may take and/or recommend any enforcement action provided for by § 8-16 et seq. of this chapter.
- (4) If aggrieved by a final order of the Commission, the respondent may request judicial review in accordance with the provisions of Rules 7-201 through 7-210 of the Maryland Rules of Procedure, and any final order of the Commission shall be stayed automatically until the time for requesting judicial review has expired. If a timely appeal for judicial review is filed, the final order may be stayed by either the Ethics Commission or the reviewing court until final disposition by the reviewing court.
- (5) If, in the course of considering any complaint filed with it or made upon its own motion, the Commission has reasonable grounds to believe that the respondent named in the complaint may have committed a criminal offense, the matter shall be promptly referred to the appropriate prosecuting authority. All pertinent evidence under the control of the Commission shall be made available to the prosecuting authority.
- (6) If the Commission determines that a respondent was innocent of any violation of this chapter, the Commission shall recommend to the County Commissioners that the respondent be reimbursed for the reasonable attorney's fees and expenses incurred in the matter.

I. Oaths and subpoenas.

- (1) In carrying out its duties under this chapter, the Commission may:
 - (a) Administer oaths and affirmations; and
 - (b) Issue subpoenas for the attendance of witnesses or for the production of documents or other evidence.
- (2) The Commission may issue subpoenas on behalf of a respondent if, in preparation for a hearing, the respondent files a written request at least 10 working days before the date set for the hearing.
- (3) Each subpoena issued under this subsection shall identify the person who requested its issuance.
- (4) A subpoena for the production of documents or other evidence may only require the production of items relevant to the alleged violation in question.
- (5) A subpoena issued under this subsection may be judicially enforced.
- (6) A person who objects to a subpoena issued under this subsection may file a motion to quash, or for other

appropriate relief, with the Commission or a court of competent jurisdiction. In addition, such person may request that the County Attorney for Queen Anne's County review the subpoena to determine its relevance to the matter under consideration. The County Attorney may approve, modify, limit or quash the subpoena as appropriate.

- J. The Commission may grant exemptions and modifications to the provisions of this chapter as provided in § 8-15.
- K. The Commission may develop and publish rules, regulations, and reporting forms in order to carry out the provisions of this chapter; provided, however, that, prior to the issuance of such rules, regulations, or forms, the Commission notifies the Board of County Commissioners and the public through appropriate means and affords the public no less than 14 days within which to comment on such proposed rules, regulations, and forms.
- L. Confidentiality.
 - (1) Any action taken by the Commission in connection with a complaint must be conducted in a confidential manner.
 - (2) Neither the Commission nor its staff may disclose any information about the complaint and any proceedings involving the complainant, including the identities of the complainant and the respondent.
 - (3) However, the Commission may disclose information:
 - (a) If the respondent agrees in writing to the disclosure;
 - (b) As necessary to conduct a preliminary inquiry, and investigation, or a hearing; or
 - (c) When making a referral to a prosecuting authority.
- M. Compliance with state law; changes and amendments.
 - (1) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the County is in compliance with the requirements of State Government Article, Title 15, Subtitle 2, Annotated Code of Maryland Code of Maryland, General Provisions Title 5 (Md. Code Ann., Gen'l. Prov. Art. Title 5), for elected officials.
 - (2) The Commission shall:
 - (a) Determine if changes to this chapter are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 2, Annotated Code of Maryland Code of Maryland, General Provisions Title 5 (Md. Code Ann., Gen'l. Prov. Art. Title 5); and
 - (b) Shall forward any recommended changes and amendments to the County Commissioners for enactment.

Article III Ethics Regulations

§ 8-11 Conflicts of interest.

- A. In general. Queen Anne's County officials, board and commission members, and employees are prohibited from the following, except as permitted by Commission regulation or opinion:
 - (1) Cannot participate in any matter in which there is an interest in the matter, as distinguished from the public generally, for them or a family member.

(2) Cannot participate in any matter in which any of the following is a party:

- (a) Business entity in which the official, employee, or family member has an interest in the matter.
- (b) Business entity in which the official, employee, or family member is an officer, director, trustee, partner or employee.
- (c) Business entity in which the official or employee or family member is negotiating or has an arrangement for prospective employment.
- (d) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to the contract with a family member.
- (e) An entity doing business with the County, in which a direct financial interest is owned by another entity in which the official, employee or family member has an interest in the matter.
- (f) Business entity that is either a creditor or obligee of the official, employee or family member with respect to anything of economic value, or is a creditor or obligee in a position to directly or substantially affect the interest of the official, employee, or family member.

A person who is disqualified from participating under Subsection A(1) and (2) shall disclose the nature and circumstances of the conflict and may participate if: there would be no quorum, the person is required by law to act, or the person is the only one authorized to act

(3) Being employed by or having a financial interest in an entity that is:

- (a) Subject to the authority of that official or employee or of the governmental unit with which the official or employee is affiliated; or
 - (b) Doing business with that official or employee or with the governmental unit with which the official or employee is affiliated.
- (4) Holding any other employment or contractual relationship if that relationship would impair the impartiality and independent judgment of the official or employee.
- (5) Representing any party, for a contingent fee, or lobbying, for compensation, before any County body, except for judicial or quasi-judicial proceedings.
- (6) Soliciting or accepting gifts prohibited by § 8-12.
- (7) Acting following termination of County service as a compensated representative of another person in connection with any specific matter in which he/she participated substantially as a County official or employee. [Amended 5-22-2018 by Ord. No. 18-04]
- (8) Intentionally using the prestige of their office, or confidential information acquired in their official County position, for their own private gain or that of another. The performance of usual and customary constituent services without additional compensation is not prohibited under this section.
- (9) Submitting a bid or proposal for procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for procurement, if that individual assists in the drafting of specifications, an invitation for bids, or request for proposals, except if exempt by the Commission in providing descriptive literature, sole source procurements, or written comments solicited by the

procuring agency.

- (10) A former elected official assisting or representing another party for compensation in a matter that is the subject of legislative action for two calendar years after such person leaves office. The foregoing limitation on representation does not apply to representation of a municipal corporation, state or County governmental entity. **[Added 5-22-2018 by Ord. No. 18-04]**
- (11) Participation by a former regulated lobbyist who is or becomes subject to regulation under this chapter as a public official or employee 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. This prohibition does not apply to an individual who is a public official only as a member of a board and receives annual compensation that is less than 25% of the lowest annual compensation at the State of Maryland grade level 16. **[Added 5-22-2018 by Ord. No. 18-04]**
- (12) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the individual's public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person. **[Added 9-27-2022 by Ord. No. 22-10]**
- B. Exceptions for industry representatives. The prohibitions of this section do not apply to an individual who is appointed to a regulatory or licensing board or commission pursuant to a requirement that persons subject to the jurisdiction of the board or commission be represented in appointments to it.
- C. Other exceptions as permitted by regulation or opinion.
 - (1) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publically disclosed to the appointing authority and the Commission;
 - (2) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict or appearance of a conflict of interest; and
 - (3) Other employment or financial interest as allowed by regulation if the employment does not create a conflict or appearance of a conflict of interest or if the financial interest is disclosed.
- D. Prohibition against retaliatory conduct. An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance. **[Added 9-27-2022 by Ord. No. 22-10]**

§ 8-12 Gifts.

- A. Gifts from specified persons prohibited. Except as permitted by Subsection B of this section, a County official or employee may not solicit a gift of any value or facilitate the solicitation of a gift of any value on behalf of another, or accept any gift of more than \$20 in value (or cumulative gifts totaling more than \$100 in any one year) from any person who:
 - (1) Has a contract with, or is negotiating a contract with, the County;
 - (2) Is subject to the authority of the official or employee's agency; or
 - (3) Is a lobbyist subject to registration under § 844 of this chapter unless the Commission determines that the gift would not present a conflict of interest.

- (4) Has financial interests that may be substantially and materially affected in a manner distinguishable from the public generally, by performance or nonperformance of the official duties of the official or employee.
- (5) Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations. **[Added 9-27-2022 by Ord. No. 22-10]**

B. Qualified exceptions. Subject to the provisions of Subsection C of this section, the following gifts are permitted:

- (1) Meals or beverages in the presence of the donor or sponsoring entity, not to exceed \$20 in value;
- (2) Ceremonial gifts or awards of insignificant monetary value;
- (3) Unsolicited gifts of nominal value;
- (4) Trivial items of informational value;
- (5) Tickets or free admission extended to an elected official from the person sponsoring or conducting the event, as a courtesy or ceremony to the office, to attend a charitable, cultural, or political event;
- (6) A specific gift or class of gifts that the Commission exempts on a written finding that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of County business;
- (7) Gifts from family members; and
- (8) Honoraria for speaking to or participating in a meeting, provided that the offering of the honoraria is not related in any way to the official's or employee's position.

C. Gifts generally prohibited. Notwithstanding the qualified exceptions in Subsection B, above, a County official or employee may not accept a gift:

- (1) If the gift would tend to impair the impartiality and independent judgment of the official or employee receiving the gift; or
- (2) It would give the appearance of impairing the impartiality and independent judgment of the official or employee receiving the gift; or
- (3) The official or employee receiving the gift believes, or has reason to believe, that it is designed to impair the impartiality and independent judgment of the official or employee receiving the gift.

§ 8-13 Financial disclosure.

A. The Board of County Commissioners and the boards, commissions and committees, including ad hoc committees and task forces, appointed by the Board of County Commissioners, as identified in § 8-5C of this chapter, or appointed by any other board or commission, and the officials and employees as identified in § 8-5B and candidates for office as such when the positions are elective, are required to file the financial disclosure statements as provided in this section. If the official title of any of the boards, commissioners or individuals listed in § 8-5 of this chapter is changed, those persons fulfilling the same function shall be required to file financial disclosure statements as provided in this section.

B. Any person who is newly appointed to an employee position referred to in the preceding subsection shall, together with acceptance of employment, file a financial disclosure statement containing the necessary information for the calendar year immediately preceding the official appointment date.

C. All members of boards, commissions and committees listed in Subsection A above, as identified in § 8-

5C of this chapter, and all member of ad hoc committees and task forces providing advice and/or recommendations regarding acquisition, zoning or designation of land, whether appointed by the Board of County Commissioners or appointed by other local government boards or commissions authorized to make such appointments, shall, together with the member's acceptance letter, submit a financial disclosure statement which shall include disclosure of any and all potential conflicts of interest that may be foreseeable as a result of accepting the board, commission or committee appointment.

- D. Candidates for elected office shall file a financial disclosure statement simultaneously with the candidate's registration of candidacy for office with Queen Anne's County Elections Board. The QAC Elections Board may not accept any certificate of candidacy unless a statement has been filed in proper form. If a statement required by a candidate is overdue and not filed within eight days after written notice of the failure to file is provided by the Elections Board, the candidate is deemed to have withdrawn the candidacy. Within 30 days of the receipt of a statement, the Elections Board shall forward the statement to the Commission. **[Amended 9-12-2023 by Ord. No. 23-08]**
- E. Thereafter, all officials, candidates, appointees and employees identified in Subsection A shall file the required statement with the Ethics Commission on or before the 31st day of January of each year for the immediately preceding calendar year during any part of which the official, appointee or employee held an office or position or was a candidate for office.
- F. Upon leaving office; upon taking office.
 - (1) Upon leaving office:
 - (a) Any official or employee who leaves an office identified in Subsection A for any reason other than death shall, within 30 days after the departure date, file a financial disclosure statement covering any period or periods for which the official or employee has not filed such a statement, including all required information up to the date of departure.
 - (b) An official or employee who leaves an office identified in Subsection A for another such office shall not be required to file a financial disclosure statement if the official or employee has filed the currently required statement in the former position or office.
 - (2) Upon taking office:
 - (a) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a statement shall file a statement for the preceding calendar year within 30 days after appointment.
- G. All financial disclosure statements required by this section shall be on a form provided by the Commission, shall be signed under oath by the person required to file, and shall disclose the following information concerning the interest of said person:
 - (1) For elected officials and candidates:
 - (a) Interests in real property:
 - [1] A schedule of all of their real estate holdings or interest wherever located.
 - [2] For each interest in real property, the schedule shall include:
 - [a] The nature of the property and the location by street address, mailing address, or legal description.
 - [b] The nature and extent of the interest held, including any conditions and encumbrances on the interest.

- [c] The date when, the manner in which, and the identity of the person from whom the interest was acquired.
 - [d] The nature and amount of the consideration given in exchange for the interest, or if acquired other than by purchase, the fair market value of the interest at the time acquired.
 - [e] If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest, the nature and amount of the consideration received, and the identity of the person to whom it transfers.
 - [f] The identity of any other person with an interest in the property.
- (b) Interests in corporations and partnerships:
- [1] A schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the County.
 - [2] For each interest in a business, the schedule shall include:
 - [a] The name and address of the principal office.
 - [b] The nature and amount of the interest held, including any conditions and encumbrances on the interest.
 - [c] If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest, the nature and amount of the consideration received, and the identity of the person to whom it transfers.
 - [d] If any interest was acquired during the reporting period, the date when, the manner in which, and the identity of the person from whom the interest was acquired.
 - [e] 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.
 - [f] Amount of interest can be reported in dollar amount, or shares held and the percentage of equity interest in a corporation, unless publically traded, or percentage of equity interest in a partnership.
- (c) Interests in business entities doing business with the County:
- [1] A schedule of all interests in any business entity that does business with the County, other than as reported in Subsection G(2)(b) of this section.
 - [2] For each interest in a business, the schedule shall include:
 - [a] The name and address of the principal office.
 - [b] The nature and amount of the interest held, including any conditions and encumbrances on the interest.
 - [c] If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest, the nature and amount of the consideration received, and the identity of the person to whom it transfers.
 - [d] If any interest was acquired during the reporting period, the date when, the manner in which, and the identity of the person from whom the interest was acquired.
 - [e] 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. [Amended 9-27-2022 by Ord. No. 22-10]

* For interests reported under Subsection G(1)(a), (b) and (c) of the section, the following interest are considered to also be the interest of the individual making the statement:

(i) An interest held by an immediate family member, if the interest was directly or indirectly controlled by the individual at any time during the reporting period.

(ii) An interest held, at any time during the applicable period, by:

(1) A business entity in which the individual held a 10% or greater interest.

(2) A business entity described in Section (1) of this subsection in which the business entity held a 25% or greater interest;

(3) A business entity described in Section (2) of this subsection in which the business entity held a 50% or greater interest; and

(4) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.

(iii) An interest held by a trust or an estate in which the individual held a reversionary interest, was a beneficiary, or a settlor to a revocable trust, at any time during the reporting period.

(d) Employment with or interest in entities doing business with the County:

[1] A schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family held at any time during the reporting period with entities doing business with the County.

[2] For each position reported, the schedule shall include:

[a] The name and address of the principal office.

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

[c] The name of each County agency with which the entity is involved.

[3] For a statement filed on or after January 1, 2019, if the individual's spouse is a regulated lobbyist, the entity that has engaged the spouse for lobbying purposes. [Added 9-12-2023 by Ord. No. 23-08]

(e) A schedule of all liabilities to persons doing business with the County at any time during the reporting period by the individual or by a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability. For the purposes of this subsection, indebtedness does not include retail credit accounts. The schedule shall include:

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

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

[3] The terms of payment and the extent to which the principal amount of the debt was increased or reduced

during the year.

[4] If any, the security given.

(f) A schedule of each gift of more than \$20 in value, or a series of gifts totaling more than \$100 in value, received during the reporting period from any person or business entity doing business with the County or subject to the authority of the County, or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations, and as to each such gift, the nature and value thereof, the identity of the donor from whom or on behalf of whom, directly or indirectly, it was received. [Amended 9-27-2022 by Ord. No. 22-10]

(g) A schedule of immediate family members of the individual employed by the County in any capacity at any time during the reporting period.

(h) A schedule of sources of income, to include the name and address of each place of employment and of each business entity of which the individual or a member of the immediate family was a sole or partial owner and from which the individual or member of the immediate family received earned income, at any time during the reporting period. 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 child.

(i) A schedule of additional interests or information that the individual wishes to disclose.

(2) For employees and appointed officials:

(a) A schedule of interests in real property and business entities:

[1] All of their real estate holdings or interests in Queen Anne's County, including, but not limited to, their personal residence, whether held individually, jointly, in partnership, or corporately, and with whom the property is owned; and [Amended 9-27-2022 by Ord. No. 22-10]

[2] The identity of any other person with an interest in the property; and

[3] The name and address of all business entities operating in Queen Anne's County, including parent, subsidiary, or associated entities, in which a financial interest was held at any time during the reporting period, whether or not the business entity does business with the County or is subject to the authority of the County, except financial interest in businesses publically traded on a national stock exchange.

(b) A schedule of any office, directorship, partnership, or salaried employment in any business entity held by them or their spouse during the reporting period.

(c) A schedule of the name and address of any person doing business with or subject to the authority of the County to which the official or employee was indebted at any time during the reporting period. For the purpose of this subsection, indebtedness does not include retail credit accounts, any liability of less than \$1,000, or mortgage indebtedness on a primary residence.

(d) A schedule disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the County, including the name of the donor of the gift and approximate retail value at the time of receipt.

(e) A schedule of employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

H. An individual who is required to disclose the name of a business under this § 8-13 shall disclose any

other names that the business is trading as or doing business as. **[Added 9-27-2022 by Ord. No. 22-10]**

J. Financial or contractual relationships. **[Added 9-27-2022 by Ord. No. 22-10]**

(1) An individual shall disclose the information specified in General Provisions Article § 5-607(j)(i), 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.

(2) 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.

J. When January 31 or any other deadline for filing in this section falls on a Saturday, Sunday or legal holiday, the financial disclosure filing date shall be extended to the next working day.

K. The Commission shall maintain all financial disclosure statements filed under this section for four years from the date of receipt. The statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the County or the Commission. If an individual examines or copies a financial disclosure statement, the Commission shall record the name and home address of the individual reviewing or copying the statement and the name of the person whose financial disclosure statement was reviewed. Upon request of the individual whose statement was reviewed, the Commission shall provide them the name and home address of the person who reviewed the statement. After January 1, 2019, the Commission may not provide public access to the portions of statements that are filed that includes an individual's home address that the individual has identified as the individual's home address. Except, the Commission or office designated by the Commission shall not provide public access to information related to consideration received from: **[Amended 5-22-2018 by Ord. No. 18-04; 9-27-2022 by Ord. No. 22-10]**

- (1) The University of Maryland Medical System;
- (2) A governmental entity of the state or a local government in the state; or
- (3) A quasi-governmental entity of the state or local government in the state.

L. The Commission shall review the financial disclosure statements submitted for compliance with the provisions of this section and shall notify the individual of any omissions or deficiencies.

M. The Commission may take appropriate enforcement action to ensure compliance with this section.

N. Late or incomplete statements. **[Added 5-22-2018 by Ord. No. 18-04]**

(1) Failure to file an annual financial disclosure statement by January 31 or, in the case of individuals appointed to fill a vacancy, within 30 days of appointment shall be a violation of this chapter. Upon a showing of good cause for the lateness in filing, the Ethics Commission may grant one extension of a duration considered by them as appropriate under the circumstances. Failure to file the annual financial

disclosure statement within the time allowed by any such extension shall be a violation of this chapter.

- (2) Any financial disclosure statement filed which the Ethics Commission determines to be incomplete or otherwise deficient shall be given a set period, not in excess of 30 days to correct the deficiency. Failure to correct such deficiency within the time given shall be a violation of this chapter.
- (3) Any person violating the foregoing Subsection L(1) and (2) shall be subject to the penalties provided in § 8-18 of this chapter in addition to the late fees provided in § 8-20.

§ 8-14 Lobbying disclosure.

A. Registration. A person identified as a "lobbyist" within the meaning of § 8-6 of this chapter shall file with the Commission a registration statement:

- (1) Within five days of first acting as a lobbyist; and
- (2) For each subsequent year, on or before January 31; and
- (3) Within five days of a change in the content of the statement set forth in Subsection B below.

B. Contents:

(1) A registration statement shall include:

- (a) A complete identification of the lobbyist;
- (b) A complete identification of any other person or entity on whose behalf the lobbyist acts; and
- (c) The subject matters on which the lobbyist proposes to lobby.

(2) The registration period may not exceed one year and must end by December 31.

C. Year-end report.

(1) A lobbyist shall file a report with the Commission within 31 days after the close of a calendar year during which the lobbyist was registered.

(2) The report shall disclose:

- (a) The value, date, and nature of any food, entertainment, or other gift provided to a County official or employee; and
- (b) The identification of the official or employee or their spouse or dependent children receiving one or more gifts with an aggregate value of \$25 or more.
- (c) The amount and source of all compensation paid to the lobbyist for or in connection with all lobbying activities.
- (d) For any lobbyist qualifying under Subsection D of the definition of "lobbyist" in § 8-6, a breakdown of expenditures on the activities described therein.

D. Public access. The Commission shall maintain registrations and reports filed under this section as public records available for public inspection and copying.

§ 8-15 Exceptions; modifications.

The Commission may grant exemptions and modifications to the requirements of §§ 8-11, 8-12, and 8-13 of

this chapter if the Commission determines that applying the provisions would not be contrary to the purposes of this chapter, and the application of this chapter would:

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

Article IV Enforcement; Penalties

§ 8-16 Cease and desist order.
The Commission may:

- A. Issue a cease and desist order against any person it finds in violation of this chapter; and
- B. Seek enforcement of the order in the Circuit Court of Queen Anne's County.

§ 8-17 Disciplinary action.

A County official or employee found by the Ethics Commission to have violated this chapter shall be referred to the County Human Resources Office for the determination of appropriate disciplinary action.

§ 8-18 Civil penalty.

A person who knowingly and willfully violates any provision of §§ 8-11 through 8-14 of this chapter is guilty of a civil violation and, on conviction, is subject to a fine not exceeding \$1,000.

§ 8-19 Lobbyist sanction.

A lobbyist who violates any provision of § 8-14 of this chapter may, in addition to any other sanction, be barred from any compensated lobbying activities in Queen Anne's County for a period of up to one year.

§ 8-20 Other fees.

~~A person who fails to timely file a financial disclosure form or timely file a lobbyist registration or report may be assessed a late fee as established by the Commission.~~

The Commission may assess a late fee of \$2 per day, up to a maximum of \$250, for late financial disclosure forms, or \$10 per day, up to a maximum of \$250, for late lobbyist registrations or reports.