

## Chapter 18

### ETHICS

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**[HISTORY: Adopted by the Mayor and Council of the City of Seat Pleasant 8-8-2011 by Ord. No. O-12-03 .<sup>1</sup> Amendments noted where applicable.]**

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#### § 18-1. Short title.

This chapter may be cited as the "City of Seat Pleasant Public Ethics Ordinance."

#### § 18-2. Statement of policy.

- A. This Public Ethics Ordinance is to ensure that the honesty and integrity of the public officials and employees of the City of Seat Pleasant remain above reproach. By ensuring this, it is certain that the City government will acquire a reputation which will ensure public confidence in the government and ensure that the public trust will not be violated. This Public Ethics Ordinance is designed also to maintain the highest standards of official conduct and to protect the freedoms and rights of all those affected by this Public Ethics Ordinance.
- B. City officers and employees are responsible to all of the people of this City and not to any favored segment or group. The business and affairs of the City must be conducted in such an impartial manner that all persons understand that no City officer or employee can be improperly influenced. City officers and employees must avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. They must equally avoid circumstances suggesting that favoritism or personal gain is a motivating force in the conduct of the City's business.
- C. It is the further intent of this Public Ethics Ordinance to set forth the ethical standards to be followed by officers and employees of the City. These standards are intended not only to require officers and employees to avoid activities that might result in using a public office or employment for private gain or the giving of favored treatment to any organization or person but also to maintain public confidence in City government by prohibiting activities that might permit opportunity for personal gain or personal preference to influence decisions. The objectives are to maintain an impartial

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1. Editor's Note: This ordinance also provided for the repeal of former Ch. 18, Ethics, adopted as follows: Art. I, Code of Ethics, 9-13-1982 by Ord. No. 82-05, as amended; Art. II, Financial Disclosure, 9-13-1982 by Ord. No. 82-05, as amended; and Art. III, Lobbying Disclosure, 2-14-1994 by Ord. No. 94-01.

administration of the City government and to maintain public confidence in government.

- D. The people of this City have a right to be assured that the financial interests of holders of and candidates for public office and certain high-level employees present no conflict with the public trust. It is, therefore, the purpose of §§ 18-7 and 18-8 to promote the continued trust and confidence of the people of Seat Pleasant in the integrity of their public officers and high-level employees.

### § 18-3. Definitions.

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

**BUSINESS ENTITY** — [Added 10-10-2022 by Ord. No. O-23-02 ]

- A. A corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.
- B. "Business entity" does not include a governmental entity.

**COMMISSION** — The City of Seat Pleasant Ethics Commission established under § 18-5A of this chapter.[Added 10-10-2022 by Ord. No. O-23-02 ]

**COMPENSATION** — [Added 10-10-2022 by Ord. No. O-23-02 ]

- A. Any money or thing of value, regardless of form, received or to be received by any individual covered by this chapter from an employer for service rendered.
- B. For the purposes of § 18-9 of this chapter, if lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.

**DESIGNATED SECOND HOME** — [Added 10-10-2022 by Ord. No. O-23-02 ]

- A. If an individual owns one second home, the individual's second home; or
- B. If an individual owns more than one second home, any one second home the individual identifies to the Commission as the individual's designated second home.

**DOES/DOING BUSINESS WITH THE CITY** — Any contract, work or business or the performance of or litigation arising out of or involving any such contract, work or business; or the sale or acquisition of any property, the expense, price or consideration for which is payable to or from the City treasury or by any assessment levied pursuant to law; or the purchase, lease, rental or letting of or grant of license or permit in relation to any real or other property belonging to or taken by the City or which shall be sold for taxes or assessments or by virtue of legal processes or any license from the City for any reason whatsoever.

**ELECTED OFFICIAL** — [Added 10-10-2022 by Ord. No. O-23-02 ]

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

**EMPLOYEE** — An individual, other than an official, employed or appointed to any position with the City Council or the Executive Branch of the City government.<sup>2</sup>

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2. Editor's Note: The former definition of "entity," which immediately followed this definition, was repealed 10-10-2022 by Ord. No.

**FINANCIAL INTEREST** — Ownership by the official or his or her spouse, jointly or severally, of a total of more than 3% of the invested capital or capital stock of, or receipt of a total combined compensation of more than \$2,500 per year from, any entity involved in the decision being made by the official or his or her agency, but shall not be construed to mean or include an interest or investment in land geographically remote from the land involved in the decision, a possibility of reverter or a mortgage or other security interest in which the real party in interest is not as otherwise defined in this subsection.

**GIFT** — [Added 10-10-2022 by Ord. No. O-23-02 ]

- A. The transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.
- B. "Gift" does not include a contribution as defined in the Election Law Article, Annotated Code of Maryland.

**HOME ADDRESS** — The address of an individual's:[Added 10-10-2022 by Ord. No. O-23-02 ]

- A. Principal home; and
- B. Designated second home, if any.

**IMMEDIATE FAMILY** — A spouse and dependent children.[Added 10-10-2022 by Ord. No. O-23-02 ]

**INTEREST** — [Added 10-10-2022 by Ord. No. O-23-02 ]

- A. A legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly, or indirectly.
- B. For purposes of § 18-6 of this chapter, "interest" includes any interest held at any time during the reporting period.
- C. "Interest" does not include:
  - (1) An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
  - (2) An interest in a time or demand deposit in a financial institution;
  - (3) An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
  - (4) A common trust fund or a trust which forms part of a pension or profit-sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
  - (5) A college savings plan under the Internal Revenue Code; or
  - (6) 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.

**LOBBYING** — [Added 10-10-2022 by Ord. No. O-23-02 ]

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O-23-02 . See now "business entity."

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

LOBBYIST — A person required to register and report expenses related to lobbying under § 18-9 of this chapter.[Added 10-10-2022 by Ord. No. O-23-02 ]

OFFICIAL — An individual elected to an office on the Council or the Executive Branch of the City government and all members of boards and commissions appointed by the Mayor and confirmed by the Council. It shall not include members of advisory boards, commissions or committees appointed by the Mayor or the Council.

PERSON — Includes an individual or business entity.[Added 10-10-2022 by Ord. No. O-23-02 ]

PRINCIPAL HOME — The sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual..[Added 10-10-2022 by Ord. No. O-23-02 ]

QUALIFIED RELATIVE — A spouse, parent, child, brother, or sister.[Added 10-10-2022 by Ord. No. O-23-02 ]

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 10-10-2022 by Ord. No. O-23-02 ]

SECOND HOME — A residential property that:[Added 10-10-2022 by Ord. No. O-23-02 ]

- A. An individual occupies for some portion of the filing year; and
- B. Is not a rental property or a time-share.

#### **§ 18-4. Applicability.**

The provisions of this chapter apply, as noted, to all elected officials, employees, and appointees to boards and commissions of the City of Seat Pleasant and to candidates for elective office in the City.

#### **§ 18-5. Ethics Commission.**

- A. There is a City of Seat Pleasant Ethics Commission that consists of five members appointed by the Mayor and confirmed by the affirmative vote of a majority of the City Council.
  - (1) All members must reside and be registered voters in the City when they are appointed and during their terms of office.
  - (2) The City Council must act on all appointments submitted by the Mayor at the Council's next regular meeting after the names are submitted. If a proposed appointment is not confirmed by the Council at its next regular meeting, the appointment shall be deemed rejected, and the Mayor shall submit a new proposed appointee within five days after the Council meeting. If the Mayor does not forward proposed appointees to the City Council within the time required, the City Council shall fill such vacancies, for which members of the City Council shall submit names of prospective appointees to the Council President within 30 days after the Council meeting.
  - (3) The Mayor shall, within 45 days of taking office, submit the names of five qualified candidates

to the City Council for review and confirmation. The term of office of each member of the Commission shall be from the date of appointment until the termination of the term of office of the Mayor. In the event any member vacates his or her office prior to the expiration of his or her term, the Mayor shall submit a proposed qualified candidate within 30 business days to be reviewed and approved by the City Council at its next regularly scheduled meeting. If the Mayor does not submit such a candidate, then the City Council shall submit three proposed qualified candidates to the Council President within 30 business days. The candidate appointed shall fill the remainder of his or her predecessor's term. **[Amended 1-12-2015 by Ord. No. O-15-04 ]**

- (4) The Commission shall meet at the call of the Chairperson and at such other times as may be requested by the Mayor or the City Council.
- (5) Three members shall constitute a quorum for the transaction of business.
- (6) The board shall submit, not later than January 30 of each year, to the Mayor and to the City Council a report of its activities under this chapter covering the immediately preceding calendar year, including a summary statement concerning the nature of any complaints filed with it and its decisions and advisory opinions.
- (7) During the investigation or review of any violation or request for advisory opinion referred to the Commission and until a public hearing, if any, is held on the violation or request, the activities of all members of the Commission in connection with the investigation or review shall be conducted without publicity, and the Commission shall hold confidential any information related to the violation or request, including but not limited to the identity of the officials or employees involved, including the complainant, if any, and the official or employee requesting an advisory opinion, except that any information may be released at any time if its release has been agreed to, in writing, by the official or employee requesting an advisory opinion or by the official who has been alleged to be in violation of this chapter. Nothing in this subsection shall prevent the Commission from discussing and reviewing any and all matters with legal counsel advising the Commission.
- (8) Violations.
  - (a) At any time that a complaint alleges a violation of a criminal law or the Commission, during an investigation, has reason to believe that a criminal law is being or has been violated, the Commission shall refer the matter promptly to the Prince George's County State's Attorney or State Prosecutor, as appropriate, and shall take no further action until advised by the State's Attorney or State Prosecutor that the State's Attorney's or State Prosecutor's review and handling of the matter has been concluded.
  - (b) In all other matters alleging a violation of this chapter, the Commission shall, upon completion of its investigation and a finding of a violation, serve a written copy of its findings upon the party or parties found to have violated this chapter. The findings shall set forth the facts relied on and the person or persons who would testify to the facts if so called upon to testify. If the Commission determines that the violation can be cured or abated, the findings shall also specify the corrective action necessary, if any, to cure or abate the violation and the time period for completing the corrective action.

B. The Commission shall:

- (1) Devise, receive and maintain all forms required by this chapter;

- (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;
  - (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter;
  - (4) Conduct a public information program regarding the purposes and application of this chapter; and
  - (5) Make the financial disclosure forms available online of elected officials and candidates for office for public viewing. The financial disclosure form shall not show the address of the elected official or candidate for office for public view. **[Added 2-12-2018 by Ord. No. O-18-06 ; amended 10-10-2022 by Ord. No. O-23-02 ]**
- C. The City Attorney or another attorney designated by the City Council shall advise the Commission.
- D. The Commission shall certify to the State Ethics Commission, on or before October 1 of each year, that the City is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.
- E. The Commission shall determine if changes to this chapter are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the City Council for enactment.
- F. The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this chapter.

#### **§ 18-6. Conflicts of interest.**

- A. In this section, "qualified relative" means a spouse, parent, child, or sibling.
- B. All City elected officials, officials appointed to City boards and commissions subject to this chapter, and employees are subject to this section.
- C. Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:
- (1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee, has an interest.
  - (2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
    - (a) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
    - (b) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, member or employee;
    - (c) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating or has any arrangement concerning 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 a contract with a qualified relative;
  - (e) An entity, doing business with the City, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or
  - (f) A business entity that:
    - [1] The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
    - [2] As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.
- (3) A person who is disqualified from participating under Subsection C(1) or (2) of this section shall disclose the nature and circumstances of the conflict and may participate or act if:
- (a) The disqualification leaves a body with less than a quorum capable of acting;
  - (b) The disqualified official or employee is required by law to act; or
  - (c) The disqualified official or employee is the only person authorized to act.

D. Employment and financial interest restrictions.

- (1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:
- (a) Be employed by or have a financial interest in any entity:
    - [1] Subject to the authority of the official or employee or the City office, department, agency, board or commission with which the official or employee is affiliated; or
    - [2] That is negotiating or has entered into a contract with, or that is administered by, the City or an office, department, agency, board, or commission of the City with which the official or employee is affiliated; or
  - (b) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
- (2) The prohibitions of Subsection D(1) of this section do not apply to:
- (a) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
  - (b) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the

Commission;

- (c) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the Commission; or
  - (d) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or if the financial interest is disclosed.
- E. Post-employment limitations and restrictions.
- (1) A former official or employee may not assist or represent any party other than the City in a case, contract, or other specific matter involving the City if that matter is one in which the former official or employee significantly participated as an official or employee.
  - (2) Until the conclusion of the next regular term of office that begins after an elected official leaves office, a former member of the City Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.
- F. Contingent compensation. An official or employee may not assist or represent a party for contingent compensation in any matter before or involving the City.
- G. Use of prestige of office.
- (1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.
  - (2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.
  - (3) The official or employee shall not influence the award of contract to a specific person, initiate a solicitation for a person to retain the compensated services of a lobbyist or firm, or use public resources or title to solicit a political contribution regulated in accordance with the Election Law Article. **[Added 2-12-2018 by Ord. No. O-18-06 ]**
- H. 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 the reason to know:
    - (a) Is doing business with or seeking to do business with the City office, department, 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 office, department, agency, board or commission with which the official or employee is affiliated; or

- (d) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
  - (e) If an association, or any entity acting on behalf of an association, is engaged only in representing counties or municipal corporations. **[Added 10-10-2022 by Ord. No. O-23-02 ]**
- (4) Subsection H(5) of this section does not apply to a gift:
- (a) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
  - (b) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
  - (c) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- (5) Notwithstanding Subsection H(3) and subject to Subsection H(4) of this section, an official or employee may accept the following:
- (a) Meals and beverages consumed in the presence of the donor or sponsoring entity;
  - (b) Ceremonial gifts or awards that have insignificant monetary value;
  - (c) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
  - (d) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
  - (e) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
  - (f) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City and that the gift is purely personal and private in nature;
  - (g) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
  - (h) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.
- I. Disclosure of confidential information, other than in the discharge of official duties. An official or employee or former official or former employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position or former public position and that is not available to the public for the economic benefit of the official or employee or that of another person. **[Amended 10-10-2022 by Ord. No. O-23-02 ]**
- J. Participation in procurement.

- (1) An individual who drafts or assists in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement for the City may not assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
  - (2) An individual who drafts or assists in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement for the City may not submit a bid or proposal for the procurement.
  - (3) A person who employs a current or former City official or employee who drafted or assisted in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement for the City 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.
  - (4) The Commission may establish exemptions from the requirements of this subsection for providing descriptive literature, sole-source procurements, and written comments solicited by the procuring agency. **[Amended 2-13-2012 by Ord. No. O-12-11 ]**
- K. 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 10-10-2022 by Ord. No. O-23-02 ]**
- L. A former local lobbyist who becomes a City official or employee may not participate in a case, contract or other specific matter for one calendar year after terminating their lobbyist registration if they previously assisted or represented another party in the matter. **[Added 3-11-2024 by Ord. No. O-24-11 ]**

**§ 18-7. Financial disclosure – elected officials and candidates to be City elected officials.**

- A. This section applies to all elected officials and candidates to be City elected officials.
- B. Filing statements.
- (1) Except as provided in Subsection C of this section, an elected official or a candidate to be a City elected official shall file the financial disclosure statement required under this section:
    - (a) On a form provided by the Commission;
    - (b) Under oath or affirmation; and
    - (c) With the Commission.
  - (2) Deadlines for filing statements.
    - (a) An incumbent elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
    - (b) An individual who is appointed to fill a vacancy in an elective office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
    - (c) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. 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. Candidates to be elected officials.

- (1) Except an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- (2) A candidate to be an elected official shall file a statement required under this section:
  - (a) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
  - (b) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
  - (c) In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be an elected official:
  - (a) Shall file the statement required under § 18-7C(2)(a) of this chapter with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and
  - (b) Shall file the statements required under § 18-7C(2)(b) and (c) with the Commission.
- (4) If a candidate fails to file a statement required by this subsection, the City shall provide written notice to the candidate directing the candidate to file the statement within five days from the date of the notice.
- (5) If a candidate fails to file a statement required by this subsection after written notice is provided by the City Clerk or Board of Supervisors of Elections at least eight days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy. **[Amended 3-11-2024 by Ord. No. O-24-11 ]**
- (6) The City may not accept any certificate of candidacy unless a statement has been filed in proper form.
- (7) Within 30 days of the receipt of a statement required under this subsection, the person receiving the statement shall forward the statement to the Commission or the office designated by the Commission.

D. Public record.

- (1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section and under § 18-8.
- (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public, subject to reasonable fees established by the City and administrative procedures established by the Commission.
- (3) If an individual examines or copies a financial disclosure statement, the Commission or the

office designated by the Commission shall record:

- (a) The name and home address of the individual reviewing or copying the statement; and
  - (b) The name of the person whose financial disclosure statement was examined or copied.
- (4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official or employee with a copy of the name and home address of the person who reviewed the official's or employee's financial disclosure statement.
- (5) For statements filed after January 1, 2019, the Commission or office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address. **[Added 10-10-2022 by Ord. No. O-23-02 ]**
- (6) The Commission or office designated by the Commission shall not provide public access to information related to consideration received from: **[Added 10-10-2022 by Ord. No. O-23-02 ]**
- (a) The University of Maryland Medical System;
  - (b) A governmental entity of the state or local government in the state; or
  - (c) A quasi-governmental entity of the state or local government in the state.
- E. Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.
- F. An individual who is required to disclose the name of a business under this section shall disclose any other names the business is trading as or doing business as. **[Added 10-10-2022 by Ord. No. O-23-02<sup>3</sup>]**
- G. Contents of statement.
- (1) Interests in real property.
    - (a) A statement filed under this section shall include a schedule of all interests in real property, wherever located.
    - (b) For each interest in real property, the schedule shall include:
      - [1] The nature of the property and the location by street address, mailing address, or legal description of the property;
      - [2] The nature and extent of the interest held, including any conditions and encumbrances on the interest;
      - [3] The date when, the manner in which, and the identity of the person from whom the interest was acquired;
      - [4] The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

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3. Editor's Note: This ordinance also redesignated former Subsections F through H as Subsections G through I, respectively.

- [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, partnerships and limited liability companies.
- (a) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, limited liability corporation or limited liability company, regardless of whether the corporation, partnership, limited liability partnership, limited liability corporation or limited liability company does business with the City.
  - (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, limited liability corporation or limited liability company;
    - [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.
  - (c) An individual may satisfy the requirement to report the amount of the interest held under Subsection F(2)(b)[2] of this section by reporting, instead of a dollar amount:
    - [1] For an equity interest in a corporation or limited liability corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held;
    - [2] For an equity interest in a partnership or a limited liability partnership, the percentage of equity interest held; or
    - [3] For an equity interest in a limited liability company, the percentage of equity interest held.
- (3) Interests in business entities doing business with City.
- (a) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the City, and any specific governmental department or unit

in the City, other than interests reported under Subsection G(2) of this section. **[Amended 2-12-2018 by Ord. No. O-18-06 ; 10-10-2022 by Ord. No. O-23-02 ]**

- (b) For each interest reported under this Subsection F(3), the schedule shall include:
- [1] The name and address of the principal office of the business entity;
  - [2] The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
  - [3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest and, if known, the identity of the person to whom the interest was transferred; and
  - [4] With respect to any interest acquired during the reporting period:
    - [a] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
    - [b] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts.

- (a) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value, or a series of gifts totaling \$100 or more, received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the City, or from an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations. **[Amended 2-13-2012 by Ord. No. O-12-11 ; 10-10-2022 by Ord. No. O-23-02 ]**
- (b) For each gift reported, the schedule shall include:
- [1] A description of the nature and value of the gift; and
  - [2] The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(5) Employment with or interests in entities doing business with the City.

- (a) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the City.
- (b) For each position reported under this subsection, the schedule shall include:
- [1] The name and address of the principal office of the business entity;
  - [2] The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
  - [3] The name of each City office, department, board, commission or agency with which

the entity is involved.

- (6) Indebtedness to entities doing business with the City.
- (a) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the City owed at any time during the reporting period:
- [1] By the individual; or
- [2] By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
- (b) For each liability reported under this subsection, the schedule shall include:
- [1] The identity of the person to whom the liability was owed and the date the liability was incurred;
- [2] The amount of the liability owed as of the end of the reporting period;
- [3] The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
- [4] The security given, if any, for the liability.
- (7) Employment of immediate family members by the City. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the City in any capacity at any time during the reporting period.
- (8) Sources of earned income.
- (a) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income at any time during the reporting period.
- (b) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
- (c) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by City, the individual shall disclose the entity that has engaged the spouse for lobbying purposes. **[Added 10-10-2022 by Ord. No. O-23-02 ]**
- (9) 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.
- (10) Relationship with University of Maryland Medical System, state or local government, or quasi-government entity. **[Added 10-10-2022 by Ord. No. O-23-02 ]**
- (a) An individual shall disclose the information specified in General Provisions Article § 5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:

- [1] The University of Maryland Medical System;
  - [2] A governmental entity of the state or a local government in the state; or
  - [3] A quasi-governmental entity of the state or local government in the state.
- (b) For each financial or contractual relationship reported, the schedule shall include:
- [1] A description of the relationship;
  - [2] The subject matter of the relationship; and
  - [3] The consideration.
- H. For the purposes of § 18-7G(1), (2) and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement: **[Amended 10-10-2022 by Ord. No. O-23-02]**
- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
  - (2) An interest held, at any time during the applicable period, by:
    - (a) A business entity in which the individual held a 10% or greater interest;
    - (b) A business entity described in Subsection H(2)(a) in which the business entity held a 25% or greater interest;
    - (c) A business entity described in Subsection H(2)(b) in which the business entity held a 50% or greater interest; and
    - (d) A business entity in which the individual directly or indirectly, through an interest in one or a combination of the other business entities, holds 10% or greater interest.
  - (3) An interest held by a trust or an estate in which, at any time during the reporting period:
    - (a) The individual held a reversionary interest or was a beneficiary; or
    - (b) If a revocable trust, the individual was a settlor.
- I. Review; enforcement.
- (1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
  - (2) The Commission may take appropriate enforcement action to ensure compliance with this section.

### **§ 18-8. Financial disclosure – employees and appointed officials.**

- A. This section only applies to the following appointed officials and employees:
- (1) Chief Administrative Officer (City Administrator).
  - (2) All department heads.

- B. A statement filed under this section shall be filed with the Commission under oath or affirmation.
- C. On or before April 30 of each year during which an official or employee holds office or employment, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the City, including the name of the donor of the gift and the approximate retail value at the time of receipt.
- D. An official or employee shall disclose 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.
- E. The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 18-7D and E of this chapter.

### § 18-9. Lobbying.

- A. Lobbying registration statements. **[Amended 2-12-2018 by Ord. No. O-18-06 ]**
  - (1) A person shall file a lobbying registration statement with the Commission if the person:
    - (a) Personally appears before a City official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
    - (b) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$100 on food, entertainment or other gifts for officials or employees of the City.
  - (2) A person that becomes a public official or state employee is prohibited from participating in a case, contract or other specific matter for one calendar year after terminating their registration if they previously assisted or represented another party in the matter.
  - (3) If the filer's spouse is a regulated lobbyist, this must be disclosed on Schedule G. The entities that engage the lobbyist shall be on their annual disclosure filing.
- B. A person shall file the registration statement required under this section on or before the later of January 15 of the calendar year or within five days after first performing an act that requires registration in the calendar year.
- C. Registration statement.
  - (1) The registration statement shall identify:
    - (a) The registrant;
    - (b) Any other person on whose behalf the registrant acts; and
    - (c) The subject matter on which the registrant proposes to make appearances specified in Subsection A of this section.
  - (2) The registration statement shall cover a defined registration period not to exceed one calendar year.
- D. Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:

- (1) The value, date, and nature of any food, entertainment or other gift provided to a City official or employee; and
  - (2) If a gift or series of gifts to a single official or employee exceeds \$10 in value, the identity of the official or employee.
- E. The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Commission.

**§ 18-10. Exemptions and modifications.**

The Commission may grant exemptions and modifications to the provisions of §§ 18-6 and 18-8 of this chapter to employees and to appointed members of City boards and commissions when the Commission finds that an exemption or modification would not be contrary to the purposes of this chapter and the application of this chapter would:

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

**§ 18-11. Enforcement.**

- A. The Commission may:
- (1) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under § 18-7 or 18-8 of this chapter;
  - (2) Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to file a timely lobbyist registration or lobbyist report required under § 18-9 of this chapter; and
  - (3) Issue a cease and desist order against any person found to be in violation of this chapter.
- B. Violations.
- (1) Upon a finding of a violation of any provision of this chapter, the Commission may:
    - (a) Issue an order of compliance directing the respondent to cease and desist from the violation;
    - (b) Issue a reprimand; or
    - (c) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
  - (2) If the Commission finds that a respondent has violated § 18-9 of this chapter, the Commission may:
    - (a) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably relate to the information that is required under § 18-9 of this chapter;
    - (b) Impose a fine not exceeding \$1,000 for each violation; and
    - (c) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated § 18-9 of this chapter or has been

convicted of a criminal offense arising from lobbying activities.

- C. Petition for relief.
- (1) Upon request of the Commission, the City Attorney or other attorney designated by the City Council may file a petition for injunctive or other relief in the Circuit Court of Prince George's County, or in any other court having proper venue, for the purpose of requiring compliance with the provisions of this chapter.
  - (2) The court may:
    - (a) Issue an order to cease and desist from the violation;
    - (b) Except as provided in Subsection C(3) of this section, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
    - (c) Impose a fine of up to \$1,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.
  - (3) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
- D. In addition to any other enforcement provisions in this chapter, a person who the Commission or a court finds has violated this chapter:
- (1) Is subject to termination or other disciplinary action; and
  - (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.
- E. A City official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
- F. Violation of § 18-9 of this chapter shall be a misdemeanor, subject to a fine of up to \$1,000 or imprisonment of up to six months, or both.
- G. A finding of a violation of this chapter by the Commission is public information.