

**COUNTY COUNCIL**  
**OF**  
**TALBOT COUNTY, MARYLAND**

2012 Legislative Session, Legislative Day No. : June 26, 2012

Bill No.: 1219

Expiration Date: August 30, 2012

Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

**A BILL TO REPEAL AND REENACT CHAPTER 60 OF THE TALBOT COUNTY CODE, *CODE OF ETHICS*, TO INCORPORATE REQUIREMENTS ESTABLISHED BY SB 315, CHAPTER 277, 2010 ACTS OF MARYLAND GENERAL ASSEMBLY**

By the Council: June 26, 2012

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 24, 2012 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order



Susan W. Moran, Secretary

**A BILL TO REPEAL AND REENACT CHAPTER 60 OF THE TALBOT COUNTY CODE, *CODE OF ETHICS*, TO INCORPORATE REQUIREMENTS ESTABLISHED BY SB 315, CHAPTER 277, 2010 ACTS OF MARYLAND GENERAL ASSEMBLY**

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Chapter 60, Talbot County Code, *Code of Ethics* is hereby repealed and reenacted in its entirety, as set forth in the attachment entitled, *Talbot County Public Ethics Ordinance*, Chapter 60, Talbot County Code, which is incorporated by reference herein.

SECTION TWO: BE IT FURTHER ENACTED, that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION THREE: AND BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION FOUR: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.


**PUBLIC HEARING**

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1219 having been published, a public hearing was held on Tuesday, July 24, 2012 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland

**BY THE COUNCIL**

Read the third time.

ENACTED: July 24, 2012

By Order   
Susan W. Moran, Secretary

Pack	-	Aye
Hollis	-	Aye
Bartlett	-	Aye
Price	-	Aye
Duncan	-	Aye

**TALBOT COUNTY PUBLIC ETHICS ORDINANCE  
CODE, CHAPTER 60**

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**Appendix B — Model Ethics Law B**

Authority: State Government Article, §§15-205,  
 15-206, and Title 15, Subtitle 8, Annotated Code of  
 Maryland

**CHAPTER 60 – ETHICS PROVISIONS**

**§ 60-1. Short title**

- 1 This chapter may be cited as the Talbot County  
 2 Public Ethics Ordinance.

**§ 60-2. Definitions**

- 3 (a) “Candidate” means a candidate for election to  
 4 the County Council.  
 5 (b) “Commission” means the Talbot County Ethics  
 6 Commission.

- 7 (c) “County” means Talbot County, Maryland.  
 8 (d) “County Council” or “Council” means the  
 9 Talbot County Council.  
 10 (e) “Doing business with the County” means being  
 11 a party to any one or any combination of sales,  
 12 purchases, leases, or contracts to, from, or with  
 13 the County, or any agency of the County,  
 14 involving consideration of \$5,000 or more on a  
 15 cumulative basis during the calendar year for  
 16 which a required statement is to be filed.  
 17 (f) “Elected official” means a member of the  
 18 County Council. It does not include the  
 19 Sheriff, the State’s Attorney, or the Register of  
 20 Wills.  
 21 (g) “Employee” or “employees” means all full-time  
 22 County employees.  
 23 (h) “Financial interest” means:  
 24 (1) Ownership of any interest as the result of  
 25 which the owner has received, within the  
 26 past 3 years, or is presently receiving, or in  
 27 the future is entitled to receive, more than  
 28 \$1,000 per year; or  
 29 (2) Ownership or the ownership of securities  
 30 of any kind representing or convertible into  
 31 ownership, of more than 3 percent of a  
 32 business entity by the official or employee  
 33 or the official or employee’s spouse.  
 34 (i) “Gift” means the transfer of anything of  
 35 economic value, regardless of the form,  
 36 without adequate and lawful consideration.  
 37 “Gift” does not include a political campaign  
 38 contribution regulated under the Election Law  
 39 Article, Annotated Code of Maryland, or any  
 40 other provision of state or local law regulating  
 41 the conduct of elections or the receipt of  
 42 political campaign contributions.  
 43 (j) “Interest” means any legal or equitable eco-  
 44 nomic interest, whether or not subject to an  
 45 encumbrance or a condition, which was owned  
 46 or held, in whole or in part, jointly or  
 47 severally, directly or indirectly. For purposes  
 48 of financial disclosure under § 60-13 of this  
 49 chapter “interest” applies to interests held at  
 50 any time during the calendar year for which a

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51	required statement is to be filed. "Interest"	90	(1) Devise, receive, and maintain all forms
52	does not include:	91	required by this chapter;
53	(1) An interest held in the capacity of a	92	(2) Develop procedures and policies for
54	personal representative, agent, custodian,	93	advisory opinion requests and provide
55	fiduciary, or trustee, unless the holder has	94	published advisory opinions to persons
56	an equitable interest therein;	95	subject to this chapter regarding the
57	(2) An interest in a time or demand deposit in	96	applicability of the provisions of this
58	a financial institution;	97	chapter to them;
59	(3) An interest in an insurance or endowment	98	(3) Develop procedures and policies for the
60	policy or annuity contract under which an	99	processing of complaints to make
61	insurance company promises to pay a fixed	100	appropriate determinations regarding
62	number of dollars either in a lump sum or	101	complaints filed by any person alleging
63	periodically for life or some other specified	102	violations of this chapter; and
64	period; or	103	(4) Conduct a public information program
65	(4) A common trust fund or a trust which	104	regarding the purposes and application of
66	forms part of a pension or profit sharing	105	this chapter.
67	plan which has more than 25 participants	106	(b) The Commission shall certify to the State
68	and which has been determined by the	107	Ethics Commission on or before October 1 of
69	Internal Revenue Service to be a qualified	108	each year that the County is in compliance
70	trust under sections 401 and 501 of the	109	with the requirements of State Government
71	Internal Revenue Code of 1954.	110	Article, Title 15, Subtitle 8, Annotated Code of
72	(k) "Nonelected officials" means the county	111	Maryland, for elected local officials.
73	manager, county attorney, county department	112	(c) The Commission shall have advisory authority
74	heads, the chief code compliance officer, the	113	to recommend changes to this chapter
75	alcoholic beverages inspector, members of the	114	consistent with the requirements of State
76	Electrical Board, members of the Board of	115	Government Article, Title 15, Subtitle 8,
77	Appeals, and members of the Planning	116	Annotated Code of Maryland, and to forward
78	Commission.	117	any recommended changes to the County
79	(l) "Official" means both elected officials and	118	Council for consideration.
80	nonelected officials.	119	(d) The Commission may adopt policies and
81	(m) "Qualified Relative" means a spouse, parent,	120	procedures to implement the Commission's
82	child, or sibling.	121	programs established in this chapter.
83	<b>§ 60-3. Applicability</b>	122	(e) Commission members shall serve three-year
84	The provisions of this chapter apply to all elected	123	terms staggered so that no more than two
85	officials and all nonelected officials and employees	124	terms expire in any single calendar year.
86	as set forth herein.	125	Members shall be residents of the County.
87	<b>§ 60-4. Ethics Commission</b>	126	Vacancies occurring prior to expiration of the
88	There is a Talbot County Ethics Commission that	127	term shall be filled in the same manner as an
89	consists of five (5) members appointed by the	128	original appointment for the unexpired term.
90	County Council.	129	The Commission shall annually elect a
91	(a) The Commission shall:	130	Chairman and vice-chairman from its
92	(1) Devise, receive, and maintain all forms	131	membership, and shall adopt rules of
93	required by this chapter;	132	procedure not inconsistent with the terms of
94	(2) Develop procedures and policies for	133	this Chapter to govern its meetings. The
95	advisory opinion requests and provide	134	presence of three members shall constitute a
96	published advisory opinions to persons	135	quorum, and the affirmative vote of a majority
97	subject to this chapter regarding the	136	of the members present at any meeting shall be
98	applicability of the provisions of this		
99	chapter to them;		
100	(3) Develop procedures and policies for the		
101	processing of complaints to make		
102	appropriate determinations regarding		
103	complaints filed by any person alleging		
104	violations of this chapter; and		
105	(4) Conduct a public information program		
106	regarding the purposes and application of		
107	this chapter.		
108	(b) The Commission shall certify to the State		
109	Ethics Commission on or before October 1 of		
110	each year that the County is in compliance		
111	with the requirements of State Government		
112	Article, Title 15, Subtitle 8, Annotated Code of		
113	Maryland, for elected local officials.		
114	(c) The Commission shall have advisory authority		
115	to recommend changes to this chapter		
116	consistent with the requirements of State		
117	Government Article, Title 15, Subtitle 8,		
118	Annotated Code of Maryland, and to forward		
119	any recommended changes to the County		
120	Council for consideration.		
121	(d) The Commission may adopt policies and		
122	procedures to implement the Commission's		
123	programs established in this chapter.		
124	(e) Commission members shall serve three-year		
125	terms staggered so that no more than two		
126	terms expire in any single calendar year.		
127	Members shall be residents of the County.		
128	Vacancies occurring prior to expiration of the		
129	term shall be filled in the same manner as an		
130	original appointment for the unexpired term.		
131	The Commission shall annually elect a		
132	Chairman and vice-chairman from its		
133	membership, and shall adopt rules of		
134	procedure not inconsistent with the terms of		
135	this Chapter to govern its meetings. The		
136	presence of three members shall constitute a		

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137	sufficient for transaction of any business.	180	both direct financial interests; or
138	Members of the Commission shall receive no		
139	compensation for their services.	181	(F) A business entity that:
	<b>§ 60-5. Conflicts of interest, elected officials</b>	182	(i) The elected official knows is a
		183	creditor or obligee of the elected
140	This section applies to elected officials.	184	official or a qualified relative of the
		185	elected official with respect to a
141	(a) Participation prohibitions. Except as permitted	186	thing of economic value; and
142	by Commission regulation or opinion, an		
143	elected official may not participate in:	187	(ii) As a creditor or obligee, is in a
		188	position to directly and substan-
144	(1) Any matter in which, to the knowledge of	189	tially affect the interest of the
145	the elected official, the elected official or	190	elected official or a qualified
146	a qualified relative of the elected official	191	relative of the elected official.
147	has an interest.		
		192	(3) An elected official who is disqualified from
148	(2) Any matter in which any of the following	193	participating under paragraphs (1) or (2) of
149	is a party:	194	this subsection shall disclose the nature and
		195	circumstances of the conflict and may
150	(A) A business entity in which the elected	196	participate or act if:
151	official has a direct financial interest of		
152	which the elected official may	197	(A) The disqualification leaves a body with
153	reasonably be expected to know;	198	less than a quorum capable of acting;
		199	or,
154	(B) A business entity for which the elected		
155	official, or a qualified relative of	200	(B) The disqualified elected official is
156	elected official is an officer, director,	201	required by law to act; or
157	trustee, partner, or employee;		
		202	(C) The disqualified elected official is the
158	(C) A business entity with which the	203	only person authorized to act.
159	elected official or, to the knowledge of		
160	the elected official, a qualified relative	204	(4) The prohibitions of paragraph (1) and (2)
161	is negotiating employment or has any	205	of this subsection do not apply to the
162	arrangement concerning prospective	206	exercise of an administrative or minis-
163	employment.	207	terial duty that does not affect the
		208	disposition or decision with respect to the
164	(D) If the contract reasonably could be	209	matter.
165	expected to result in a conflict between		
166	the private interests of the elected		<b>§ 60-6. Conflict of interest, nonelected officials</b>
167	official and the official duties of the		<b>and employees</b>
168	elected official, a business entity that is		
169	a party to an existing contract with the	210	This section applies to nonelected officials and
170	elected official, or which, to the	211	employees.
171	knowledge of the elected official, is a		
172	party to a contract with a qualified	212	(a) Participation prohibitions. Except as permitted
173	relative;	213	by Commission regulation or opinion, a
		214	nonelected official or employee may not
174	(E) An entity, doing business with the	215	participate in a County matter that would have
175	County, in which a direct financial	216	a direct and economic impact, distinct from the
176	interest is owned by another entity in	217	impact on the public at large, on the
177	which the elected official has a direct	218	nonelected official or employee or that, to the
178	financial interest, if the elected official	219	knowledge of the nonelected official or
179	may be reasonably expected to know of		

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220 employee, would have a direct economic  
221 impact on:

222 (1) A spouse, parent, sibling, or child of the  
223 nonelected official or employee; or

224 (2) A business entity with which any of the  
225 following is affiliated:

226 (A) The nonelected official or employee; or

227 (B) A spouse, parent, sibling, or child of  
228 the nonelected official or employee.

229 (b) The Commission may:

230 (1) Grant exceptions to the participation  
231 restrictions in this section where no conflict  
232 of interest exists or when the interest is too  
233 remote and insubstantial to affect the  
234 integrity of the public actions of the  
235 nonelected official or employee; and,

236 (2) Authorize participation notwithstanding a  
237 conflict when the disqualification would  
238 leave a body with less than a quorum  
239 capable of acting, the disqualified  
240 nonelected official or employee is required  
241 by law to act, or the disqualified  
242 nonelected official or employee is the only  
243 individual authorized to act.

**§ 60-7. Employment and financial interest  
restrictions**

244 Except as permitted by regulation of the  
245 Commission when the interest is disclosed or when  
246 the employment does not create a conflict of  
247 interest or appearance of conflict, an official or  
248 employee may not be employed by or have a  
249 financial interest in any entity:

250 (a) Subject to the authority of the official or  
251 employee or the County agency, board,  
252 commission with which the official or  
253 employee is affiliated; or

254 (b) That is negotiating or has entered a contract  
255 with the agency, board, or commission with  
256 which the official or employee is affiliated; or

257 (c) Hold any other employment relationship that  
258 would impair the impartiality or independence  
259 of judgment of the official or employee.

260 (d) This prohibition does not apply to:

261 (1) An official or employee who is appointed  
262 to a regulatory or licensing authority pur-  
263 suant to a statutory requirement that  
264 persons subject to the jurisdiction of the  
265 authority be represented in appointments  
266 to the authority;

267 (2) Subject to other provisions of law, a  
268 member of a board or commission with  
269 regard to a financial interest or employ-  
270 ment held at the time of appointment,  
271 provided the financial interest or employ-  
272 ment is publicly disclosed to the appointing  
273 authority and the Commission;

274 (3) An official or employee whose duties are  
275 ministerial, if the private employment or  
276 financial interest does not create a conflict  
277 of interest or the appearance of a conflict  
278 of interest, as permitted by and in  
279 accordance with regulations adopted by the  
280 Commission; or,

281 (4) Employment or financial interests allowed  
282 by regulation of the Commission if the  
283 employment does not create a conflict of  
284 interest or the appearance of a conflict of  
285 interest or the financial interest is  
286 disclosed.

**§ 60-8. Post-employment limitations and re-  
strictions**

287 (a) A former official or employee may not assist or  
288 represent any party other than the County for  
289 compensation in a case, contract, or other  
290 specific matter involving the County if that  
291 matter is one in which the former official or  
292 employee significantly participated as an  
293 official or employee.

294 (b) Until the conclusion of the next regular session  
295 that begins after the elected official leaves  
296 office, a former member of the County  
297 Council may not assist or represent another  
298 party for compensation in a matter that is the  
299 subject of legislative action.

300 (c) Contingent compensation. Except in a judicial  
301 or quasi-judicial proceeding, an official or  
302 employee may not assist or represent a party

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303	for contingent compensation in any matter	342	presence of the donor or sponsoring
304	before or involving the County.	343	entity;
<b>§ 60-9. Use of prestige of office</b>		344	(2) Ceremonial gifts or awards that have
		345	insignificant monetary value;
305	(a) An official or employee may not intentionally	346	(3) Unsolicited gifts of nominal value that do
306	use the prestige of office or public position for	347	not exceed \$20 in cost or trivial items of
307	the private gain of that official or employee or	348	informational value;
308	the private gain of another.		
309	(b) This subsection does not prohibit the perfor-	349	(4) Reasonable expenses for food, travel,
310	mance of usual and customary constituent	350	lodging, and scheduled entertainment of
311	services by an elected official without	351	the official or the employee at a meeting
312	additional compensation.	352	which is given in return for the
		353	participation of the official or employee in
		354	a panel or speaking engagement at the
		355	meeting;
<b>§ 60-10. Solicitation and acceptance of gifts</b>			
313	(a) An official or employee may not solicit any	356	(5) Gifts of tickets or free admission extended
314	gift.	357	to an elected official to attend a charitable,
315	(b) An official or employee may not directly	358	cultural, or political event, if the purpose of
316	solicit or facilitate the solicitation of a gift, on	359	this gift or admission is a courtesy or
317	behalf of another person, from an individual	360	ceremony extended to the elected official's
318	regulated lobbyist.	361	office;
319	(c) An official or employee may not knowingly	362	(6) A specific gift or class of gifts that the
320	accept a gift, directly or indirectly, from a	363	Commission exempts from the operation of
321	person that the official or employee knows or	364	this subsection upon a finding, in writing,
322	has the reason to know:	365	that acceptance of the gift or class of gifts
		366	would not be detrimental to the impartial
323	(1) Is doing business with or seeking to do	367	conduct of the business of the County and
324	business with the County office, agency,	368	that the gift is purely personal and private
325	board, or commission with which the	369	in nature;
326	official or employee is affiliated;	370	(7) Gifts from a person related to the official
327	(2) Has financial interests that may be	371	or employee by blood or marriage, or any
328	substantially and materially affected, in a	372	other individual who is a member of the
329	manner distinguishable from the public	373	household of the official or employee; or
330	generally, by the performance or nonper-		
331	formance of the official duties of the	374	(8) Honoraria for speaking to or participating
332	official or employee;	375	in a meeting, provided that the offering of
		376	the honorarium is not related in any way to
333	(3) Is engaged in an activity regulated or	377	the official's or employee's official
334	controlled by the official's or employee's	378	position.
335	department, board, or commission; or		
		379	(e) Paragraph (d) of this subsection does not apply
336	(4) Is a lobbyist with respect to matters within	380	to a gift:
337	the jurisdiction of the official or employee.		
338	(d) Notwithstanding paragraphs (c) (1) through (4)	381	(1) That would tend to impair the impartiality
339	of this subsection, an official or employee may	382	and the independence of judgment of the
340	accept the following:	383	official or employee receiving the gift;
		384	(2) Of significant value that would give the
341	(1) Meals and beverages consumed in the	385	appearance of impairing the impartiality



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386 and independence of judgment of the  
387 official or employee; or  
  
388 (3) Of significant value that the recipient  
389 official or employee believes or has reason  
390 to believe is designed to impair the  
391 impartiality and independence of judgment  
392 of the official or employee.

**§ 60-11. Disclosure of confidential information**

393 Other than in the discharge of official duties, an  
394 official or employee may not disclose or use  
395 confidential information that the official or  
396 employee acquired by reason of the official's or  
397 employee's public position and that is not available  
398 to the public, for the economic benefit of the  
399 official or employee or that of another person.

**§ 60-12. Participation in procurement**

400 (a) An individual or a person that employs an  
401 individual who assists a County agency in the  
402 drafting of specifications, an invitation for  
403 bids, or a request for proposals for a procure-  
404 ment may not submit a bid or proposal for that  
405 procurement or assist or represent another  
406 person, directly or indirectly, who is submit-  
407 ting a bid or proposal for the procurement.

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

**§ 60-13. Financial disclosure – elected officials  
and candidates**

413 This section applies to elected officials and  
414 candidates.

415 (a) Except as provided in subsection (b) of this  
416 section, elected officials and candidates shall  
417 file a financial disclosure statement required  
418 under this section:

419 (1) On a form provided by the Commission;

420 (2) Under oath or affirmation; and

421 (3) With the Commission.

422 (b) Deadlines for filing statements

423 (1) An incumbent elected official shall file a  
424 financial disclosure statement annually no  
425 later than April 30 of each year for the  
426 preceding calendar year.

427 (2) An individual who is appointed to fill a  
428 vacancy in an office for which a financial  
429 disclosure statement is required and who  
430 has not already filed a financial disclosure  
431 statement shall file a statement for the  
432 preceding calendar year within 30 days  
433 after appointment.

434 (3) An individual who, other than by reason of  
435 death, leaves an office for which a  
436 statement is required shall file a statement  
437 within 60 days after leaving the office.

438 (c) The statement shall cover:

439 (1) The calendar year immediately preceding  
440 the year in which the individual left  
441 office, unless a statement covering that  
442 year has already been filed by the  
443 individual; and

444 (2) The portion of the current calendar year  
445 during which the individual held the office.

446 (d) Candidates

447 (1) Except for an elected official who has  
448 filed a financial disclosure statement  
449 under another provision of this section for  
450 the reporting period, a candidate shall file  
451 a financial disclosure statement each year  
452 beginning with the year in which the  
453 certificate of candidacy is filed through  
454 the year of the election.

455 (2) Candidates shall file a statement required  
456 under this section:

457 (A) In the year the certificate of candidacy  
458 is filed, no later than the filing of the  
459 certificate of candidacy;

460 (B) In the year of the election, on or before  
461 the earlier of April 30 or the last day  
462 for the withdrawal of candidacy; and

463 (C) In all other years for which a statement  
464 is required, on or before April 30.

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465	(3) A candidate:	509	(B) The name of the person whose financial disclosure statement was examined or copied.
466	(A) May file the statement required under §	510	
467	60-13(d)(2)(A) of this chapter with the	511	
468	Board of Election Supervisors with the	512	(4) Upon request by the official or employee
469	certificate of candidacy or with the	513	whose financial disclosure statement was
470	Commission prior to filing the certifi-	514	examined or copied, the Commission or
471	cate of candidacy; and	515	the office designated by the Commission
		516	shall provide the official with a copy of the
472	(B) Shall file the statements required under	517	name and home address of the person who
473	§ 60-13(d)(2)(B) and (C) with the	518	reviewed the official's financial disclosure
474	Com-mission.	519	statement.
475	(4) If a candidate fails to file a statement	520	(f) Retention requirements. The Commission or the
476	required by this section after written notice	521	office designated by the Commission shall
477	is provided by the Board of Election	522	retain financial disclosure statements for four
478	Supervisors at least 20 days before the last	523	years from the date of receipt.
479	day for the withdrawal of candidacy, the		
480	candidate is deemed to have withdrawn the	524	(g) Contents of statement
481	candidacy.		
		525	(1) Interests in real property
482	(5) The Board of Election Supervisors may not		
483	accept any certificate of candidacy unless a	526	(A) A statement filed under this section
484	statement has been filed in proper form.	527	shall include a schedule of all interests
		528	in real property wherever located.
485	(6) Within 30 days of the receipt of a		
486	statement required under this section, the	529	(B) For each interest in real property, the
487	Board of Election Supervisors shall	530	schedule shall include:
488	forward the statement to the Commission		
489	or the office designated by the Com	531	(i) The nature of the property and the
490	mission.	532	location by street address, mailing
		533	address, or legal description of the
491	(e) Public record	534	property;
492	(1) The Commission or office designated by	535	(ii) The nature and extent of the
493	the Commission shall maintain all finan-	536	interest held, including any
494	cial disclosure statements filed under this	537	conditions and encumbrances on
495	section.	538	the interest;
496	(2) Financial disclosure statements shall be	539	(iii) The date when, the manner in
497	made available during normal office hours	540	which, and the identity of the
498	for examination and copying by the public	541	person from whom the interest was
499	subject to reasonable fees and administra-	542	acquired;
500	tive procedures established by the		
501	Commission.	543	(iv) The nature and amount of the
		544	consideration given in exchange for
502	(3) If an individual examines or copies a	545	the interest or, if acquired other
503	financial disclosure statement, the	546	than by purchase, the fair market
504	Commission or the office designated by the	547	value of the interest at the time
505	Commission shall record:	548	acquired;
506	(A) The name and home address of the	549	(v) If any interest was transferred, in
507	individual reviewing or copying the	550	whole or in part, at any time during
508	statement; and	551	the reporting period, a description

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552	of the interest transferred, the	598	for the interest or, if acquired
553	nature and amount of the	599	other than by purchase, the fair
554	consideration received for the	600	market value of the interest at the
555	interest, and the identity of the	601	time acquired.
556	person to whom the interest was		
557	transferred; and	602	(ii) An individual may satisfy the
		603	requirement to report the amount of
558	(vi) The identity of any other person	604	the interest held under item § 60-13
559	with an interest in the property.	605	(g) (2) of this paragraph by report-
		606	ing, instead of a dollar amount:
560	(2) Interests in corporations and partnerships		
		607	a. For an equity interest in a
561	(A) A statement filed under this section	608	corporation, the number of shares
562	shall include a schedule of all interests	609	held and, unless the corporation's
563	in any corporation, partnership, limited	610	stock is publicly traded, the
564	liability partnership, or limited liability	611	percentage of equity interest held;
565	corporation, regardless of whether the	612	or
566	corporation or partnership does		
567	business with the County.	613	b. For an equity interest in a
		614	partnership, the percentage of
568	(i) For each interest reported under	615	equity interest held.
569	this paragraph, the schedule shall		
570	include:	616	(3) Interests in business entities doing business
		617	with the County
571	a. The name and address of the		
572	principal office of the	618	(A) A statement filed under this section
573	corporation, partnership, limited	619	shall include a schedule of all interests
574	liability partnership, or limited	620	in any business entity that does
575	liability corporation;	621	business with the County, other than
		622	interests reported under § 60-13 (g) (2)
576	b. The nature and amount of the	623	of this subsection.
577	interest held, including any		
578	conditions and encumbrances on	624	(B) For each interest reported under this
579	the interest;	625	paragraph, the schedule shall include:
580	c. With respect to any interest	626	(i) The name and address of the
581	transferred, in whole or in part, at	627	principal office of the business
582	any time during the reporting	628	entity;
583	period, a description of the		
584	interest transferred, the nature	629	(ii) The nature and amount of the
585	and amount of the consideration	630	interest held, including any condi-
586	received for the interest, and, if	631	tions to and encumbrances in the
587	known, the identity of the person	632	interest;
588	to whom the interest was		
589	transferred; and	633	(iii) With respect to any interest
		634	transferred, in whole or in part, at
590	d. With respect to any interest	635	any time during the reporting
591	acquired during the reporting	636	period, a description of the interest
592	period: (1) The date when, the	637	transferred, the nature and amount
593	manner in which, and the identity	638	of the consideration received in
594	of the person from whom the	639	exchange for the interest, and, if
595	interest was acquired; and, (2)	640	known, the identity of the person to
596	The nature and the amount of the	641	whom the interest was transferred;
597	consideration given in exchange	642	and

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643	(iv) With respect to any interest ac-	686	entity;
644	quired during the reporting period:		
645	a. The date when, the manner in	687	(ii) The title and nature of the office,
646	which, and the identity of the	688	directorship, or salaried employ-
647	person from whom the interest	689	ment held and the date it com-
648	was acquired; and,	690	menced; and
649	b. The nature and the amount of	691	(iii) The name of each County agency
650	the consideration given in ex-	692	with which the entity is involved.
651	change for the interest or, if	693	(6) Indebtedness to entities doing business
652	acquired other than by purchase,	694	with the County,
653	the fair market value of the		
654	interest at the time acquired.	695	(A) A statement filed under this section
655	(4) Gifts	696	shall include a schedule of all
656	(A) A statement filed under this section	697	liabilities, excluding retail credit ac-
657	shall include a schedule of each gift in	698	counts, to persons doing business with
658	excess of \$20 in value or a series of	699	the County owed at any time during the
659	gifts totaling \$100 or more received	700	reporting period:
660	during the reporting period from or on	701	(i) By the individual; or
661	behalf of, directly or indirectly, any one	702	(ii) By a member of the immediate
662	person who does business with or is	703	family of the individual if the
663	regulated by the County.	704	individual was involved in the
664	(B) For each gift reported, the schedule	705	transaction giving rise to the
665	shall include:	706	liability.
666	(i) A description of the nature and	707	(B) For each liability reported under this
667	value of the gift; and	708	paragraph, the schedule shall include:
668	(ii) The identity of the person from	709	(i) The identity of the person to whom
669	whom, or on behalf of whom,	710	the liability was owed and the date
670	directly or indirectly, the gift was	711	the liability was incurred;
671	received.	712	(ii) The amount of the liability owed as
672	(5) Employment with or interests in entities	713	of the end of the reporting period;
673	doing business with the County	714	(iii) The terms of payment of the
674	(A) A statement filed under this section	715	liability and the extent to which the
675	shall include a schedule of all offices,	716	principal amount of the liability
676	directorships, and salaried employment	717	was increased or reduced during
677	by the individual or member of the	718	the year; and
678	immediate family of the individual held	719	(iv) The security given, if any, for the
679	at any time during the reporting period	720	liability.
680	with entities doing business with the		
681	County.	721	(7) A statement filed under this section shall
682	(B) For each position reported under this	722	include a schedule of the immediate family
683	paragraph, the schedule shall include:	723	members of the elected official and
684	(i) The name and address of the	724	candidate who are employed by the County
685	principal office of the business	725	in any capacity at any time during the
		726	reporting period.

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727 (8) Sources of earned income.  
728 (A) A statement filed under this section  
729 shall include a schedule of the name  
730 and address of each place of employ-  
731 ment and of each business entity of  
732 which the individual or a member of  
733 the individual's immediate family was  
734 a sole or partial owner and from which  
735 the individual or member of the indi-  
736 vidual's immediate family received  
737 earned income, at any time during the  
738 reporting period.

739 (B) A minor child's employment or busi-  
740 ness ownership need not be disclosed if  
741 the County does not regulate, exercise  
742 authority over, or contract with the  
743 place of employment or business entity  
744 of the minor child.

745 (9) A statement filed under this section may  
746 also include a schedule of additional  
747 interests or information that the individual  
748 making the statement wishes to disclose.

749 (h) For the purposes of § 60-13(g) (1), (2), and (3)  
750 of this chapter, the following interests are  
751 considered to be the interests of the individual  
752 making the statement:

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

758 (2) An interest held by a business entity in  
759 which the individual held a 30% or greater  
760 interest at any time during the reporting  
761 period.

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

765 (A) The individual held a reversionary  
766 interest or was a beneficiary; or

767 (B) If a revocable trust, the individual was  
768 a settlor.

769 (i) Commission review and enforcement

770 (1) The Commission shall review the  
771 financial disclosure statements submitted  
772 under this section for compliance with the  
773 provisions of this section and shall notify  
774 an individual submitting the statement of  
775 any omissions or deficiencies.

776 (2) The Commission may take appropriate  
777 enforcement action to ensure compliance  
778 with this section.

**§ 60-14. Financial disclosure – nonelected  
officials and employees**

779 This section applies to nonelected officials and  
780 employees who, acting alone or as members of a  
781 board or commission, have decision-making  
782 authority or act as principal advisors to a person,  
783 board, or commission with that authority in making  
784 County policy or exercising quasi-judicial,  
785 regulatory, licensing, inspecting, or auditing  
786 functions. This section applies to the county  
787 manager, county attorney, all department heads, the  
788 chief code compliance officer, the liquor inspector,  
789 members of the Electrical Board, members of the  
790 Planning Commission, and members of the Board  
791 of Appeals.

792 (a) A statement filed under this section shall be  
793 filed with the Commission under oath or  
794 affirmation.

795 (b) On or before April 30 of each year during  
796 which a nonelected official or employee holds  
797 office, the nonelected official or employee  
798 shall file a statement disclosing gifts received  
799 during the preceding calendar year from any  
800 person that contracts with or is regulated by  
801 the County, including the name of the donor of  
802 the gift and the approximate retail value at the  
803 time or receipt.

804 (c) An official or employee shall disclose  
805 employment and interests that raise conflicts  
806 of interest or potential conflicts of interest in  
807 connection with a specific proposed action by  
808 the employee or official sufficiently in  
809 advance of the action to provide adequate  
810 disclosure to the public.

811 (d) The Commission shall maintain all disclosure  
812 statements filed under this section as public  
813 records available for public inspection and

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814 copying as provided in § 60-5(e) and (f) of this  
815 chapter.

**§ 60-15. Lobbying**

816 (a) A person shall file a lobbying registration  
817 statement with the Commission if the person:

818 (1) Personally appears before a County  
819 official or employee with the intent to  
820 influence that person in performance of  
821 the official duties of the official or  
822 employee; and

823 (2) In connection with the intent to influence,  
824 expends or reasonably expects to expend in  
825 a given calendar year in excess of \$250 on  
826 food, entertainment, or other gifts for  
827 officials or employees of the County.

828 (b) A person shall file a registration statement  
829 required under this section on or before the  
830 later of January 15 of the calendar year or  
831 within 5 days after first performing an act that  
832 requires registration in the calendar year.

833 (c) Contents

834 (1) The registration statement shall identify:

835 (A) The registrant;

836 (B) Any other person on whose behalf the  
837 registrant acts; and

838 (C) The subject matter on which the  
839 registrant proposes to make  
840 appearances specified in subsection (a)  
841 of this section.

842 (2) The registration statement shall cover a  
843 defined registration period not to exceed  
844 one calendar year.

845 (d) Within 30 days after the end of any calendar  
846 year during which a person was registered  
847 under this section, the person shall file a report  
848 with the Commission disclosing:

849 (1) The value, date, and nature of any food,  
850 entertainment, or other gift provided to a  
851 County, official or employee; and

852 (2) If a gift or series of gifts to a single official

853 or employee exceeds \$50.00 in value, the  
854 identity of the official or employee.

855 (e) The Commission shall maintain the  
856 registrations and reports filed under this  
857 section as public records available for public  
858 inspection and copying for four years after  
859 receipt by the Commission.

**§ 60-16. Exemptions and modifications**

860 The Commission may grant exemptions and  
861 modifications to the provisions of § 60-6 and § 60-  
862 13 of this chapter to nonelected officials and  
863 employees, when the Commission finds that an  
864 exemption or modification would not be contrary  
865 to the purposes of this chapter, and the application  
866 of this chapter would:

867 (a) Constitute an unreasonable invasion of privacy;  
868 and

869 (b) Significantly reduce the availability of qualified  
870 persons for public service.

**§ 60-17. Enforcement**

871 (a) The Commission may:

872 (1) Assess a late fee of \$2 per day up to a  
873 maximum of \$250 for a failure to timely  
874 file a financial disclosure statement  
875 required under §60-6 or §60-7 of this  
876 chapter;

877 (2) Assess a late fee of \$10 per day up to a  
878 maximum of \$250 for a failure to file a  
879 timely lobbyist registration or lobbyist  
880 report required under § 60-8 of this  
881 chapter; and

882 (3) Issue a cease and desist order against any  
883 person found to be in violation of this  
884 chapter.

885 (b) Upon a finding of a violation of any provision  
886 of this chapter, the Commission may:

887 (1) Issue an order of compliance directing the  
888 respondent to cease and desist from the  
889 violation;

890 (2) Issue a reprimand; or

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| <p>891 (3) Recommend to the appropriate authority<br/>892 other appropriate discipline of the<br/>893 respondent, including censure or removal if<br/>894 that discipline is authorized by law.</p> <p>895 (c) If the Commission finds that a respondent has<br/>896 violated § 60-15 Lobbying of this chapter, the<br/>897 Commission may:</p> <p>898 (1) Require a respondent who is a registered<br/>899 lobbyist to file any additional reports or<br/>900 information that reasonably relates to the<br/>901 information that is required under § 60-8<br/>902 of this chapter;</p> <p>903 (2) Impose a fine not exceeding \$5,000 for<br/>904 each violation; and</p> <p>905 (3) Suspend the registration of an individual<br/>906 registered lobbyist if the Commission finds<br/>907 that the lobbyist has knowingly and<br/>908 willfully violated § 60-7 of this chapter or<br/>909 has been convicted of a criminal offense<br/>910 arising from lobbying activities.</p> <p>911 (d) Circuit Court action.</p> <p>912 (1) Upon request of by the Commission, the<br/>913 County Attorney may file a petition for<br/>914 injunctive or other relief in the circuit<br/>915 court of Talbot County, or in any other<br/>916 court having proper venue for the purpose<br/>917 of requiring compliance with the<br/>918 provisions of this chapter.</p> <p>919 (2) The court may:</p> <p>920 (A) Issue an order to cease and desist from<br/>921 the violation;</p> <p>922 (B) Except as provided in subparagraph<br/>923 (B) (ii) of this paragraph:</p> <p>924 (i) Void an official action taken<br/>925 by an official or employee with<br/>926 a conflict of interest prohibited<br/>927 by this chapter when the action<br/>928 arises from or concerns the<br/>929 subject matter of the conflict<br/>930 and if the legal action is<br/>931 brought within 90 days of the<br/>932 occurrence of the official<br/>933 action, if the court deems<br/>934 voiding the action to be in the</p> | <p>935</p> <p>936</p> <p>937</p> <p>938</p> <p>939</p> <p>940</p> <p>941</p> <p>942</p> <p>943</p> <p>944</p> <p>945</p> <p>946</p> <p>947</p> <p>948</p> <p>949</p> <p>950</p> <p>951</p> <p>952</p> <p>953</p> <p>954</p> <p>955</p> <p>956</p> <p>957</p> <p>958</p> <p>959</p> <p>960</p> <p>961</p> <p>962</p> <p>963</p> <p>964</p> <p>965</p> <p>966</p> | <p>best interest of the public; or</p> <p>(ii) Notwithstanding subparagraph (B)<br/>(i), a court may not void any<br/>official action appropriating public<br/>funds, levying taxes, or providing<br/>for the issuance of bonds, notes, or<br/>other evidences of public obliga-<br/>tions.</p> <p>(C) Impose a fine of up to \$5,000 for any<br/>violation of the provisions of this<br/>chapter, with each day upon which the<br/>violation occurs constituting a separate<br/>offense.</p> <p>(e) In addition to any other enforcement provisions<br/>in this chapter, a person who the Commission<br/>or a court finds has violated this chapter:</p> <p>(1) Is subject to termination or other<br/>disciplinary action; and</p> <p>(2) May be suspended from receiving payment<br/>of salary or other compensation pending<br/>full compliance with the terms of an order<br/>of the Commission or a court.</p> <p>(f) A County official or employee found to have<br/>violated this chapter is subject to disciplinary<br/>or other appropriate personnel action,<br/>including removal from office, disciplinary<br/>action, suspension of salary, or other sanction.</p> <p>(g) Violation of § 60-14 of this chapter shall be a<br/>misdemeanor subject to a fine of up to \$10,000<br/>or imprisonment of up to one year.</p> <p>(h) A finding of a violation of this chapter by the<br/>Commission is public information.</p> |
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