

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

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

Bill No.: 1219

Expiration Date: August 30, 2012

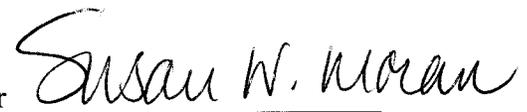
Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

**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BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Chapter 60, Talbot County Code, *Code of Ethics* is hereby repealed and reenacted in its entirety, as set forth in the attachment entitled, *Talbot County Public Ethics Ordinance*, Chapter 60, Talbot County Code, which is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.

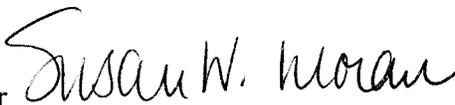
**PUBLIC HEARING**

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**

**TABLE OF CONTENTS**

§ 60-1. Short title..... 1  
 § 60-2. Definitions..... 1  
 § 60-3. Applicability ..... 2  
 § 60-4. Ethics Commission ..... 2  
 § 60-5. Conflicts of interest, elected officials..... 3  
 § 60-6. Conflict of interest, nonelected officials and employees ..... 3  
 § 60-7. Employment and financial interest restrictions ..... 4  
 § 60-8. Post-employment limitations and restrictions ..... 4  
 § 60-9. Use of prestige of office ..... 5  
 § 60-10. Solicitation and acceptance of gifts..... 5  
 § 60-11. Disclosure of confidential information ... 6  
 § 60-12. Participation in procurement ..... 6  
 § 60-13. Financial disclosure – elected officials and candidates ..... 6  
 § 60-14. Financial disclosure – nonelected officials and employees ..... 10  
 § 60-15. Lobbying ..... 11  
 § 60-16. Exemptions and modifications ..... 11  
 § 60-17. Enforcement ..... 11

**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 ~~are~~ ~~of~~ ~~for~~ the receipt of  
 42 political campaign contributions. ~~[this is~~  
 43 ~~merely a suggested change, not, required.]~~  
 44 (j) "Interest" means any legal or equitable eco-  
 45 nomic interest, whether or not subject to an  
 46 encumbrance or a condition, which was owned  
 47 or held, in whole or in part, jointly or  
 48 severally, directly or indirectly. For purposes  
 49 of financial disclosure under § 60-13~~5~~ of this  
 50 chapter "interest" applies to interests held at  
 51 any time during the calendar year for which a

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

52	required statement is to be filed. "Interest"	91	(1) Devise, receive, and maintain all forms
53	does not include:	92	required by this chapter;
54	(1) An interest held in the capacity of a	93	(2) Develop procedures and policies for
55	personal representative, agent, custodian,	94	advisory opinion requests and provide
56	fiduciary, or trustee, unless the holder has	95	published advisory opinions to persons
57	an equitable interest therein;	96	subject to this chapter regarding the
58	(2) An interest in a time or demand deposit in	97	applicability of the provisions of this
59	a financial institution;	98	chapter to them;
60	(3) An interest in an insurance or endowment	99	(3) Develop procedures and policies for the
61	policy or annuity contract under which an	100	processing of complaints to make
62	insurance company promises to pay a fixed	101	appropriate determinations regarding
63	number of dollars either in a lump sum or	102	complaints filed by any person alleging
64	periodically for life or some other specified	103	violations of this chapter; and
65	period; or	104	(4) Conduct a public information program
66	(4) A common trust fund or a trust which	105	regarding the purposes and application of
67	forms part of a pension or profit sharing	106	this chapter.
68	plan which has more than 25 participants	107	(b) The Commission shall certify to the State
69	and which has been determined by the	108	Ethics Commission on or before October 1 of
70	Internal Revenue Service to be a qualified	109	each year that the County is in compliance
71	trust under sections 401 and 501 of the	110	with the requirements of State Government
72	Internal Revenue Code of 1954.	111	Article, Title 15, Subtitle 8, Annotated Code of
73	(k) "Nonelected officials" means the county	112	Maryland, for elected local officials.
74	manager, county attorney, county department	113	(c) The Commission shall have advisory authority
75	heads, the chief code compliance officer, the	114	to recommend changes to this chapter
76	alcoholic beverages inspector, members of the	115	consistent with the requirements of State
77	Electrical Board, members of the Board of	116	Government Article, Title 15, Subtitle 8,
78	Appeals, and members of the Planning	117	Annotated Code of Maryland, and to forward
79	Commission.	118	any recommended changes to the County
80	(l) "Official" means both elected officials and	119	Council for consideration.
81	nonelected officials.	120	(d) The Commission may adopt policies and
82	(m) "Qualified Relative" means a spouse, parent,	121	procedures to implement the Commission's
83	child, or sibling.	122	programs established in this chapter.
84	<b>§ 60-3. Applicability</b>	123	(e) Commission members shall serve three-year
85	The provisions of this chapter apply to all elected	124	terms staggered so that no more than two
86	officials and all nonelected officials and employees	125	terms expire in any single calendar year.
87	as set forth herein.	126	Members shall be residents of the County.
88	<b>§ 60-4. Ethics Commission</b>	127	Vacancies occurring prior to expiration of the
89	There is a Talbot County Ethics Commission that	128	term shall be filled in the same manner as an
90	consists of five (5) members appointed by the	129	original appointment for the unexpired term.
91	County Council.	130	The Commission shall annually elect a
92	(a) The Commission shall:	131	Chairman and vice-chairman from its
93		132	membership, and shall adopt rules of
94		133	procedure not inconsistent with the terms of
95		134	this Chapter to govern its meetings. The
96		135	presence of three members shall constitute a
97		136	quorum, and the affirmative vote of a majority
98		137	of the members present at any meeting shall be

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

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

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

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

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

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

227 (A) The nonelected official or employee; or

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

230 (b) The Commission may:

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

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

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

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

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

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

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

261 (d) This prohibition does not apply to:

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

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

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

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

**§ 60-8. Post-employment limitations and restrictions**

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

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

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

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

304	for contingent compensation in any matter	343	presence of the donor or sponsoring
305	before or involving the County.	344	entity;
<b>§ 60-9. Use of prestige of office</b>		345	(2) Ceremonial gifts or awards that have
		346	insignificant monetary value;
306	(a) An official or employee may not intentionally	347	(3) Unsolicited gifts of nominal value that do
307	use the prestige of office or public position for	348	not exceed \$20 in cost or trivial items of
308	the private gain of that official or employee or	349	informational value;
309	the private gain of another.		
310	(b) This subsection does not prohibit the perfor-	350	(4) Reasonable expenses for food, travel,
311	mance of usual and customary constituent	351	lodging, and scheduled entertainment of
312	services by an elected official without	352	the official or the employee at a meeting
313	additional compensation.	353	which is given in return for the
<b>§ 60-10. Solicitation and acceptance of gifts</b>		354	participation of the official or employee in
		355	a panel or speaking engagement at the
		356	meeting;
314	(a) An official or employee may not solicit any	357	(5) Gifts of tickets or free admission extended
315	gift.	358	to an elected official to attend a charitable,
316	(b) An official or employee may not directly	359	cultural, or political event, if the purpose of
317	solicit or facilitate the solicitation of a gift, on	360	this gift or admission is a courtesy or
318	behalf of another person, from an individual	361	ceremony extended to the elected official's
319	regulated lobbyist.	362	office;
320	(c) An official or employee may not knowingly	363	(6) A specific gift or class of gifts that the
321	accept a gift, directly or indirectly, from a	364	Commission exempts from the operation of
322	person that the official or employee knows or	365	this subsection upon a finding, in writing,
323	has the reason to know:	366	that acceptance of the gift or class of gifts
		367	would not be detrimental to the impartial
324	(1) Is doing business with or seeking to do	368	conduct of the business of the County and
325	business with the County office, agency,	369	that the gift is purely personal and private
326	board, or commission with which the	370	in nature;
327	official or employee is affiliated;		
		371	(7) Gifts from a person related to the official
328	(2) Has financial interests that may be	372	or employee by blood or marriage, or any
329	substantially and materially affected, in a	373	other individual who is a member of the
330	manner distinguishable from the public	374	household of the official or employee; or
331	generally, by the performance or nonper-		
332	formance of the official duties of the	375	(8) Honoraria for speaking to or participating
333	official or employee;	376	in a meeting, provided that the offering of
		377	the honorarium is not related in any way to
334	(3) Is engaged in an activity regulated or	378	the official's or employee's official
335	controlled by the official's or employee's	379	position.
336	department, board, or commission; or		
		380	(e) Paragraph (d) of this subsection does not apply
337	(4) Is a lobbyist with respect to matters within	381	to a gift:
338	the jurisdiction of the official or employee.		
		382	(1) That would tend to impair the impartiality
339	(d) Notwithstanding paragraphs (c) (1) through (4)	383	and the independence of judgment of the
340	of this subsection, an official or employee may	384	official or employee receiving the gift;
341	accept the following:		
		385	(2) Of significant value that would give the
342	(1) Meals and beverages consumed in the	386	appearance of impairing the impartiality

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

387 and independence of judgment of the  
388 official or employee; or

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

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

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

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

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

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

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

414 This section applies to elected officials and  
415 candidates.

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

- 420 (1) On a form provided by the Commission;
- 421 (2) Under oath or affirmation; and
- 422 (3) With the Commission.

423 (b) Deadlines for filing statements

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

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

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

439 (c) The statement shall cover:

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

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

447 (d) Candidates

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

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

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

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

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

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

466	(3) A candidate:	510	(B) The name of the person whose financial disclosure statement was examined or copied.
467	(A) May file the statement required under §	511	
468	60-135(d)(2)(A) of this chapter with	512	
469	the Board of Election Supervisors with	513	(4) Upon request by the official or employee
470	the certificate of candidacy or with the	514	whose financial disclosure statement was
471	Commission prior to filing the certifi-	515	examined or copied, the Commission or
472	cate of candidacy; and	516	the office designated by the Commission
473	(B) Shall file the statements required under	517	shall provide the official with a copy of the
474	§ 60-135(d)(2)(B) and (C) with the	518	name and home address of the person who
475	Com-mission.	519	reviewed the official's financial disclosure
476	(4) If a candidate fails to file a statement	520	statement.
477	required by this section after written notice	521	(f) Retention requirements. The Commission or the
478	is provided by the Board of Election	522	office designated by the Commission shall
479	Supervisors at least 20 days before the last	523	retain financial disclosure statements for four
480	day for the withdrawal of candidacy, the	524	years from the date of receipt.
481	candidate is deemed to have withdrawn the	525	(g) Contents of statement
482	candidacy.	526	(1) Interests in real property
483	(5) The Board of Election Supervisors may not	527	(A) A statement filed under this section
484	accept any certificate of candidacy unless a	528	shall include a schedule of all interests
485	statement has been filed in proper form.	529	in real property wherever located.
486	(6) Within 30 days of the receipt of a	530	(B) For each interest in real property, the
487	statement required under this section, the	531	schedule shall include:
488	Board of Election Supervisors shall	532	(i) The nature of the property and the
489	forward the statement to the Commission	533	location by street address, mailing
490	or the office designated by the Com	534	address, or legal description of the
491	mission.	535	property;
492	(e) Public record	536	(ii) The nature and extent of the
493	(1) The Commission or office designated by	537	interest held, including any
494	the Commission shall maintain all finan-	538	conditions and encumbrances on
495	cial disclosure statements filed under this	539	the interest;
496	section.	540	(iii) The date when, the manner in
497	(2) Financial disclosure statements shall be	541	which, and the identity of the
498	made available during normal office hours	542	person from whom the interest was
499	for examination and copying by the public	543	acquired;
500	subject to reasonable fees and administra-	544	(iv) The nature and amount of the
501	tive procedures established by the	545	consideration given in exchange for
502	Commission.	546	the interest or, if acquired other
503	(3) If an individual examines or copies a	547	than by purchase, the fair market
504	financial disclosure statement, the	548	value of the interest at the time
505	Commission or the office designated by the	549	acquired;
506	Commission shall record:	550	(v) If any interest was transferred, in
507	(A) The name and home address of the	551	whole or in part, at any time during
508	individual reviewing or copying the	552	the reporting period, a description
509	statement; and		

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

553	of the interest transferred, the	599	for the interest or, if acquired
554	nature and amount of the	600	other than by purchase, the fair
555	consideration received for the	601	market value of the interest at the
556	interest, and the identity of the	602	time acquired.
557	person to whom the interest was		
558	transferred; and	603	(ii) An individual may satisfy the
		604	requirement to report the amount of
559	(vi) The identity of any other person	605	the interest held under item § 60-135
560	with an interest in the property.	606	(g) (2) of this paragraph by report-
		607	ing, instead of a dollar amount:
561	(2) Interests in corporations and partnerships		
		608	a. For an equity interest in a
562	(A) A statement filed under this section	609	corporation, the number of shares
563	shall include a schedule of all interests	610	held and, unless the corporation's
564	in any corporation, partnership, limited	611	stock is publicly traded, the
565	liability partnership, or limited liability	612	percentage of equity interest held;
566	corporation, regardless of whether the	613	or
567	corporation or partnership does		
568	business with the County.	614	b. For an equity interest in a
		615	partnership, the percentage of
569	(i) For each interest reported under	616	equity interest held.
570	this paragraph, the schedule shall		
571	include:	617	(3) Interests in business entities doing business
		618	with the County
572	a. The name and address of the		
573	principal office of the	619	(A) A statement filed under this section
574	corporation, partnership, limited	620	shall include a schedule of all interests
575	liability partnership, or limited	621	in any business entity that does
576	liability corporation;	622	business with the County, other than
		623	interests reported under § 60-135 (g)
577	b. The nature and amount of the	624	(2) of this subsection.
578	interest held, including any		
579	conditions and encumbrances on	625	(B) For each interest reported under this
580	the interest;	626	paragraph, the schedule shall include:
581	c. With respect to any interest	627	(i) The name and address of the
582	transferred, in whole or in part, at	628	principal office of the business
583	any time during the reporting	629	entity;
584	period, a description of the		
585	interest transferred, the nature	630	(ii) The nature and amount of the
586	and amount of the consideration	631	interest held, including any condi-
587	received for the interest, and, if	632	tions to and encumbrances in the
588	known, the identity of the person	633	interest;
589	to whom the interest was		
590	transferred; and	634	(iii) With respect to any interest
		635	transferred, in whole or in part, at
591	d. With respect to any interest	636	any time during the reporting
592	acquired during the reporting	637	period, a description of the interest
593	period: (1) The date when, the	638	transferred, the nature and amount
594	manner in which, and the identity	639	of the consideration received in
595	of the person from whom the	640	exchange for the interest, and, if
596	interest was acquired; and, (2)	641	known, the identity of the person to
597	The nature and the amount of the	642	whom the interest was transferred;
598	consideration given in exchange	643	and

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

644	(iv) With respect to any interest ac-	687	entity;
645	quired during the reporting period:		
		688	(ii) The title and nature of the office,
646	a. The date when, the manner in	689	directorship, or salaried employ-
647	which, and the identity of the	690	ment held and the date it com-
648	person from whom the interest	691	menced; and
649	was acquired; and,		
		692	(iii) The name of each County agency
650	b. The nature and the amount of	693	with which the entity is involved.
651	the consideration given in ex-		
652	change for the interest or, if	694	(6) Indebtedness to entities doing business
653	acquired other than by purchase,	695	with the County,
654	the fair market value of the		
655	interest at the time acquired.	696	(A) A statement filed under this section
		697	shall include a schedule of all
656	(4) Gifts	698	liabilities, excluding retail credit ac-
		699	counts, to persons doing business with
657	(A) A statement filed under this section	700	the County owed at any time during the
658	shall include a schedule of each gift in	701	reporting period:
659	excess of \$20 in value or a series of		
660	gifts totaling \$100 or more received	702	(i) By the individual; or
661	during the reporting period from or on		
662	behalf of, directly or indirectly, any one	703	(ii) By a member of the immediate
663	person who does business with or is	704	family of the individual if the
664	regulated by the County.	705	individual was involved in the
		706	transaction giving rise to the
665	(B) For each gift reported, the schedule	707	liability.
666	shall include:		
		708	(B) For each liability reported under this
667	(i) A description of the nature and	709	paragraph, the schedule shall include:
668	value of the gift; and		
		710	(i) The identity of the person to whom
669	(ii) The identity of the person from	711	the liability was owed and the date
670	whom, or on behalf of whom,	712	the liability was incurred;
671	directly or indirectly, the gift was		
672	received.	713	(ii) The amount of the liability owed as
		714	of the end of the reporting period;
673	(5) Employment with or interests in entities		
674	doing business with the County	715	(iii) The terms of payment of the
		716	liability and the extent to which the
675	(A) A statement filed under this section	717	principal amount of the liability
676	shall include a schedule of all offices,	718	was increased or reduced during
677	directorships, and salaried employment	719	the year; and
678	by the individual or member of the		
679	immediate family of the individual held	720	(iv) The security given, if any, for the
680	at any time during the reporting period	721	liability.
681	with entities doing business with the		
682	County.	722	(7) A statement filed under this section shall
		723	include a schedule of the immediate family
683	(B) For each position reported under this	724	members of the elected official and
684	paragraph, the schedule shall include:	725	candidate who are employed by the County
		726	in any capacity at any time during the
685	(i) The name and address of the	727	reporting period.
686	principal office of the business		

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

- |  |   |
|--|---|
| <p>728 (8) Sources of earned income.</p> <p>729 (A) A statement filed under this section<br/>730 shall include a schedule of the name<br/>731 and address of each place of employ-<br/>732 ment and of each business entity of<br/>733 which the individual or a member of<br/>734 the individual's immediate family was<br/>735 a sole or partial owner and from which<br/>736 the individual or member of the indi-<br/>737 vidual's immediate family received<br/>738 earned income, at any time during the<br/>739 reporting period.</p> <p>740 (B) A minor child's employment or busi-<br/>741 ness ownership need not be disclosed if<br/>742 the County does not regulate, exercise<br/>743 authority over, or contract with the<br/>744 place of employment or business entity<br/>745 of the minor child.</p> <p>746 (9) A statement filed under this section may<br/>747 also include a schedule of additional<br/>748 interests or information that the individual<br/>749 making the statement wishes to disclose.</p> <p>750 (h) For the purposes of § 60-135(g) (1), (2), and (3)<br/>751 of this chapter, the following interests are<br/>752 considered to be the interests of the individual<br/>753 making the statement:</p> <p>754 (1) An interest held by a member of the<br/>755 individual's immediate family, if the<br/>756 interest was, at any time during the<br/>757 reporting period, directly or indirectly<br/>758 controlled by the individual.</p> <p>759 (2) An interest held by a business entity in<br/>760 which the individual held a 30% or greater<br/>761 interest at any time during the reporting<br/>762 period.</p> <p>763 (3) An interest held by a trust or an estate in<br/>764 which, at any time during the reporting<br/>765 period:</p> <p>766 (A) The individual held a reversionary<br/>767 interest or was a beneficiary; or</p> <p>768 (B) If a revocable trust, the individual was<br/>769 a settlor.</p> <p>770 (i) Commission review and enforcement</p> | <p>771 (1) The Commission shall review the<br/>772 financial disclosure statements submitted<br/>773 under this section for compliance with the<br/>774 provisions of this section and shall notify<br/>775 an individual submitting the statement of<br/>776 any omissions or deficiencies.</p> <p>777 (2) The Commission may take appropriate<br/>778 enforcement action to ensure compliance<br/>779 with this section.</p> <p><b>§ 60-14. Financial disclosure – nonelected<br/>officials and employees</b></p> <p>780 This section applies to nonelected officials and<br/>781 employees who, acting alone or as members of a<br/>782 board or commission, have decision-making<br/>783 authority or act as principal advisors to a person,<br/>784 board, or commission with that authority in making<br/>785 County policy or exercising quasi-judicial,<br/>786 regulatory, licensing, inspecting, or auditing<br/>787 functions. This section applies to the county<br/>788 manager, county attorney, all department heads, the<br/>789 chief code compliance officer, the liquor inspector,<br/>790 members of the Electrical Board, members of the<br/>791 Planning Commission, and members of the Board<br/>792 of Appeals.</p> <p>793 (a) A statement filed under this section shall be<br/>794 filed with the Commission under oath or<br/>795 affirmation.</p> <p>796 (b) On or before April 30 of each year during<br/>797 which a nonelected official or employee holds<br/>798 office, the nonelected official or employee<br/>799 shall file a statement disclosing gifts received<br/>800 during the preceding calendar year from any<br/>801 person that contracts with or is regulated by<br/>802 the County, including the name of the donor of<br/>803 the gift and the approximate retail value at the<br/>804 time or receipt.</p> <p>805 (c) An official or employee shall disclose<br/>806 employment and interests that raise conflicts<br/>807 of interest or potential conflicts of interest in<br/>808 connection with a specific proposed action by<br/>809 the employee or official sufficiently in<br/>810 advance of the action to provide adequate<br/>811 disclosure to the public.</p> <p>812 (d) The Commission shall maintain all disclosure<br/>813 statements filed under this section as public<br/>814 records available for public inspection and</p> |
|--|---|

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

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

**§ 60-15. Lobbying**

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

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

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

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

834 (c) Contents

835 (1) The registration statement shall identify:

836 (A) The registrant;

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

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

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

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

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

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

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

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

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

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

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

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

**§ 60-17. Enforcement**

872 (a) The Commission may:

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

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

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

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

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

891 (2) Issue a reprimand; or

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

- 892 (3) Recommend to the appropriate authority 936 best interest of the public; or  
893 other appropriate discipline of the  
894 respondent, including censure or removal if 937 (ii) Notwithstanding subparagraph (B)  
895 that discipline is authorized by law. 938 (i), a court may not void any  
939 official action appropriating public  
896 (c) If the Commission finds that a respondent has 940 funds, levying taxes, or providing  
897 violated § 60-15 Lobbying of this chapter, the 941 for the issuance of bonds, notes, or  
898 Commission may: 942 other evidences of public obliga-  
943 tions.
- 899 (1) Require a respondent who is a registered 944 (C) Impose a fine of up to \$5,000 for any  
900 lobbyist to file any additional reports or 945 violation of the provisions of this  
901 information that reasonably relates to the 946 chapter, with each day upon which the  
902 information that is required under § 60-8 947 violation occurs constituting a separate  
903 of this chapter; 948 offense.
- 904 (2) Impose a fine not exceeding \$5,000 for 949 ~~(d)~~(e) In addition to any other enforcement  
905 each violation; and 950 provisions in this chapter, a person who the  
906 (3) Suspend the registration of an individual 951 Commission or a court finds has violated this  
907 registered lobbyist if the Commission finds 952 chapter:  
908 that the lobbyist has knowingly and  
909 willfully violated § 60-7 of this chapter or 953 (1) Is subject to termination or other  
910 has been convicted of a criminal offense 954 disciplinary action; and  
911 arising from lobbying activities. { 955 (2) May be suspended from receiving payment  
956 of salary or other compensation pending  
957 full compliance with the terms of an order  
958 of the Commission or a court.
- 912 (ed) Circuit Court action. 959 ~~(e)~~(f) A County official or employee found to have  
913 (1) Upon request of by the Commission, the 960 violated this chapter is subject to disciplinary  
914 County Attorney may file a petition for 961 or other appropriate personnel action,  
915 injunctive or other relief in the circuit 962 including removal from office, disciplinary  
916 court of Talbot County, or in any other 963 action, suspension of salary, or other sanction.
- 917 court having proper venue for the purpose  
918 of requiring compliance with the  
919 provisions of this chapter.
- 920 (2) The court may: 964 ~~(f)~~(g) Violation of § 60-14 of this chapter shall be  
965 a misdemeanor subject to a fine of up to  
966 \$10,000 or imprisonment of up to one year.
- 921 (A) Issue an order to cease and desist from 967 ~~(g)~~(h) A finding of a violation of this chapter by  
922 the violation; 968 the Commission is public information.
- 923 (B) Except as provided in subparagraph  
924 (B) (ii) of this paragraph:
- 925 (i) Void an official action taken  
926 by an official or employee with  
927 a conflict of interest prohibited  
928 by this chapter when the action  
929 arises from or concerns the  
930 subject matter of the conflict  
931 and if the legal action is  
932 brought within 90 days of the  
933 occurrence of the official  
934 action, if the court deems  
935 voiding the action to be in the

i:\county attorney\ethics commission\re-write 2011\ethics ordinance as introduced then renumbered.docx