

Bill No. 22-14

Concerning: Amendment of the Ethics Law

Introduced: July 26, 2022

Revised: _____ Draft No. _____

Enacted: September 6, 2022

Effective: November 5, 2022

Expires: October 24, 2022

Frederick County Code, Chapter 1-7.1

Section(s) _____

**COUNTY COUNCIL
FOR FREDERICK COUNTY, MARYLAND**

By: Council President M.C. Keegan Ayer on behalf of County Executive Jan Gardner

AN ACT to: Amend the Ethics Law.

Date Council Approved: _____

Date Transmitted to Executive: _____

Executive: Jan H. Gardner

Date Received: September 8, 2022

Approved: ✓

Date: 9/12/2022

Vetoed: _____

Date: _____

Date returned by County Executive with no action: _____

By amending:

Frederick County Code, Chapter, 1-7.1 Section(s) _____

Other: _____

Boldface

Underlining

[Single boldface brackets]

Heading or defined term.

Added to existing law.

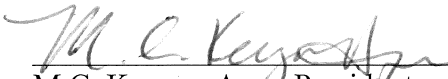
Deleted from existing law.

Existing law unaffected by bill.

Bill No. 22-14

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Ethics Law.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.


M.C. Keegan-Ayer, President
County Council of Frederick County,
Maryland

73

CHAPTER 1-7.1: ETHICS

Statement of purpose and policy.

(A) Frederick County, recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

(B) It is evident that this confidence and trust is eroded when the conduct of the county's business is subject to improper influence and even the appearance of improper influence.

(C) For the purpose of guarding against improper influence, the county enacts this law to require elected officials, officials, employees and individuals appointed to certain boards and commissions to disclose their financial affairs and to set minimum standards for the conduct of county business.

(D) It is the intent of the county that this chapter, except for its provisions for criminal sanctions, be construed liberally to accomplish this purpose.

§ 1-7.1-3. DEFINITIONS.

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

QUALIFIED RELATIVE. A spouse, parent, child, or sibling.

QUASI-GOVERNMENTAL ENTITY. An entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.

§ 1-7.1-5. CONFLICTS OF INTEREST.

[(A) In this section, ***QUALIFIED RELATIVE*** means a spouse, parent, child, or sibling.]

1 [(B) All elected officials, officials appointed to county boards and commissions, and
2 employees are subject to this section.]

3
4 [(C)](A) Participation prohibitions. Except as permitted by Commission regulation
5 or opinion, an official or employee may not participate in:

6
7 (1) Except in the exercise of an administrative or ministerial duty that does not
8 affect the disposition or decision of the matter, any matter in which, to the knowledge of the official
9 or employee, the official or employee, or a qualified relative of the official or employee has an
10 interest.

11
12 (2) Except in the exercise of an administrative or ministerial duty that does not
13 affect the disposition or decision with respect to the matter, any matter in which any of the
14 following is a party:

15
16 (a) A business entity in which the official or employee has a direct
17 financial interest of which the official or employee may reasonably be expected to know;

18
19 (b) A business entity for which the official, employee, or a qualified
20 relative of the official or employee is an officer, director, trustee, partner, or employee;

21
22 (c) A business entity with which the official or employee or, to the
23 knowledge of the official or employee, a qualified relative is negotiating employment or has any
24 arrangement concerning prospective employment;

25
26 (d) If the contract reasonably could be expected to result in a conflict
27 between the private interests of the official or employee and the official duties of the official or
28 employee, a business entity that is a party to an existing contract with the official or employee, or
29 which, to the knowledge of the official or employee, is a party to a contract with a qualified
30 relative;

31
32 (e) An entity, doing business with the County, in which a direct
33 financial interest is owned by another entity in which the official or employee has a direct financial
34 interest, if the official or employee may be reasonably expected to know of both direct financial
35 interests; or

36
37 (f) A business entity that:

38
39 (i) The official or employee knows is a creditor or obligee of
40 the official or employee or a qualified relative of the official or employee with respect to a thing
41 of economic value and

1 (ii) As a creditor or obligee, is in a position to directly and
2 substantially affect the interest of the official or employee or a qualified relative of the official or
3 employee.
4

5 (3) A person who is disqualified from participating under subparagraphs (1) or
6 (2) of this paragraph shall disclose the nature and circumstances of the conflict and may participate
7 or act if:
8

9 (a) The disqualification leaves a body with less than a quorum capable
10 of acting;
11

12 (b) The disqualified official or employee is required by law to act; or
13

14 (c) The disqualified official or employee is the only person authorized
15 to act.
16

17 (4) The prohibitions of subparagraphs (1) and (2) of this paragraph do not apply
18 if participation is allowed by regulation or opinion of the Commission.
19

20 (5) A former regulated lobbyist who is or becomes subject to this chapter as an
21 employee or official, other than an elected official or an appointed official, may not participate in
22 a case, contract, or other specific matter as an employee or official, other than an elected official
23 or appointed official, for one calendar year after the termination of the registration of the former
24 regulated lobbyist if the former regulated lobbyist previously assisted or represented another party
25 for compensation in the matter.
26

27 [(D)](B) Employment and financial interest restrictions.
28

29 (1) Except as permitted by regulation of the Commission when the interest is
30 disclosed or when the employment does not create a conflict of interest or appearance of conflict,
31 an official or employee may not:
32

33 (a) Be employed by or have a financial interest in any entity:
34

35 (i) Subject to the authority of the official or employee or the
36 County division, agency, or board or commission with which the official or employee is affiliated;
37 or
38

39 (ii) That is negotiating or has entered into a contract with the
40 division, agency, or board or commission with which the official or employee is affiliated; or

1 (b) Hold any other employment relationship that would impair the
2 impartiality or independence of judgment of the official or employee.

3 (2) This prohibition does not apply to:
4

5 (a) An official or employee who is appointed to a regulatory or licensing
6 authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority
7 be represented in appointments to the authority;
8

9 (b) Subject to other provisions of law, a member of a board or
10 commission in regard to a financial interest or employment held at the time of appointment,
11 provided the financial interest or employment is publicly disclosed to the appointing authority and
12 the Commission;
13

14 (c) An official or employee whose duties are ministerial, if the private
15 employment or financial interest does not create a conflict of interest or the appearance of a conflict
16 of interest, as permitted by and in accordance with regulations adopted by the Commission; or
17

18 (d) Employment or financial interests allowed by regulation of the
19 Commission if the employment does not create a conflict of interest or the appearance of a conflict
20 of interest or the financial interest is disclosed.
21

22 [(E)](C) Contracts with elected officials.
23

24 (1) In order to avoid actual conflicts of interest or the appearance of conflicts
25 of interest, the County may not knowingly enter into a contract where one or more of the
26 contracting parties is one of the following:
27

28 (a) An elected official or a qualified relative of an elected official;
29

30 (b) A business entity in which an elected official or a qualified relative
31 of an elected official holds a direct financial interest; or
32

33 (c) A business entity in which the elected official or a qualified relative
34 of an elected official is an officer, director, trustee, partner or employee.
35

36 (2) It is a violation of this subparagraph for an elected official to enter into a
37 contract prohibited in paragraph [(E)](C)(1) of this section.
38

39 [(F)](D) Post-employment limitations and restrictions.
40

41 (1) A former official or employee, including a former member of the Board of

County Commissioners, may not assist or represent any party other than the county for compensation in a case, contract, or other specific matter involving the county if that matter is one in which the former official or employee significantly participated as an official or employee.

(2) For 1 year after the elected official leaves office, the former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action before the county governing body.

~~[(G)](E)~~ Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the County.

~~[(H)](F)~~ Use of prestige of office.

(1) An official or employee may not intentionally use the prestige of office or public position:

(a) For the private gain of that official or employee or the private gain of another; or

(b) To influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.

(2) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

(3) This paragraph does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.

(4) (a) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.

(b) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

~~[(I)](G)~~ Solicitation and acceptance of gifts.

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

(2) An official or employee may not directly solicit or facilitate the solicitation

1 of a gift, on behalf of another person, from an individual regulated lobbyist.

2
3 (3) An official or employee may not knowingly accept a gift, directly or
4 indirectly, from a person that the official or employee knows or has the reason to know:

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

7
8 (b) Has financial interests that may be substantially and materially
9 affected, in a manner distinguishable from the public generally, by the performance or
10 nonperformance of the official duties of the official or employee;

11
12 (c) Is engaged in an activity regulated or controlled by the official's or
13 employee's governmental unit; or

14
15 (d) Is a lobbyist with respect to matters within the jurisdiction of the
16 official or employee.

17
18 (e) Is an association, or any entity acting on behalf of an association that
19 is engaged only in representing counties or municipal corporations.

20
21 (4) Subparagraph (5) of this paragraph does not apply to a gift:

22
23 (a) That would tend to impair the impartiality and the independence of
24 judgment of the official or employee receiving the gift;

25
26 (b) Of significant value that would give the appearance of impairing the
27 impartiality and independence of judgment of the official or employee; or

28
29 (c) Of significant value that the recipient official or employee believes
30 or has reason to believe is designed to impair the impartiality and independence of judgment of
31 the official or employee.

32
33 (5) Notwithstanding subparagraph (3) of subsection [(I)]G, an official or
34 employee may accept the following:

35
36 (a) Meals and beverages consumed in the presence of the donor or
37 sponsoring entity;

38 (b) Ceremonial gifts or awards that have insignificant monetary value;

39
40 (c) Unsolicited gifts of nominal value that do not exceed \$20 in cost or
41 trivial items of informational value;

(d) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

(e) Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural, or political event, if the purpose of the gifts or admission is a courtesy or ceremony extended to the official's office;

(f) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature;

(g) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(h) An honorarium for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the official's or employee's official position.

[(J)](H) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

[(K)](I) Participation in procurement.

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

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

§ 1-7.1-6. FINANCIAL DISCLOSURE; COUNTY ELECTED OFFICIALS, CANDIDATES TO BE ELECTED OFFICIALS AND OTHER DESIGNATED

1 **POSITIONS.**

2
3 (A) (1) This section applies to all elected officials, candidates to be elected officials
4 and the following designated positions:

5
6 (a) The Chief Administrative Officer;

7 (b) The County Attorney;

8
9 (c) The Directors appointed and confirmed pursuant to Section 412(a)
10 of the County Charter and any person holding a position which is a part of the County Executive's
11 local counterpart to the Governor's cabinet or Executive Council unless any such person is
12 separately required to file a financial disclosure statement with the State;

13
14 (d) Members of the Planning Commission; and

15
16 (e) Members and alternate member of the Board of Zoning Appeals.

17
18 (2) Except as provided in paragraph (B) of this section, an elected official or a
19 candidate to be an elected official shall file the financial disclosure statement required under this
20 section:

21
22 (a) On a form provided by the Commission;

23
24 (b) Under oath or affirmation; and

25
26 (c) With the Commission.

27
28 (3) Deadlines for filing statements.

29
30 (a) An incumbent elected official shall file a financial disclosure
31 statement annually no later than April 30 of each year for the preceding calendar year.

32
33 (b) An individual who is appointed to fill an elected official vacancy
34 and who has not already filed a financial disclosure statement shall file a statement for the
35 preceding calendar year within 30 days after appointment.

36
37 (c) (i) An elected official who, other than by reason of death, leaves
38 office shall file a statement within 60 days after leaving office.

39
40 (ii) The statement shall cover:

1 a. The calendar year immediately preceding the year in
2 which the elected official left office, unless a statement covering that year has already been filed
3 and

4
5 b. The portion of the current calendar year during which
6 the person held the office.

7 (B) Candidates to be an elected official.
8

9 (1) Except for an elected official who has filed a financial disclosure statement
10 under another provision of this section for the reporting period, a candidate to be an elected official
11 shall file a financial disclosure statement each year beginning with the year in which the certificate
12 of candidacy is filed through the year of the election.
13

14 (2) A candidate to be an elected official shall file a statement required under
15 this section:
16

17 (a) In the year the certificate of candidacy is filed, no later than the filing
18 of the certificate of candidacy;
19

20 (b) In the year of the election, on or before the earlier of April 30 or the
21 last day for the withdrawal of candidacy; and
22

23 (c) In all other years for which a statement is required, on or before
24 April 30.
25

26 (3) A candidate to be an elected official:
27

28 (a) May file the statement required under subparagraph (B)(2)(a) of this
29 paragraph with the Frederick County Board of Elections with the certificate of candidacy or with
30 the Commission prior to filing the certificate of candidacy; and
31

32 (b) Shall file the statements required under subparagraphs (B)(2)(b) and
33 (c) of this paragraph with the Commission.
34

35 (4) If a statement that a candidate is required to file under this section is overdue
36 and not filed within 8 days after written notice of the failure to file is provided by the Frederick
37 County Board of Elections, the candidate is deemed to have withdrawn the candidacy.
38

39 (5) The Frederick County Board of Elections may not accept any certificate of
40 candidacy unless a statement has been filed in proper form.

1
2 (6) Within 30 days of the receipt of a statement required under this section, the
3 Frederick County Board of Elections shall forward the statement to the Commission or the office
4 designated by the Commission.

5 (C) Public record.

6
7 (1) The Commission or office designated by the Commission shall maintain all
8 financial disclosure statements filed under this section.

9
10 (2) Financial disclosure statements shall be made available during normal
11 office hours for examination and copying by the public subject to reasonable fees and
12 administrative procedures established by the Commission.

13
14 (3) If an individual examines or copies a financial disclosure statement, the
15 Commission or the office designated by the Commission shall record:

16
17 (a) The name and home address of the individual reviewing or copying
18 the statement and

19
20 (b) The name of the person whose financial disclosure statement was
21 examined or copied.

22
23 (4) Upon request by the official or employee whose financial disclosure
24 statement was examined or copied, the Commission or the office designated by the Commission
25 shall provide the official with a copy of the name and home address of the person who reviewed
26 the official's financial disclosure statement.

27
28 (5) For statements filed after January 1, 2019, the Commission or the office
29 designated by the Commission may not provide public access to an individual's home address that
30 the individual has designated as the individual's home address.

31
32 (6) The Commission or office designated by the Commission shall not provide
33 public access to information related to consideration received from:

34
35 (a) The University of Maryland Medical System;

36
37 (b) A governmental entity of the State or a local government in the

1 State; or

2
3 (c) A quasi-governmental entity of the State or local government in the
4 State.

5
6 (D) Retention requirements. The Commission or the office designated by the
7 Commission shall retain financial disclosure statements for four years from the date of receipt.

8
9 (E) An individual who is required to disclose the name of a business under this section
10 shall disclose any other names that the business is trading as or doing business as.

11 (F) Contents of statement.

12
13 (1) Interests in real property.

14
15 (a) A statement filed under this section shall include a schedule of all
16 interests in real property wherever located.

17
18 (b) For each interest in real property, the schedule shall include:

19
20 (i) The nature of the property and the location by street address,
21 mailing address, or legal description of the property;

22
23 (ii) The nature and extent of the interest held, including any
24 conditions and encumbrances on the interest;

25
26 (iii) The date when, the manner in which, and the identity of the
27 person from whom the interest was acquired;

28
29 (iv) The nature and amount of the consideration given in
30 exchange for the interest or, if acquired other than by purchase, the fair market value of the interest
31 at the time acquired;

32
33 (v) If any interest was transferred, in whole or in part, at any
34 time during the reporting period, a description of the interest transferred, the nature and amount of
35 the consideration received for the interest, and the identity of the person to whom the interest was
36 transferred; and

37
38 (vi) The identity of any other person with an interest in the
39 property.

40
41 (2) Interests in corporations and partnerships.

1 (a) A statement filed under this section shall include a schedule of all
2 interests in any corporation, partnership, limited liability partnership, or limited liability
3 corporation, regardless of whether the corporation or partnership does business with the County.

4
5 (b) For each interest reported under this paragraph, the schedule shall
6 include:

7
8 (i) The name and address of the principal office of the
9 corporation, partnership, limited liability partnership, or limited liability corporation;

10 (ii) The nature and amount of the interest held, including any
11 conditions and encumbrances on the interest;

12
13 (iii) With respect to any interest transferred, in whole or in part,
14 at any time during the reporting period, a description of the interest transferred, the nature and
15 amount of the consideration received for the interest, and, if known, the identity of the person to
16 whom the interest was transferred; and

17
18 (iv) With respect to any interest acquired during the reporting
19 period:

20
21 a. The date when, the manner in which, and the identity
22 of the person from whom the interest was acquired and

23
24 b. The nature and the amount of the consideration given
25 in exchange for the interest or, if acquired other than by purchase, the fair market value of the
26 interest at the time acquired.

27
28 (c) An individual may satisfy the requirement to report the amount of
29 the interest held under subparagraph ~~[(E)]~~(F)(2)(b)(ii) of this paragraph by reporting, instead of a
30 dollar amount:

31
32 (i) For an equity interest in a corporation, the number of shares
33 held and, unless the corporation's stock is publicly traded, the percentage of equity interest held or

34
35 (ii) For an equity interest in a partnership, the percentage of
36 equity interest held.

37
38 (3) Interests in business entities doing business with the County.

39
40 (a) A statement filed under this section shall include a schedule of all

1 interests in any business entity that does business with the County, other than interests reported
2 under paragraph (2) of this subparagraph.

3
4 (b) For each interest reported under this subparagraph, the schedule
5 shall include:

6
7 (i) The name and address of the principal office of the business
8 entity;

9
10 (ii) The nature and amount of the interest held, including any
11 conditions to and encumbrances in the interest;

12 (iii) With respect to any interest transferred, in whole or in part,
13 at any time during the reporting period, a description of the interest transferred, the nature and
14 amount of the consideration received in exchange for the interest, and, if known, the identity of
15 the person to whom the interest was transferred; and

16
17 (iv) With respect to any interest acquired during the reporting
18 period:

19
20 a. The date when, the manner in which, and the identity
21 of the person from whom the interest was acquired and

22
23 b. The nature and the amount of the consideration given
24 in exchange for the interest or, if acquired other than by purchase, the fair market value of the
25 interest at the time acquired.

26
27 (4) Gifts.

28
29 (a) A statement filed under this section shall include a schedule of each
30 gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting
31 period from or on behalf of, directly or indirectly, any one person who does business with or is
32 regulated by the County or from an association, or any entity acting on behalf of an association
33 that is engaged only in representing counties or municipal corporations.

34
35 (b) For each gift reported, the schedule shall include:

36
37 (i) A description of the nature and value of the gift and

38
39 (ii) The identity of the person from whom, or on behalf of
40 whom, directly or indirectly, the gift was received.

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

(a) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the County.

(b) For each position reported under this paragraph, the schedule shall include:

(i) The name and address of the principal office of the business entity;

(ii) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(iii) The name of each County division or agency with which the entity is involved as indicated by identifying one or more of the three categories of "doing business" as defined in § 1-7.1-3 of this chapter.

(6) Indebtedness to entities doing business with or regulated by the official's or employee's department or agency.

(a) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the official's or employee's department or agency owed at any time during the reporting period:

(i) By the individual or

(ii) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(b) For each liability reported under this paragraph, the schedule shall include:

(i) The identity of the person to whom the liability was owed and the date the liability was incurred;

(ii) The amount of the liability owed as of the end of the reporting period;

(iii) The terms of payment of the liability and the extent to which

1 the principal amount of the liability was increased or reduced during the year; and

2
3 (iv) The security given, if any, for the liability.

4
5 (7) Employment with the county. A statement filed under this section shall
6 include a schedule of the immediate family members of the individual employed by the County in
7 any capacity at any time during the reporting period.

8 (8) Sources of earned income.

9
10 (a) A statement filed under this section shall include a schedule of the
11 name and address of each place of employment and of each business entity of which the individual
12 or a member of the individual's immediate family was a sole or partial owner and from which the
13 individual or member of the individual's immediate family received earned income, at any time
14 during the reporting period.

15
16 (b) A child's employment or business ownership need not be disclosed
17 if the County does not regulate, exercise authority over, or contract with the place of employment
18 or business entity of the child.

19
20 (c) For a statement filed on or after January 1, 2019, if the individual's
21 spouse is a lobbyist regulated by the County, the individual shall disclose the entity that has
22 engaged the spouse for lobbying purposes.

23
24 (9) Relationship with University of Maryland Medical System, State or Local
25 Government, or Quasi-Governmental Entity.

26
27 (a) An individual shall disclose the information specified in General
28 Provisions Article §5- 607(j)(1), Annotated Code of Maryland, for any financial or contractual
29 relationship with:

30
31 (i) The University of Maryland Medical System;

32
33 (ii) A governmental entity of the State or a local government in
34 the State; or

1 (iii) A quasi-governmental entity of the State or local
2 government in the State.

3
4 (b) For each financial or contractual relationship reported, the schedule
5 shall include:

6
7 (i) A description of the relationship;

8
9 (ii) The subject matter of the relationship; and

10
11 (iii) The consideration.
12

13 (10) A statement filed under this section may also include a schedule of
14 additional interests or information that the individual making the statement wishes to disclose.

15 [(F)](G) For the purposes of subparagraphs [(E)](F) (1), (2), and (3) of this section,
16 the following interests are considered to be the interests of the individual making the statement:
17

18 (1) An interest held by a member of the individual's immediate family, if the
19 interest was, at any time during the reporting period, directly or indirectly controlled by the
20 individual;
21

22 (2) [An interest held by a business entity in which the individual held a 30% or
23 greater interest at any time during the reporting period; and] An interest held, at any time during
24 the applicable period, by:
25

26 (a) A business entity in which the individual held a (10)% or greater
27 interest;
28

29 (b) A business entity described in section (a) of this subsection in which
30 the business entity held a 25% or greater interest;
31

32 (c) A business entity described in section (b) of this subsection in which
33 the business entity held a 50% or greater interest; and
34

35 (d) A business entity in which the individual directly or indirectly,
36 through an interest in one or a combination of other business entities, holds a 10% or greater
37 interest.
38

39 (3) An interest held by a trust or an estate in which, at any time during the
40 reporting period:
41

1 (a) The individual held a reversionary interest or was a beneficiary or

2
3 (b) If a revocable trust, the individual was a settlor.
4

5 [(G)](H)(1) The Commission shall review the financial disclosure statements submitted
6 under this section for compliance with the provisions of this section and shall notify an individual
7 submitting the statement of any omissions or deficiencies.
8

9 (2) The Commission may take appropriate enforcement action to ensure
10 compliance with this section.

11 **§ 1-7.1-7. FINANCIAL DISCLOSURE; EMPLOYEES AND APPOINTED OFFICIALS.**
12

13 (A) This section only applies to the following appointed officials and employees:
14

15 (1) Officials and employees. All employees who are classified on the Frederick
16 County Government wage and salary plan at grade 16 and above unless exempted by the
17 Commission.
18

19 [(a) All employees who are classified on the Frederick County
20 Government pay schedule at grade 14 or above and who are not covered by Section 1-7.1-6(A)(1)
21 or by the state ethics statute;
22

23 (b) Board of License Commissioners and Inspectors; and

24 (c) All construction managers and inspectors.]
25
26

27 (2) Members of the following boards and commissions.*
28

29 [(a) Affordable Housing Council.]
30

31 (a) Advisory Plumbing Board.
32

33 (b) Agricultural Preservation Advisory Board.
34

35 [(c) Board of Appeals, Building Code.]
36

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill.

- 1 (c) Agricultural Reconciliation Committee.
2
3 (d) Board of Gaming Appeals.
4
5 [(e) Business Development Advisory Council.]
6
7 (e) Deferred Compensation Committee.
8
9 (f) Electrical Board
10
11 [(f)](g) Ethics Commission.
12
13 [(g) Insurance Committee.]
14
15 (h) Historic Preservation Commission.
16
17 [(h)](i) Interagency Internal Audit Authority.
18 [(i) Public Library Board.]
19
20 (j) OPEB Trust Investment Committee.
21
22 (k) Police Accountability Board.
23
24 [(j)](l) Retirement Plan Committee.
25
26 [(k) Small Business Revolving Loan Fund Review Committee.]
27
28 [(l) Solid Waste Advisory Committee.]
29
30 [(m) Technology Council of Frederick County.]
31

32 * Members who are required to file financial disclosure statements under other ethics laws are not
33 required to file financial disclosure statements under this chapter.
34

35 (B) A statement filed under this section shall be filed with the Commission under oath
36 or affirmation.
37

38 (C) On or before April 30 of each year during which an official or employee holds
39 office, an official or employee shall file a statement disclosing gifts received during the preceding
40 calendar year from any person that contracts with or is regulated by the County, including the
41 name of the donor of the gift and the approximate retail value at the time of receipt.
42

1 (D) An official or employee shall disclose employment and interests that raise conflicts
2 of interest or potential conflicts of interest in connection with a specific proposed action by the
3 employee or official sufficiently in advance of the action to provide adequate disclosure to the
4 public.

5
6 (E) The Commission shall maintain all disclosure statements filed under this section as
7 public records available for public inspection and copying as provided in § 1-7.1-6(C) and (D) of
8 this chapter.

9
10 (F) For statements filed after January 1, 2019, the Commission or the office designated
11 by the Commission may not provide public access to an individual's home address that the
12 individual has designated as the individual's home address.

13
14 *****

15 **§ 1-7.1-11. RETALIATION PROHIBITED.**

16
17 (A) [A complainant, representative, or witness must not be discharged, threatened,
18 harassed or otherwise retaliated against by the County regarding compensation, terms, conditions,
19 or privileges of employment or office because:

20
21 (1) The complainant, representative or witness reported a violation or suspected
22 violation of this chapter; or

23
24 (2) The complainant, representative or witness participated in an investigation,
25 hearing, inquiry or other proceeding conducted by the Commission.]An official or employee may
26 not retaliate against an individual for reporting or participating in an investigation of a potential
27 violation of the local ethics law or ordinance.

28
29 [(B) The provisions of this section do not apply to a complainant, representative or
30 witness who knowingly makes a false report or provides false information.]

31
32 *****