



A Guide
to the Ethics Law
of Queen Anne's
County

for

County Employees,
Officials and Citizens



PREFACE

The Maryland General Assembly enacted the State Ethics Law in 1979 (Ch. 513, Acts of 1979). The purpose of the law is to protect the public's confidence and trust in government by assuring the impartiality and independent judgment of State officials and employees. The confidence and trust of the people erodes when the conduct of government business is subject to improper influence *or even the appearance* of improper influence. The public's right to information about government activities lies at the heart of a democratic government.

This guide highlights and explains the basics of the Queen Anne's County Ethics Law. It is a general summary of the law, and is not to be read as a substitute for the law itself. As required by the ethics law of the State, the County's ethics law is similar to that of the State. If you have any questions regarding this guide, do not hesitate to call the clerk of the Ethics Commission at 410-758-4406. In addition, you can write the Queen Anne's County Ethics Commission at: 107 North Liberty Street, Centreville, MD 21617.

The Queen Anne's County Ethics Commission administers the County's Public Ethics Law (Chapter 8 of the Queen Anne's County Code)¹. The Ethics Commission is comprised of five volunteer members and one alternate member, who are appointed by the Commissioners of Queen Anne's County. Commission members serve a five-year term, and the terms are staggered. In this way, it is possible to acquire new ideas and perspectives without sacrificing continuity and experience. The Commission meets formally once a month, usually on the third Monday of each month. Members of the public are welcome to attend the open sessions of each meeting.

GENERAL INFORMATION

What is the purpose of the Queen Anne's County Ethics Law?

The Ethics Law establishes minimum ethical standards for the Board of County Commissioners, County officials and employees, and members of County Boards and Commissions.

The Commissioners of Queen Anne's County believe that the people of our County have a right to be assured that the impartiality and independent judgment of public officials, employees, and board and commission members will be maintained; that the citizens have a right to be assured that the financial interests of holders of and candidates for public office present no conflict with the public interest; and that the trust of citizens is eroded when the conduct of County business is, or even appears to be subject to improper influences, rather than determined solely by what is in the best interests of the citizens of Queen Anne's County.

Duly adopted ethical rules safeguard the public's faith and trust in its government. Accordingly, to assure residents of the integrity of their County government, the Queen Anne's County Ethics Law establishes ethical standards and disclosure requirements for various individuals.

¹ The Queen Anne's County Public Ethics Law can be found at: <http://www.qac.org/depts/ethics/ethicshome.htm>.



What does the Queen Anne's County Ethics Law do?

The Ethics Law establishes:

- A County Ethics Commission;
- Financial disclosure requirements;
- Standards of conduct through conflicts of interest and gift provisions;
- Registration statements and activity reports by lobbyists;
- A process for requesting an advisory opinion;
- Complaint procedures and protections; and
- Enforcement and penalty provisions.

Who is subject to the Ethics Law?

The Ethics Law applies to Queen Anne's County elected and appointed officials, county employees, members of County Boards and Commissions, and lobbyists. The Ethics Law does not apply to certain officials, principally judicial and law enforcement personnel, who are subject to the provisions of the Maryland Public Ethics Law.

Who administers the Queen Anne's County Ethics Law?

The Queen Anne's County Ethics Commission is responsible for administering the Ethics Law. Specifically, this Commission is responsible for:

- Interpreting the Ethics Law and advising persons subject to it of its application;
- Hearing and deciding any written complaint filed regarding an alleged violation – generally, any proceeding by the Commission in connection with a complaint must remain confidential;
- Acting as custodian for all statements, registrations, reports and complaints;
- Informing and educating the citizens regarding the purpose and implementation of the Ethics Law;
- Issuing advisory opinions;
- Granting exemptions and modifications to provisions of the Ethics Law; and
- Developing and publishing rules, regulations and reporting forms as needed, and to notify the County Commissioners and the public on the proposed rules, regulations and forms.

CONFLICTS OF INTEREST

What is a conflict of interest?

A conflict of interest is a situation that exists whenever an individual's private interest could affect the performance of his/her official duties. Conflicts of interest can occur in a variety of situations including but not limited to: relation to actions an individual takes in any official capacity; personal activities in which the individual uses the fact of his/her County affiliation to gain a benefit; and gifts offered or received.



Prohibited Conduct

To prevent conflicts of interest from affecting the operation of the County's business, the Public Ethics Law prohibits Queen Anne's County officials, board and commission members, and employees from the following:

- Acting on behalf of the County in any matter that would have a direct financial impact on them, a family member, or on a business entity in which they or a family member have an interest;
- Being employed by or having a financial interest in an entity that is subject to the authority of the individual or the governmental unit with which the individual is affiliated, or doing business with the individual or with the governmental unit with which the individual is affiliated;
- Holding any other employment or contractual relationship that could or could appear to impair their impartiality or independence of judgment;
- Representing any party for a contingent fee, or lobbying for compensation, before any County body;
- Soliciting or accepting gifts (see section below);
- Acting, within two years following County service, as a compensated representative of another individual in connection with any specific matter in which he/she participated substantially as a County official or employee; or
- Intentionally using the prestige of their office, or any confidential information acquired in their official County position, for their own private gain or that of another.

GIFTS

What is a gift?

A gift is defined as anything, tangible or otherwise worth \$20 or more in value.

Prohibited Conduct

Generally, a County official or employee may not accept any gift of more than \$20 in value or cumulative gifts totaling more than \$100 in any one year from any individual who:

- Has a contract with, or is negotiating a contract with the County;
- Is subject to the authority of the official or employee's agency; or
- Is a lobbyist subject to registration under the Public Ethics Law.

Additionally, a County official or employee may not accept any gift if:

- The gift would tend to, or would appear to impair the impartiality and independent judgment of the recipient; or



- The recipient believes, or has reason to believe that the gift is designed to impair the impartiality and independent judgment of the individual receiving the gift.

There are specific qualified exceptions to this rule as outlined in the Ethics Law.

FINANCIAL DISCLOSURE

What is financial disclosure?

The disclosure of one's financial interests is a common requirement made of government employees and officials at all levels. Disclosure serves several purposes:

- It enables ethics officials and the public to monitor possible conflicts of interest;
- It demonstrates to the public that interests are not hidden; and
- It allows voters to evaluate the suitability of candidates for public office.

Who has to file Financial Disclosure Statements?

Candidates for elected office and certain County officials and employees must file with the Ethics Commission a Financial Disclosure Statement: 1) upon registration for candidacy; 2) upon acceptance of their appointment / employment; 3) annually, no later than January 31st following the calendar year in which they held office or were employed, or any portion thereof; and 4) upon leaving office/employment.²

Provisions

The Financial Disclosure Statement requires information in the following general subject areas:

- Interests in real property, excluding personal residence and up to one acre surrounding the residence;
- Interests in business entities operating in Queen Anne's County, excluding financial interests in businesses publicly traded on a national stock exchange;
- Compensated employment, partnership, directorship or any office held by the individual or his/her spouse;
- Indebtedness of the individual of more than \$1000 to anyone doing business with or subject to regulation by the County; excluding retail credit accounts and the mortgage on a primary residence; and
- Gifts of more than \$20 in value, or a series of gifts totaling more than \$100 in value from any person or entity doing business with or subject to the authority of the County.

² The Ethics Commission has disseminated a separate simple guide for the filing of Financial Disclosure Statements.



LOBBYING DISCLOSURE

What is Lobbying Disclosure?

Lobbying disclosure under the Public Ethics Law has two aspects. First, lobbyists are required to file a registration statement within five days of first acting as a lobbyist, and yearly thereafter. Second, any lobbyist who expends funds or receives compensation to influence County government action, or who gives gifts, such as meals and beverages to influence county government action, is required to file a detailed year-end disclosure report of those activities.

A lobbyist is defined as a person who communicates with a County official or employee for the purpose of influencing that person in the performance of his/her official duties and who:

- Spends or intends to spend \$100 or more on food, entertainment, services, or gifts for officials or employees or their spouse or dependent children during a calendar year;
- Is compensated \$500 or more in a calendar year for lobbying;
- Spends \$500 or more in a calendar year to compensate another person or persons for lobbying to influence an official or employee in the performance of his/her official duties; or
- Spends at least \$2000 or more in a calendar year for salaries, contractual employees, postage, telecommunications services, electronic services, advertising, printing and delivery services for the express purpose of soliciting others to communicate with an official or employee to influence that person in performance of his/her official duties.

Provisions

A lobbyist must file a registration statement with the Ethics Commission:

- Within five (5) days of first acting as a lobbyist;
- For each subsequent year, on or before January 31; and
- Within five (5) days of a change in the content of the statement.

The content of the registration statement includes:

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

A lobbyist shall file a report with the Ethics Commission within 31 days after the close of a calendar year during which the lobbyist was registered. The report shall disclose:

- The value, date and nature of any food, entertainment, or other gift provided to a County official or employee;
- The identification of the official or employee or their spouse or dependent children receiving one or more gifts with an aggregate value of \$25 or more;



- The amount and source of all compensation paid to the lobbyist for or in connection with all lobbying activities; and
- A breakdown of expenditures on the activities described therein.

COMPLAINTS

What is a complaint?

A complaint is a written statement, signed under oath, alleging a violation of the Public Ethics Law. Any proceeding by the Commission in connection with a complaint must be conducted in a confidential manner; no information may be disclosed about the complaint, including the identities of the parties.

Who can file a complaint related to the Ethics Law?

Any person may file a complaint. In addition, the Ethics Commission, on its own initiative, may issue a complaint alleging a violation of the Public Ethics Law.

Complaint procedure

A complaint ordinarily must be filed within two years of the alleged violation. Upon receipt, the Commission shall acknowledge the receipt of the complaint to the complainant (filer). Within ten days of receipt, the Commission shall dismiss the complaint if it is plainly frivolous or legally insufficient. Otherwise, the Commission shall provide a copy of the complaint to the respondent (name / subject matter of complaint). The respondent has a right to submit a written response, including any documentation and shall be advised of the right to legal counsel.

After reviewing all materials, the Ethics Commission then may:

- Dismiss the complaint if it is deemed frivolous or if the facts alleged do not indicate a violation of the Public Ethics Law; or
- Conduct an investigation or refer the complaint to the County Attorney, State's Attorney, or other legal counsel for investigation.

Based on any investigation, and if appropriate the Ethics Commission may:

- Dismiss the complaint;
- Notify the parties of a possible cure with specific time periods to cure the violation, and noting that the complaint thereafter may be dismissed if dismissal would not be contrary to the purposes of the Public Ethics Law; or
- Hold a closed hearing on the complaint.



What happens when a hearing is held on a complaint?

At a formal hearing, the respondent may be represented by an attorney. The burden of proof is on the Commission to demonstrate, by a preponderance of the evidence, that the respondent violated the Queen Anne's County Ethics Law. In addition, the Commission may refer the matter to the appropriate prosecuting authority if it has reasonable grounds to believe a criminal offense was committed. If the Commission determines that a respondent was innocent of any violation of the Public Ethics Law, it shall recommend to the County Commissioners that reasonable attorney's fees and expenses be reimbursed to the respondent.

A final determination requires written findings of fact, conclusion of law and recommendations. Any reports or decisions are public records; the Commission will edit out personally identifiable information as the Commission deems appropriate.

The respondent may request judicial review of the final order of the Commission; the final order will be stayed until the time for requesting judicial review has expired.

In carrying out its duties, the Commission may:

- Administer oaths and affirmations; and
- Issue subpoenas for witnesses, documents or other evidence; subpoenas may be judicially enforced.

ADVISORY OPINIONS

What is an Advisory Opinion?

An advisory opinion is a formal, written opinion issued by the Ethics Commission stating whether an activity, conduct or action would violate the Public Ethics Law.

What is the procedure for obtaining an Advisory Opinion?

Any person may make a request to the Commission for an advisory opinion concerning application of the Public Ethics Law. Copies of the responses shall be made available to the public, subject to any applicable law regarding public records. Identifying information shall be deleted to the fullest extent possible from advisory opinions.

ENFORCEMENT & PENALTIES

Any individual found to have violated the Public Ethics Law may be subject to disciplinary or other appropriate action as prescribed in the Public Ethics Law.

The Commission may:

- Issue a cease and desist order against any individual found in violation of the Public Ethics Law; and



- Seek enforcement in the Circuit Court of Queen Anne's County.

A County official or employee found to be violation of the Public Ethics Law shall be referred to the County Human Resources Office for a determination of disciplinary action.

An individual who knowingly and willingly violates the Ethics Law may be found guilty of a civil violation, and on conviction, is subject to a fine of up to \$1000.

A lobbyist who violates the Public Ethics Law may, in addition to other sanctions, be barred from any compensated lobbying activities in Queen Anne's County for a period of up to one year.

"A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps, both."

President James Madison, August 4, 1822

