

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
1998 Legislative Session

Bill No. CB-5-1998

Chapter No. _____

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

AN ACT concerning

Code of Ethics

For the purpose of amending provisions relating to administration of the Code of Ethics; updating the list of those individuals required to file financial disclosure statements; granting the Board of Ethics the authority to issue subpoenas and administer oaths; specifying the authority of the Board; and amending an inaccurate reference in the law.

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

Sections 2-292, 2-294, 2-295 and 2-297,

The Prince George's County Code

(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-292, 2-294, 2-295 and 2-297 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 17. CODE OF ETHICS.

Sec. 2-292. Administration.

* * * * *

(g) Any person may file with the Board a complaint alleging a violation of any of the provisions of this Division. The Board, on its own motion, may issue a complaint alleging a violation of any provision of this Division. These complaints shall be written and under oath and

may be referred to the County Attorney or other legal counsel, if appropriate, for investigation and review. If, after receiving an investigative report, the Board determines that there are insufficient facts upon which to base a determination of a violation, it may dismiss the complaint. If there is a reasonable basis for believing a violation has occurred, then the subject of the complaint shall be afforded an opportunity for a hearing conducted in accordance with the Board's applicable rules of procedure for actions taken on the record. Any final determination resulting from the hearing shall include findings of fact and conclusions of law. Upon a finding of a violation, the Board may take any enforcement action provided for in accordance with Section 2-297 of this Division. [After a complaint is filed and until a final determination by the Board, all actions regarding a complaint shall be treated confidentially.] Notwithstanding any other provision of law to the contrary, following the filing of a complaint, and unless and until the matter is referred for prosecution or a finding of a violation has been made, the proceedings, meetings, and activities of the Board and its staff in connection with the complaint shall be conducted in a confidential manner. The Board, its staff, the complainant, and the respondent shall not disclose any information relating to the complaint, including the identity of the complainant and the respondent, except that the Board may release any information at any time if the release has been agreed to in writing by the respondent. The identity of the complainant shall be disclosed to the respondent, at the request of the respondent, at any time.

* * * * *

(i) In the administration and enforcement of the provisions of this Division, the Board shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence in any matter over which this Division applies; and to administer oaths or affirmations to any person whose testimony is required.

Sec. 2-294. Financial Disclosure.

(a) The following officials and employees and candidates for office as such officials or employees, when such positions are elective, are required to file the financial disclosure statements provided for in this Section:

* * * * *

(17) Members of and clerk to the County Board of Appeals;

[(18) Members of the County Consumer Protection Commission;]

[(19) Executive Director of the County Consumer Protection Commission;]

[(20)] (18) * * * *

[(21)] (19) * * * *

[(22)] (20) * * * *

[(23)] (21) * * * *

[(24)] All voting members of the County Health Planning Advisory Committee;]

[(25)] (22) * * * *

[(26)] (23) * * * *

[(27)] (24) * * * *

[(28)] (25) * * * *

[(29)] Members of the County Landlord-Tenant Commission;]

[(30)] Executive Director of the County Landlord-Tenant Office;]

[(31)] (26) * * * *

[(32)] (27) * * * *

[(33)] (28) Members and Executive Director of the Prince George's County Parking

Authority;

(29) Assistant Sheriffs in the Office of the Prince George's County Sheriff;

(30) Members and Administrator of the Citizen Complaint Oversight Panel;

(31) Members of the Historic Preservation Commission;

(32) Members of the Taxicab Board;

(33) Members and Executive Director of the Minority Business Opportunities

Commission;

(34) Members of the Revenue Authority and Redevelopment Authority;

[(34)] (35) * * * *

[(35)] (36) * * * *

(c) (1) Each incumbent official and employee identified in Subsection (a), hereof, shall file under oath or affirmation with the Board on or before the 30th day of April of each year during that person's term in office, the statement required by this Section, for the calendar year immediately preceding each such year in office. An official or employee who has not filed the required statement and who is appointed to fill a vacancy to a position listed in Subsection (a), hereof, shall file a statement covering the previous calendar year [in which he is appointed] within thirty (30) days after appointment. Any official or employee who is required to file a

statement and who leaves office or employment for any reason, other than the official's or employee's death, shall file, within [sixty (60)] thirty (30) days of leaving office or employment, the statement required by this Section, for the calendar year immediately preceding, unless a statement has previously been filed for that year, and any portion of the current calendar year during which that official or employee held office or employment.

* * * * *

(e) All statements filed pursuant to this Section shall be on a form developed by the Board with the assistance of the County Attorney, and shall disclose the following interests, if known:

(1) Interests in Real Property. A schedule of all interests in real property wherever located. This schedule, as to each such interest, shall include:

* * * * *

(B) The nature and extent of the interest held, including any conditions thereto and encumbrances thereon, including the amount of any debt secured by the property owed as of the end of the year for which the statement is filed;

* * * * *

(F) The identity of [any other] every person with an interest in the property.

* * * * *

Sec. 2-295. Lobbying Disclosure.

(a) Except as provided in Subsections (l) and (m) of this Section, any person who engages in lobbying members of the County Council or who engages in lobbying members of the County Council as defined in Section 2-291[(h)(2)] (a)(9) shall file a lobbying registration with the Board on or before the beginning of the calendar year in which a person expects to lobby or within five (5) days after engaging in lobbying activities, if this person, during the calendar year, either:

* * * * *

Sec. 2-297. Enforcement.

(a) Upon finding a violation of any provision of this Division, the Board may issue, as appropriate, an order of compliance to cease and desist from the violation; or issue a reprimand; or issue an order imposing fines up to \$1,000 per day; or any combination of the foregoing, in accordance with the provisions of this Division. If aggrieved by a final order of the Board, a

respondent may request judicial review pursuant to Chapter 200, Title 7, Maryland Rules, Annotated Code of Maryland.

(b) Upon direction by the Board or the Council, the County Attorney may file a petition for injunctive or other relief in the Circuit Court of Prince George's County, or in any other court having proper venue for the purpose of requiring compliance with [the provisions of this Division] an order of the Board or other relief authorized in this Division. The Court may:

(1) Issue an order to cease and desist from the violation; or

(2) Void an official action taken by an official or employee with a conflict of interest prohibited by this Division when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the court deems [voiding the action to be in the best interest of the public] that the official action was impacted by the conflict of interest, provided, however, that the court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidence of public obligation; or

*	*	*	*	*	*	*
[(b)] (c)	*	*	*	*	*	
[(c)] (d)	*	*	*	*	*	
[(d)] (e)	*	*	*	*	*	

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this ____ day of _____, 1998.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.