

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2011 Legislative Session

Bill No. CB-44-2011

Chapter No. _____

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

Introduced by Council Member Turner

Co-Sponsors _____

Date of Introduction October 18, 2011

BILL

1 AN ACT concerning

2 Code of Ethics

3 For the purpose of amending the Code of Ethics in order to comply with State law.

4 BY repealing and reenacting with amendments:

5 SUBTITLE 2. ADMINISTRATION.

6 Sections 2-289 through 2-297,

7 The Prince George's County Code

8 (2007 Edition, 2010 Supplement).

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
10 Maryland, that Sections 2-289 through 2-297 of the Prince George's County Code be and the
11 same are hereby repealed and reenacted with the following amendments:

12 SUBTITLE 2. ADMINISTRATION.

13 DIVISION 17. CODE OF ETHICS.

14 **Sec. 2-289. Short Title.**

15 This Division may be cited as the Prince George's County Code of Ethics.

16 **Sec. 2-290. Statement of purpose and policy.**

17 (a) The Prince George's County Council, recognizing that our system of representative
18 government is dependent in part upon the people maintaining the highest trust in their public
19 officials and employees, finds and declares that the people have a right to be assured that the
20 impartiality and independent judgement of public officials and employees will be maintained.

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

3 (c) For the purpose of guarding against improper influence, the County Council enacts this
 4 Code of Ethics to require County elected officials, officials, [and] employees, and individuals
 5 appointed to boards and commissions to disclose their financial affairs and to set minimum
 6 standards for their conduct of local business.

7 (d) It is the intention of the Council that this Division, except its provisions for criminal
 8 sanctions, be liberally construed to accomplish this purpose.

9 **Sec. 2-291. Definitions.**

10 (a) The words used in this Division shall have their normal accepted meanings except as
 11 set forth below:

12 (1) **Board** means the Prince George's County Board of Ethics established pursuant to
 13 Section 2-292(a) of this Division.

14 (2) **Business entity** means any corporation, general or limited partnership, sole
 15 proprietorship (including a private consultant operation), joint venture, unincorporated
 16 association or firm, institution, trust, foundation, or other organization, whether or not operated
 17 for profit. Business entity does not include a governmental entity.

18 (3) **Compensation** means any money or thing of value, regardless of form, received
 19 or to be received by any individual covered by this Division from an employer for service
 20 rendered. If lobbying is only a portion of a person's employment, "compensation" means a
 21 prorated amount based on the time devoted to lobbying compared to the time devoted to other
 22 employment duties. For reporting purposes, a prorated amount shall be labeled as such.

23 (4) **Doing business with** means:

24 (A) Having or negotiating a contract that involves the commitment (either in a
 25 single or combination of transactions) of Five Thousand Dollars (\$5,000.00) or more of County
 26 or County-controlled funds; or

27 (B) Being regulated by or otherwise under the authority of [an entity] the
 28 County; or

29 (C) Being registered as a lobbyist in accordance with Section 2-295 of this
 30 Division.

1 (5) **Elected official** means any individual who holds an elective office of the County.
 2 Elected official does not include the Sheriff, State’s Attorney, Register of Wills, or Clerk of the
 3 Court.

4 (6) **Employee** means an individual who is employed by the County. Employee does
 5 not include an elected local official. Employee does not include an employee of:

6 (A) The offices of the Sheriff, State’s Attorney, Register of Wills, or Clerk of the
 7 Court;

8 (B) The County Health Department; or

9 (C) The County Department of Social Services.

10 (7) **Financial interest** means:

11 (A) Ownership of any interest as the result of which the owner has received,
 12 within the past three (3) years, or is presently receiving, or in the future is entitled to receive,
 13 more than One Thousand Dollars (\$1,000.00) per year; or

14 (B) Ownership, or the ownership of securities of any kind representing or
 15 convertible into ownership, [or] of more than three percent (3%) of a business entity by a County
 16 official or employee, or the spouse of an official or employee.

17 [(6)] (8) **Gift** means the transfer of anything of economic value regardless of the form
 18 without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance,
 19 receipt, or regulation of political campaign contributions regulated in accordance with the
 20 provisions of Article 33, Sec. 26-1 et seq., Annotated Code of Maryland, or any other provision
 21 of State or local law regulating the conduct of elections or the receipt of political campaign
 22 contributions.

23 [(7)] (9) **Honorarium** means the payment of money or anything of value for:

24 (A) Speaking to, participating in, or attending a meeting, conference, or other
 25 function; or

26 (B) Writing an article, other than a book, that has been or is intended to be
 27 published.

28 [(8)] (10) **Interest** means any legal or equitable economic interest, whether or not
 29 subject to an encumbrance or a condition, which [was] is owned or held, in whole or in part,
 30 jointly or severally, directly or indirectly. For purposes of Section 2-294 of this Division,

1 "interest" applies to any interests held at any time during the [calendar year] reporting period for
 2 which a required statement is to be filed. "Interest" does not include:

3 (A) An interest held in the capacity of a personal agent, personal representative,
 4 custodian, fiduciary, or trustee, unless the holder has an equitable interest [therein] in the subject
 5 matter;

6 (B) An interest in a time or demand deposit in a financial institution;

7 (C) An interest in an insurance policy or endowment policy or annuity contract
 8 under which an [insurance company] insurer promises to pay a fixed [number of dollars] amount
 9 of money either in a lump sum or periodically for life or some other specified period;

10 (D) A common trust fund or a trust which forms part of a pension or profit
 11 sharing plan which has more than twenty-five (25) participants and which has been determined
 12 by the Internal Revenue Service to be a qualified trust under [Sec. 401 and 501 of] the Internal
 13 Revenue Code [of 1954].

14 (E) A college savings plan under the Internal Revenue Code.

15 (11) **Lobbyist** means a person required to register and report expenses related to
 16 lobbying under Section 2-295 of this Division.

17 [(9)] (12) **Lobbying** means:

18 (A) Communicating in the presence of a County official or employee with the
 19 intent to influence any official action of that official or employee; or

20 (B) Engaging in activities having the express purpose of soliciting others to
 21 communicate with a County [Council Member] official or employee with the intent to influence
 22 that official or employee.

23 [(10)] (13) **Official** [and/or **employee** means any person elected to, appointed to,
 24 or employed by the County or any County agency, board, commission, or similar entity] means
 25 an elected official, an employee of the County, or a person appointed to or employed by the
 26 County or any County agency, board, commission, or similar entity whether or not paid in whole
 27 or in part with County funds and whether or not compensated.

28 [(11)] (14) **Person** includes an individual or business entity.

29 **Sec. 2-292. Administration.**

30 (a) There is a Prince George's County Board of Ethics which shall be composed of five (5)
 31 members, appointed by the County Executive and confirmed by the County Council. All

1 members shall reside in and be qualified voters of the County. Rejection of any nominee to this
2 Board shall be by vote of a majority of the full Council. No more than three (3) members of the
3 Board may be of the same political party. The Board shall elect one (1) member as Chairman.
4 The term of the Chairman is one year. The Chairman may be re-elected. No member of the
5 Board shall be an officer or employee of the County.

6 (1) The term of office of each member of the Board shall be for three (3) years and
7 staggered so that the terms of no more than two members shall expire in any year. A member
8 appointed to fill a vacancy occurring prior to the expiration of the term for which one's
9 predecessor was appointed shall be appointed in the same manner as prescribed in the preceding
10 paragraph of this Section and shall serve for the remainder of such term. No member may serve
11 more than two consecutive full terms. A member may serve until a successor is appointed and
12 qualifies.

13 (2) When the County Executive finds that a member is temporarily or permanently
14 incapacitated, he shall, by Executive Order, designate a substitute member of the Board of the
15 same political party to serve in the regular member's place [until] during such [temporary]
16 incapacity [shall have been filled]; and while so serving the said substitute member shall have all
17 the powers and authority and be subject to all the duties of any regularly appointed member of
18 the Board of Ethics. If, in the judgment of the Chairman, the lack of attendance of any member
19 of the Board is impeding the work of the Board, the Chairman shall so notify the County
20 Executive and the County Council.

21 (3) The Board shall meet at the call of the Chairman, and at such other times as may
22 be requested by the County Executive or County Council, provided that the Board shall hold a
23 minimum of five (5) scheduled meetings per year.

24 (A) Three (3) members shall constitute a quorum for the transaction of business.

25 (4) The Board shall be assisted in carrying out its responsibilities by the County
26 Attorney. If a conflict of interest under Section 2-293 of this Division or other conflict prohibits
27 the County Attorney from assisting the Board in a matter, the County shall provide sufficient
28 funds for the Board to hire independent counsel for the duration of the conflict.

29 (5) The County Executive shall furnish the Board stenographic services, physical
30 facilities, and other necessary administrative services and employees.

1 (6) The Board shall submit not later than January 30 of each year to the County
 2 Executive and to the County Council a report of its activities under this law covering the
 3 immediately preceding calendar year, including a summary statement concerning the nature of
 4 all complaints filed with it, its decisions, and advisory opinions; provided, however, that all such
 5 information shall meet the requirements for confidentiality contained in [Subsections 2-292(f)
 6 and (g)] this Section. The report shall also contain information relating to the most common
 7 errors made in the Financial Disclosure Statements filed with the Board.

8 (7) The Board shall make recommendations for legislation as it deems appropriate.

9 (b) The Board shall be the advisory body responsible for interpreting this Division and
 10 advising persons subject to it as to its application.

11 (c) The Board shall be responsible for hearing and deciding, on advice of the County
 12 Attorney (or other legal counsel if appropriate), [any] all complaints filed regarding [an] alleged
 13 violations of this Division by any person.

14 (d) The Board or an office designated by the Board shall [be the custodian of] retain as a
 15 public record all forms submitted by any person in accordance with this Division for at least four
 16 years after receipt by the Board.

17 (e) The Board shall be responsible for conducting a public information and education
 18 program regarding the purpose and implementation of this Division.

19 (f) The Board shall certify to the State Ethics Commission on or before October 1 of each
 20 year that the County is in compliance with the requirements of State Government Article, Title
 21 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.

22 (g) The Board shall determine if changes to this Division are required to be in compliance
 23 with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of
 24 Maryland, and shall forward any recommended changes and amendments to the County Council
 25 for enactment.

26 (h) Any official or other person subject to the provisions of this Division may request [the
 27 Board for] an advisory opinion from the Board concerning the application of this Division. The
 28 Board shall respond promptly to these requests, providing interpretations of this Division based
 29 on the facts provided or reasonably available to [it] the Board within 60 days of the request.
 30 Copies of these interpretations, with the identity of the subject deleted, shall be published and
 31 otherwise made available to the public in accordance with any applicable State or Prince

1 George's County law regarding public records. The Board may adopt additional policies and
 2 procedures related to the advisory opinion request process.

3 [(g)] (i) Any person may file with the Board a complaint alleging a violation of any of the
 4 provisions of this Division. These complaints shall be written and under oath and may be
 5 referred to the County Attorney or other legal counsel, if appropriate, for investigation and
 6 review. If, after receiving an investigative report, the Board determines that there are insufficient
 7 facts upon which to base a determination of a violation, it may dismiss the complaint. If there is
 8 a reasonable basis for believing a violation has occurred, then the subject of the complaint shall
 9 be afforded an opportunity for a hearing conducted in accordance with the Board's applicable
 10 rules of procedure for actions taken on the record. Any final determination resulting from the
 11 hearing shall include findings of fact and conclusions of law. Upon a finding of a violation, the
 12 Board may take any enforcement action provided for in accordance with Section 2-297 of this
 13 Division. Notwithstanding any other provision of law to the contrary, following the filing of a
 14 complaint, and unless and until the matter is referred for prosecution or a finding of a violation
 15 has been made, the proceedings, meetings, and activities of the Board and its staff in connection
 16 with the complaint shall be conducted in a confidential manner. Failure of the Board or its staff
 17 to maintain the confidentiality of information acquired in connection with the complaint shall be
 18 a misdemeanor subject to the penalty set forth in Section 1-123 of this Code. A finding of a
 19 violation is public information. The Board may adopt additional policies and procedures related
 20 to complaints, complaint hearings, the use of independent investigators and staff, and cure and
 21 settlement agreements.

22 [(h)] (j) The Board shall hold a public hearing to review the propriety of any transaction
 23 involving the acquisition, lease, or disposition of real property between the County and:

24 (1) Any person required to file a financial disclosure statement pursuant to Section 2-
 25 294 of this Code, or the spouse, parent, child, or sibling of such person; or

26 (2) Any official elected pursuant to the Constitution of the State of Maryland to serve
 27 the residents of Prince George's County, or the spouse, parent, child, or sibling of such person; or

28 (3) Any business entity in which a person described in (1) or (2), above, has a legal or
 29 equitable financial interest.

30 At the conclusion of the hearing the Board shall issue its determination as to whether such
 31 transaction is in compliance with the provisions of this Division. The Board shall publish notice

1 of the public hearing in the County newspapers of record. Such notice shall reflect the nature of
 2 the transaction to be reviewed and the parties involved.

3 (k) The Board may assess a late fee of \$2 per day up to a maximum of \$250 for a failure to
 4 timely file a financial disclosure statement required under Section 2-294 of this Division, and
 5 may assess a late fee of \$10 per day up to a maximum of \$250 for a failure to timely file a
 6 lobbyist registration or lobbyist report required under Section 2-295 of this Division.

7 **Sec. 2-293. Prohibited conduct and interests.**

8 (a) Participation Prohibitions. Except as permitted by Board regulations or opinion, an
 9 official or employee may not participate in:

10 (1) Any matter, except in the exercise of an administrative or ministerial duty which
 11 does not affect the disposition or decision with respect to that matter, if, to his knowledge, he, his
 12 spouse, parent, child, brother, or sister has an interest therein.

13 (2) Any matter, except in the exercise of an administrative or ministerial duty, when
 14 any of the following is a party thereto:

15 (A) Any business entity in which he has a direct financial interest of which he
 16 may reasonably be expected to know;

17 (B) Any business entity of which he is an officer, director, trustee, partner, or
 18 employee, or in which [he knows] any of the above-listed relatives has this interest;

19 (C) Any business entity with which he or, to his knowledge, any of the relatives
 20 listed in paragraph (1) of this Subsection is negotiating or has any arrangement concerning
 21 prospective employment;

22 (D) Any business entity which is a party to an existing contract with the official
 23 or employee, or which the official or employee knows is a party to a contract with any of the
 24 above-named relatives, if the contract could reasonably be expected to result in a conflict
 25 between the private interests of the official or employee and his official duties;

26 (E) Any entity doing business with the County in which a direct financial
 27 interest is owned by another entity in which the official or employee has a direct financial
 28 interest, if he may be reasonably expected to know of both direct financial interests; or

29 (F) Any business entity which the official or employee knows is his creditor or
 30 obligee, or that of any of the relatives listed in paragraph (1) of this Subsection, with respect to a

1 thing of economic value and which, by reason thereof, is in a position to affect directly and
2 substantially the interest of the official or employee or any of the above-named relatives.

3 (3) If a disqualification pursuant to paragraphs (1) or (2) of this Subsection leaves any
4 body with less than a quorum capable of acting, or if the disqualified official or employee is
5 required by law to act or is the only person authorized to act, the disqualified person shall
6 disclose the nature and circumstances of the conflict and may participate or act.

7 (4) The prohibitions of paragraph (1) of this Subsection do not apply if participation
8 is allowed by regulation or opinion of the Board.

9 (b) Employment Restrictions.

10 (1) (A) Except as permitted by regulation of the Board when such interest is
11 disclosed or when the employment does not create a conflict of interest or appearance of conflict,
12 an official or employee may not:

13 (i) Be employed by, or have a financial interest in, any entity subject to his
14 authority or that of the County agency, board, or commission with which he is affiliated or any
15 entity which is negotiating or has entered a contract with that agency, board, or commission; or

16 (ii) Hold any other employment relationship which would impair the
17 impartiality or independence of judgment of the official or employee.

18 (B) This prohibition does not apply to:

19 (i) An official or employee who is appointed to a regulatory or licensing
20 authority pursuant to a statutory requirement that persons subject to the jurisdiction of the
21 authority be represented in appointments to it;

22 (ii) Subject to other provisions of law, including this Section 2-293, a
23 member of a board or commission in regard to a financial interest or employment held at the
24 time of appointment, provided [it] the financial interest or employment is publicly disclosed to
25 the appointing authority and Board; or

26 (iii) An official or employee whose duties are ministerial, if the private
27 employment or financial interest does not create a conflict of interest or the appearance of a
28 conflict of interest, as permitted and in accordance with regulations adopted by the Board[.] ; or

29 (iv) Employment or financial interests allowed by regulation of the Board if
30 the employment does not create a conflict of interest or the appearance of a conflict of interest or
31 the financial interest is disclosed.

1 (2) Post-employment limitations and restrictions.

2 (A) [A] With the exception of former members of the County Council, a former
 3 official or employee may not assist or represent [another] any party other than the County for
 4 compensation in a case, contract, or other specific matter involving the County if [any] that
 5 matter is one in which he significantly participated as an official or employee.

6 (B) [If the former official's or employee's participation in a matter was not
 7 significant, the prohibition set forth in (A) shall expire eighteen (18) months after the termination
 8 of the official's or employee's employment with the County.] Until the conclusion of the next
 9 regular session that begins after the elected official leaves office, a former member of the County
 10 Council may not assist or represent another party for compensation in a matter that is the subject
 11 of legislative action.

12 [(C) The Board shall have the authority to determine whether sufficient time has
 13 elapsed or circumstances have sufficiently changed such that the effect of prior significant
 14 participation is no longer present.]

15 (3) An official or employee may not assist or represent a party for contingent
 16 compensation in any matter before or involving the County, other than in a judicial or quasi-
 17 judicial proceeding[; provided, however, that nothing herein shall preclude an official or
 18 employee from assisting or representing a party for contingent compensation in any matter
 19 before or involving entities where fees are established by law].

20 (c) Use of Prestige of Office. An official or employee may not intentionally use the
 21 prestige of his office for his own private gain or that of another. The performance of usual and
 22 customary constituent services, without additional compensation, does not constitute the use of
 23 the prestige of office for an elected official's or employee's private gain or that of another.

24 (d) Solicitation or Acceptance of Gifts.

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

26 (2) An official or employee may not directly solicit or facilitate the solicitation of a
 27 gift, on behalf of another person, from an individual regulated lobbyist.

28 [(2)] (3) No official or employee may knowingly accept any gift, directly or
 29 indirectly, from any person that he knows or has reason to know:

1 (A) Is doing business with or seeking to do business with the Council, as to
 2 members thereof, or, as to other officials or employees, with their office, agency, board, or
 3 commission; [or]

4 (B) Has financial interests that may be substantially and materially affected, in a
 5 manner distinguishable from the public generally, by the performance or nonperformance of his
 6 official duty; or

7 (C) Is engaged in an activity regulated or controlled by the official's or
 8 employee's governmental unit; or

9 (D) Is a lobbyist with respect to matters within the jurisdiction of the official or
 10 employee.

11 [(3)] (4) Unless a gift of any of the following would tend to impair the impartiality
 12 and the independence of judgment of the official or employee receiving it or, if of significant
 13 value, would give the appearance of doing so, or, if of significant value, the recipient official or
 14 employee believes, or has reason to believe, that it is designed to do so, paragraph [(2)] (3) does
 15 not apply to:

16 (A) Meals and beverages consumed in the presence of the donor or sponsoring
 17 entity;

18 (B) Ceremonial gifts or awards which have insignificant monetary value;

19 (C) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial
 20 items of informational value;

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

24 (E) Gifts of tickets or free admission extended to [any] an elected official or
 25 employee to attend [a professional or intercollegiate sporting event or] charitable, cultural, or
 26 political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the
 27 office;

28 (F) A specific gift or class of gifts which the Council or the Board exempts from
 29 the operation of this Section upon a finding, in writing, that acceptance of the gift or class of gifts
 30 would not be detrimental to the impartial conduct of the business of the County and that the gift
 31 is purely personal and private in nature;

1 (G) Gifts from a person related by blood or marriage, or a spouse, child, ward,
 2 financially dependent parent, or other relative who shares the official's or employee's legal
 3 residence, or a child, ward, parent, or other relative over whose financial affairs the person has
 4 legal or actual control; or

5 (H) Honoraria for speaking to or participating in a meeting, except as provided
 6 in Subsection (e) of this Section.

7 (e) Honoraria. Except as provided in this Subsection, an official may not accept an
 8 honorarium if:

9 (1) The payer of the honorarium has an interest that may be substantially and
 10 materially affected, in a manner distinguishable from the public generally, by the performance or
 11 nonperformance of the individual's official duty; and

12 (2) The offering of the honorarium is in any way related to the individual's official
 13 position.

14 (3) The prohibition under this Subsection does not apply to[:

15 (A) Payment of or reimbursement for reasonable expenses for the official's meal,
 16 travel, and lodging, and reasonable and verifiable expenses for care for children or dependent
 17 adults, actually incurred by the official in speaking to, participating in, or attending a meeting,
 18 conference, or other function or in writing an article, other than a book, that has been or is
 19 intended to be published; or

20 (B) A]acceptance or receipt gifts permitted under Subsection (d) of this Section.

21 (4) The Board may provide for further exemptions from this Subsection as necessary.

22 (f) Use of Resources. An official or employee may not use employees on County time or
 23 any other resources of the County for writing books, articles, and speeches which would result in
 24 personal gain or compensation or for any other personal matters and services.

25 (g) Disclosure of Confidential Information. Other than in the discharge of his official
 26 duties, an official or employee may not disclose or use for his own economic benefit or that of
 27 another person, confidential information which he has acquired by reason of his public position
 28 and which is not available to the public.

29 (h) Exemptions and Waivers. The Board or, if appropriate, the Council, may, after
 30 consultation with the County Attorney, grant exemptions to or modifications of this Section as to
 31 officials or employees serving as members of Prince George's County Boards and Commissions,

1 when it finds that the application of this Section would constitute an unreasonable invasion of
 2 privacy and would significantly reduce the availability of qualified persons for public service and
 3 if it also finds that the exemption of modification would not be contrary to the purposes of this
 4 Division. The Board or, if appropriate, the Council, may grant exceptions or modifications in
 5 accordance with this Section either on an individual basis, or, if appropriate, by general
 6 resolution.

7 (i) Participation in procurement.

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

12 (2) The Board may establish exemptions from the requirements of this Section for
 13 providing descriptive literature, sole source procurements, and written comments solicited by the
 14 procuring agency.

15 **Sec. 2-293.01. County Council; affidavit of impartiality.**

16 (a) A County Council Member who believes there to be an appearance of conflict or a
 17 possible actual conflict under Section 2-293 of this Code with respect to legislative matters
 18 pending before the County Council, who proposes to participate, may file a sworn statement with
 19 the Clerk of the Council and the Board of Ethics which describes the circumstances of the
 20 appearance of conflict or the possible actual conflict and the legislation to which it relates,
 21 asserting that the Council Member is able to vote and otherwise participate in legislative action
 22 relating thereto fairly, objectively, and in the public interest. All sworn statements filed pursuant
 23 to this Section are available for public review.

24 (b) A public statement filed pursuant to this Section shall be filed with the Board of Ethics
 25 sufficiently in advance of taking action for review by the Board of Ethics prior to the action or as
 26 soon as reasonably possible, whichever is sooner. The Board of Ethics shall review the
 27 statement prior to the proposed action by the Council [m]Member where possible and advise the
 28 Council [m]Member if it concurs in the determination that participation can be allowed under
 29 Section 2-293. Where the Board of Ethics is unable to review the statement prior to official
 30 action, it shall review the statement to determine if it concurs with the action of the Council
 31 [m]Member. If the Board of Ethics does not concur with the Council [m]Member, it may file a

1 | complaint, provide advice, or take other appropriate action. If a complaint is filed by or with the
 2 | Board of Ethics relating to the action and disclosure, the Board of Ethics shall immediately
 3 | provide written notice of the complaint to the Council [m]Member.

4 | (c) Notwithstanding Section 2-293, a Council [m]Member who would be disqualified from
 5 | participation in a legislative matter shall disclose the nature and circumstances of the conflict and
 6 | may participate if the disqualification would leave the body with less than a quorum capable of
 7 | acting.

8 | **Sec. 2-294. Financial Disclosure.**

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

- 12 | (1) Members of the County Council;
- 13 | (2) County Executive;
- 14 | (3) Chief Administrative Officer and Deputy Chief Administrative Officer;
- 15 | (4) Heads of all County Departments, agencies, and offices and their deputies or chief
 16 | assistants;
- 17 | (5) Administrative Officer to County Council and Deputy;
- 18 | (6) Persons appointed to any of the exempt positions as immediate staff to the County
 19 | Executive as defined in Section 902(5) of the County Charter;
- 20 | (7) Legislative Officer to County Council;
- 21 | (8) Zoning Hearing Examiners;
- 22 | (9) Clerk of the County Council;
- 23 | (10) County Auditor and Deputies or Chief Assistants to the County Auditor;
- 24 | (11) People's Zoning Counsel;
- 25 | (12) All County Inspectors, including but not limited to, all Building, Housing, Boiler,
 26 | Electrical, Site, and Liquor Inspectors, all Zoning Enforcement Officers, and persons serving in
 27 | supervisory positions to the above-enumerated positions if such supervisory persons are not
 28 | required to file financial statements under other positions governed by this Section;
- 29 | (13) All Attorneys in the County Office of Law;
- 30 | (14) Members of the County Board of Library Trustees;
- 31 | (15) Director and Assistant Directors of the County Memorial Library System;

- 1 (16) Members of the County Animal Control Commission;
- 2 (17) Members of the County Board of Appeals;
- 3 (18) Members of the County Consumer Protection Commission;
- 4 (19) Executive Director of the County Consumer Protection Commission;
- 5 (20) Members of the County Board of Electrical Examiners;
- 6 (21) Members of the County Board of Ethics;
- 7 (22) Members of the County Board of Registration for Building Contractors;
- 8 (23) Members of the County Board of License Commissioners;
- 9 (24) All voting members of the County Health Planning Advisory Committee;
- 10 (25) Members of the Board of Directors of the County Housing Authority;
- 11 (26) Director and Deputies or Chief Assistants of the County Housing Authority;
- 12 (27) Members of the County Human Relations Commission;
- 13 (28) Executive Director of the County Human Relations Commission;
- 14 (29) Members of the County Landlord-Tenant Commission;
- 15 (30) Executive Director of the County Landlord-Tenant Office;
- 16 (31) Members of the County Personnel Board;
- 17 (32) Attorneys to the County Commissions, Boards, and Committees;
- 18 (33) Members of the Prince George's County Parking Authority;
- 19 (34) Any other officials, employees, and/or appointees of the County Government
- 20 whom the County Executive shall by Executive Order designate for filing and who are directly
- 21 responsible for making governmental decisions, policy or taking governmental action pursuant to
- 22 any such decision or policy or recommending any such decision, policy or action with regard to:
- 23 (A) Procurement or contracting;
- 24 (B) Administering or monitoring grants or subsidies;
- 25 (C) Planning and zoning;
- 26 (D) Inspecting, licensing, regulating, or auditing any nongovernmental
- 27 enterprise; and
- 28 (E) Other activities where the decision, action or policy might have significant
- 29 economic impact on the interests of any nongovernmental enterprise;
- 30 (35) Any other officials, employees, and/or appointees of the County Government
- 31 whom the County Executive shall by Executive Order designate for filing and who are dependent

1 partly or wholly in their private interest by their association with the County Government, and in
 2 the course of their private duties and/or services utilize public equipment, supplies, property, or
 3 the influence of their public office.

4 (b) The following officials and employees shall file under oath or affirmation with the
 5 Board on or before the 30th day of April of each year during that person's term in office a copy
 6 of the financial disclosure statement which that person filed as required with the State Ethics
 7 Commission for the calendar year immediately preceding each such year in office. If the
 8 following officials and employees are not required to file financial disclosure statements with the
 9 State Ethics Commission, they shall file financial disclosure statements with the Board as
 10 required in Sections 2-294(c), (d), and (e):

11 (1) Director of the County Department of Social Services and deputies or chief
 12 assistants to the Director;

13 (2) County Health Officer and deputies or chief assistants to the Health Officer.

14 (c) (1) Each incumbent official and employee identified in Subsection (a), hereof, shall
 15 file under oath or affirmation with the Board on or before the 30th day of April of each year
 16 during that person's term in office, the statement required by this Section, for the calendar year
 17 immediately preceding each such year in office. An official or employee who has not filed the
 18 required statement and who is appointed to fill a vacancy to a position listed in Subsection (a),
 19 hereof, shall file a statement covering the preceding calendar year [in which he is appointed]
 20 within thirty (30) days after appointment. Any official or employee who is required to file a
 21 statement and who leaves office or employment for any reason, other than the official's or
 22 employee's death, shall file, within sixty (60) days of leaving office or employment, the
 23 statement required by this Section, for the calendar year immediately preceding, unless a
 24 statement has previously been filed for that year, and any portion of the current calendar year
 25 during which that official or employee held office or employment.

26 (2) Except for an official or employee who has filed a statement pursuant to
 27 paragraph (1), above, for the same year or portion of the same year for which a statement
 28 otherwise would be required to be filed by this Subsection, each candidate for nomination for, or
 29 election to, an office as an official or employee identified in Subsection (a), hereof, shall file
 30 under oath or affirmation with the Clerk [to] of the Council or Board of Election Supervisors,
 31 together with his certificate of candidacy, the statement required by this Section, [for the

1 calendar year immediately preceding. If the certificate of candidacy is filed before January 1 of
 2 the year in which the election is held, the candidate, on or before the last day for the withdrawal
 3 of candidacy, shall file under oath or affirmation a supplementary statement for the calendar year
 4 immediately preceding the election, and if he fails to do, after written notice of his obligation,
 5 given at least twenty (20) days before the last day for the withdrawal of candidacy, he shall be
 6 deemed to have withdrawn his candidacy.] each year beginning with the year in which the
 7 certificate of candidacy is filed through the year of the election. If a candidate fails to file a
 8 statement required by this Section after written notice is provided by the Clerk of the Council or
 9 Board of Election Supervisors at least twenty (20) days before the last day for withdrawal of
 10 candidacy, the candidate is deemed to have withdrawn the candidacy. The Clerk [to] of the
 11 Council or Board of Election Supervisors may not accept any certificate of nomination unless a
 12 statement in proper form has been filed. Within thirty (30) days of the receipt of a statement, the
 13 Board of Election Supervisors or the Clerk shall forward the statement or a copy thereof to the
 14 Board or an office designated by the Board.

15 (3) A candidate to be an elected official shall file a statement required under this
 16 Section:

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

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

21 (iii) In all other years for which a statement is required, on or before April 30.

22 (d) All statements filed pursuant to this Section shall be maintained as public records by
 23 the Board, or an office designated by the Board, and shall be made available, during normal
 24 office hours, for examination and copying by the public, subject, however, to such reasonable
 25 fees and administrative procedures as the Council or Board may establish from time to time. The
 26 forms shall be retained for four (4) years from the date of receipt. Any person examining or
 27 copying these statements shall be required to record his name, home address, and the name of the
 28 person whose disclosure statement was examined or copied. This record shall be forwarded
 29 within five business days to the person whose disclosure statement is so examined or copied.

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

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

3 (A) The nature of the property and the location by street address, mailing
4 address, or legal description of the property;

5 (B) The nature and extent of the interest held, including any conditions thereto
6 and encumbrances thereon;

7 (C) [As to interests acquired during the year for which the statement is filed,
8 t]The date when, the manner in which, and the identity of the person from whom the interest was
9 acquired;

10 (D) [As to interests acquired during the year for which the statement is filed,
11 t]The nature and amount of the consideration given in exchange for the interest or, if acquired
12 other than by purchase, the fair market value of the interest at the time acquired;

13 (E) With respect to any interest transferred, in whole or in part, at any time
14 during the year for which the statement is filed, a description of the interest transferred, the
15 nature and amount of the consideration received in exchange therefor, the identity of the person
16 to whom the interest was transferred, and the information set forth in subparagraphs (C) and (D)
17 of this paragraph; and

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

19 (2) Interests in Corporations and Partnerships. A schedule of all interests in any
20 corporation, partnership, limited liability partnership, or limited liability corporation, whether or
21 not the corporation does business with the County. This schedule, as to each such interest, shall
22 include:

23 (A) The name and address of the principal office of the corporation, partnership,
24 limited liability partnership, or limited liability corporation;

25 (B) The nature and amount of the interest held, including any conditions thereto
26 and encumbrances thereon, provided, however, that an amount of stock or like evidence of
27 equity interest, at the option of the person making the report, may be reported by the number of
28 shares held and, unless the corporation's stock is publicly traded on a stock exchange, in an over-
29 the-counter market, or otherwise, the percentage of equity interest so held, instead of by dollar
30 amount;

1 (C) With respect to any interest transferred, in whole or in part, at any time
 2 during the year for which the statement is filed, a description of the interest transferred, the
 3 nature and amount of the consideration received in exchange therefor and, if known, the identity
 4 of the person to whom the interest was transferred; and

5 (i) The date when, the manner in which, and the identity of the person
 6 from whom the interest was acquired; and

7 (ii) The nature and the amount of the consideration given in exchange for
 8 the interest or, if acquired other than by purchase, the fair market value of the interest at the time
 9 acquired.

10 (3) Interests in other business entities doing business with the County. A schedule of
 11 all interests in any other business entity not reported pursuant to Section 2-294(e)(2), above,
 12 which does business with the County. This schedule, as to each such interest, shall include:

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

14 (B) The nature and amount of the interest held, including any conditions thereto
 15 and encumbrances;

16 (C) With respect to any interest transferred, in whole or in part, at any time
 17 during the year for which the statement is filed, a description of the interest transferred, the
 18 nature and amount of the consideration received in exchange therefor and the identity of the
 19 person to whom the interest was transferred; and

20 (D) With respect to any interest acquired during the year for which the statement
 21 is filed:

22 (i) The date when, the manner in which, and the identity of the person
 23 from whom the interest was acquired; and

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

27 (4) Gifts. A schedule of each gift in excess of Twenty[-five] Dollars (\$[25.00] 20.00)
 28 in value or a series of gifts totalling One Hundred Dollars (\$100.00) or more from any one
 29 person received at any time during the year for which the statement is filed by the person making
 30 the statement, or by any other person at the direction of the person making the statement, from,
 31 or on behalf of, directly or indirectly, any person who does business with the County; provided,

1 however, that neither gifts received from the spouse, children, or parents of the person making
 2 the statement need be disclosed. This schedule, as to each such gift, shall include:

3 (A) The nature and value of the gift; and

4 (B) The identity of the person from whom, or on behalf of whom, directly or
 5 indirectly, the gift was received.

6 (5) Employment [by] with or interests in entities doing business with the County. A
 7 schedule of all offices, directorships, and salaried employment held by the person making the
 8 statement or his spouse or dependent child at any time during the year for which the statement is
 9 filed in any corporation or other business entity which does business with the County. This
 10 schedule, as to each such office, directorship or salaried employment, shall include:

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

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

14 (C) The name of each County agency with which the entity is involved as
 15 indicated by identifying one or more of the three categories of "doing business" set forth in
 16 Section 2-291(a)(4) of this Division.

17 (6) Indebtedness to persons doing business with the County. A schedule of all
 18 liabilities and indebtedness to any person doing business with the County which is ow[n]ed at
 19 any time during the year for which the statement is filed, excluding retail credit accounts, by the
 20 person making the statement, or which is owed by his spouse or dependent child if the person
 21 making the statement was involved in the transaction giving rise to the debt. This schedule, as to
 22 each such liability, shall include:

23 (A) The identity of the person to whom the liability was owed and the date it was
 24 incurred;

25 (B) The amount of the liability owed as of the end of the year for which the
 26 statement is filed;

27 (C) The terms of payment of the liability and the extent to which the principal
 28 amount of the liability was increased or reduced during the year; and

29 (D) The security given, if any, for the liability.

1 (7) List of family members employed by the County. A list identifying any spouse or
 2 dependent child of the person making the statement employed by the County in any capacity at
 3 any time during the year for which the statement is filed.

4 (8) Source of Earned Income.

5 (A) The name and address of each place of salaried employment and of each
 6 business entity of which the person or his spouse or dependent child was a sole or partial owner
 7 and from which the person, his spouse, or dependent child received earned income, at any time
 8 during the year for which the statement is filed.

9 (B) A minor child's employment or business ownership need not be disclosed if
 10 the agency that employs the person making the statement does not regulate, exercise authority
 11 over, or contract with the place of employment or business entity of the minor child.

12 (9) A schedule of all contributions, proceeds, and expenses associated with a
 13 testimonial for the person making the statement. The schedule shall also be submitted when the
 14 testimonial is for the person making the statement, but the contributions are made to any other
 15 person at the direction of the person making the statement.

16 (10) Additional information. Such additional interests or information as the person
 17 making the statement wishes to disclose.

18 (f) Interests Attributable to Person Making Statement. For the purposes of paragraphs (1),
 19 (2), and (3) of Subsection 2-294(e), and the disclosures therein required, the following shall be
 20 considered to be the interests of the person making the statement:

21 (1) Any interest held by the spouse or a dependent child of the person making the
 22 statement, if such interest was at any time during the year for which the statement is filed directly
 23 or indirectly controlled by the person making the statement;

24 (2) Any interest held by a business entity[,] in which [business entity] the person
 25 making the statement held a thirty percent (30%) or greater equity interest [was] at any time
 26 during the year for which the statement is filed [an interest of the person making the statement];

27 (3) Any interest held by a trust or an estate in which, at any time during the year for
 28 which the statement is filed, the person making the statement held a reversionary interest or was
 29 a beneficiary, or, if a revocable trust, with respect to which the person making the statement was
 30 a settlor. A trust, within the meaning of this Subsection, does not include a common trust fund
 31 or a trust which forms part of a pension or profit-sharing plan which has more than twenty-five

1 (25) participants and which has been determined by the Internal Revenue Service to be a
2 qualified trust under [Sections 401 and 501 of] the Internal Revenue Code [of 1954].

3 (g) The statements submitted pursuant to this Section shall be reviewed by the Board for
4 compliance with the provisions of this Section, and officials and employees shall be notified of
5 any omissions or deficiencies. The Board should seek the advice of the County Attorney, as
6 appropriate. Evidence of any noncompliance with this Section shall be acted upon by the Board
7 or referred to the Council for appropriate action to ensure compliance with this Section.

8 (h) The Board or, if appropriate, the Council may, after consultation with the County
9 Attorney, grant exemptions to or modifications of this Section as to officials or employees
10 serving as members of Prince George's County boards and commissions, where it finds that the
11 application of the Section would constitute an unreasonable invasion of privacy and would
12 significantly reduce the availability of qualified persons for public service and it also finds that
13 the exemption or modification would not be contrary to the purposes of this Division.

14 (i) The County Executive may, by Executive Order, require persons holding County
15 positions compensated in whole or in part by public funds and noncompensated County
16 appointees to disclose annually, as public records, such relevant information concerning their
17 financial affairs as he may deem necessary to promote the continued trust and confidence of the
18 people in the Executive Branch of the County government.

19 **Sec. 2-295. Lobbying Disclosure.**

20 (a) Except as provided in Subsections (l) and (m) of this Section, any person [who engages
21 in lobbying members of the County Council or] who engages in lobbying [members of the
22 County Council] as defined in Section [2-291(h)(2)] 2-291(a)(13) shall file a lobbying
23 registration with the Board on or before the beginning of the calendar year in which a person
24 expects to lobby or within five (5) days after engaging in lobbying activities, if this person,
25 during the calendar year, either:

26 (1) Expends (exclusive of personal travel and subsistence expenses) in excess of Two
27 Hundred Dollars (\$200.00) in furtherance of [directly lobbying members of the County Council]
28 this activity; or

29 (2) Is compensated in excess of One Thousand Dollars (\$1,000.00) in connection
30 with [directly lobbying members of the County Council] this activity; or

1 (3) Expends in excess of Two Thousand Dollars (\$2,000.00) engaging in activities
2 having the express purpose of soliciting others to communicate with [a County Council member]
3 an official with the intent to influence that official.

4 (b) Except as provided in Subsections (l) and (m) of this Section, any person who engages
5 in lobbying before any Prince George's County executive or legislative officer, agency, board, or
6 commission, and who, during the calendar year, expends in excess of Two Hundred Dollars
7 (\$200.00) on food, entertainment, or other gifts for any County official or employee (Executive
8 or Legislative) in connection with these activities, shall file a lobbying registration with the
9 Board on or before the beginning of the calendar year in which the person expects to lobby or
10 within five (5) days after engaging in lobbying activities. Any person exempt by paragraph (m)
11 shall file a short statement indicating that the person is exempt under Subsection (m). Any
12 person exempt by paragraph (l) may file a short statement indicating the exemption under
13 Subsection (l).

14 (c) The registration filed pursuant to Subsection (a) or (b) of this Section shall be dated
15 and on a form developed by the Board with the assistance of the County Attorney, and except for
16 the short statements indicating any exemption under Subsections (l) and (m) shall include the
17 following:

18 (1) The lobbyist's full and legal name and permanent address;

19 (2) The full and legal name and address, and nature of business of any person on
20 whose behalf the lobbyist acts, or, where the person is an association or corporation, the full
21 name and address of the association or corporation and the full name and address of the officer
22 who authorized the lobbyist to act;

23 (3) The written authorization of any person on whose behalf the lobbyist acts (if this
24 is a corporation, the authorization may be executed by any authorized officer or agent, who is not
25 the lobbyist);

26 (4) A statement of whether the person on whose behalf the lobbyist acts is exempt
27 from registration pursuant to Subsection (m) of this Section;

28 (5) The identification, by formal designation, if known, of matters on which the
29 lobbyist expects to act;

1 (6) Identification of the period of time (to be contained within a single calendar year)
 2 during which the lobbyist is authorized to engage in these activities, unless sooner terminated;
 3 and

4 (7) The full legal signature of the lobbyist and, when appropriate, the person on
 5 whose behalf he acts, or an agent or authorized officer thereof.

6 (d) A person who engages in lobbying on behalf of more than one person shall file a
 7 separate registration for each such person.

8 (e) A person who engages in lobbying may terminate his registration by written notice to
 9 the Board. Any reports outstanding under Subsection (c) of this Section must be submitted with
 10 this notification. Termination shall be effective thirty (30) days after receipt by the Board of this
 11 notice properly filed.

12 (f) No person may engage in lobbying activities on behalf of another person or entity for
 13 compensation, the payment of which is contingent upon the passage or defeat of any action by
 14 the Council or the outcome of any executive action.

15 (g) Each lobbyist shall file with the Board one report covering the period beginning
 16 January 1 through December 31 filed by January 31 of the following year. If the lobbyist is not
 17 an individual, an authorized officer or agent of the entity shall sign the form. A separate activity
 18 report shall be filed for each person on whose behalf he acts. The report shall include:

19 (1) A complete and current statement of the information required to be supplied
 20 pursuant to Subsection (c) of this Section.

21 (2) Total expenditures on lobbying activities in each of the following categories:

22 (A) Total compensation paid to the lobbyist, not including expenses reported
 23 under subparagraphs (B) through (I), below[.]. Total compensation includes salaries,
 24 compensation, or reimbursed expenses for the staff of the lobbyist;

25 (B) Office expenses of the lobbyist not reported in subparagraph (A), above;

26 (C) Professional and technical research and assistance not reported in
 27 subparagraph (A), above;

28 (D) Publications which expressly encourage persons to communicate with Prince
 29 George's County officials or employees;

30 (E) Names of witnesses, and the fees and expenses paid to each;

1 (F) Meals and beverages for Prince George's County officials or employees or
 2 their spouses or dependent children;

3 (G) Special events, including parties, dinners, athletic events, entertainment, and
 4 other functions to which [all members of the Council or a standing committee thereof] officials
 5 or employees are invited;

6 (H) Reasonable [E]xpenses for food, lodging, and scheduled entertainment of
 7 officials or employees for a meeting which is given in return for participation in a panel or
 8 speaking engagement at the meeting;

9 (I) Other gifts to or for officials or employees or their spouses or dependent
 10 children; and

11 (J) Other expenses.

12 (3) Except for gifts reported in subparagraphs (2)(G) and (H), above, the name of
 13 each official or employee or his spouse or dependent child who has benefited from gifts from the
 14 lobbyist with a cumulative value of Seventy-five Dollars (\$75.00), or more, during the period
 15 covered by the report whether or not given in connection with the lobbyist's lobbying activities.
 16 When the Seventy-five Dollars (\$75.00) cumulative value is met or exceeded, all succeeding
 17 gifts shall also be itemized by date, beneficiary, amount or value, and nature of the gift.

18 Expenses reported in subparagraphs (2)(G) and (H), above, shall be itemized as to date, location,
 19 and expense of the event, but allocation to individual officials or employees need not be listed.

20 (h) (1) If any report filed under Subsection (g) contains the name of an official or
 21 employee or his spouse or dependent child as required under paragraph (3), thereof, the Board
 22 shall notify the official or employee within thirty (30) days. The Board shall keep the report
 23 confidential for sixty (60) days following the receipt of it.

24 (2) Following notification of the inclusion of his name or that of his spouse or
 25 dependent child, in a report filed by a lobbyist, an official or employee shall have thirty (30) days
 26 to file a written exception to the inclusion of his name or that of his spouse or dependent child.

27 (i) The Board may require submission of such other reports as it deems necessary.

28 (j) All registrations and reports filed pursuant to this Section shall be maintained by the
 29 Board, or an office designated by it, and shall be made available during normal office hours, for
 30 examination and copying by the public, subject, however, to such reasonable fees and

1 administrative procedures as may be established by the Council or by the Board. The forms shall
2 be retained for four (4) years from the date of receipt.

3 (k) The registration and reports filed pursuant to this Section shall be reviewed by the
4 Board for compliance with the provisions of this Section, and persons engaging in lobbying
5 activities shall be notified of any omissions or deficiencies. The Board shall seek the advice of
6 the County Attorney, as appropriate. Evidence of noncompliance with this Section shall be acted
7 upon by the Board or referred to the Council or the State's Attorney for appropriate action.

8 (l) Exemption. The provisions of this Section do not apply to the following acts:

9 (1) Professional services in drafting bills or in advising and rendering opinions to
10 clients as to the construction and effect of proposed or pending Council actions when these
11 services do not otherwise constitute lobbying activities;

12 (2) Appearances before the Council upon its specific invitation or request but only if
13 the person engages in no further or other activities in connection with the passage or defeat of
14 Council actions;

15 (3) Appearances as part of the official duties of a duly elected or appointed official or
16 employee of the State or a political subdivision of the State, or of the United States, and not [in]
17 on behalf of any other entity;

18 (4) Actions of a publisher or working member of the press, radio, or television in the
19 ordinary course of the business of disseminating news or making editorial comment to the
20 general public who does not, however, engage in further or other lobbying that would directly
21 and specifically benefit the economic, business, or professional interests of himself or his
22 employer;

23 (5) Appearances by an individual before the Council at the specific invitation or
24 request of a registered lobbyist, provided no other lobbying act is undertaken, and provided the
25 witness identifies himself to the Council as testifying at the request of the lobbyist;

26 (6) The representation of a bona fide religious organization solely for the purpose of
27 protecting the right of its own members to practice the doctrine of the organization;

28 (7) Appearances as part of the official duties of an officer, director, member, or
29 employee of an association engaged exclusively in lobbying for counties or municipalities and
30 not [in] on behalf of any other entity[.];

1 (8) Appearances before a County agency upon the specific invitation or request of the
 2 agency if the person or entity engages in no further or other activities in connection with the
 3 passage or defeat of any agency executive action; and

4 (9) Appearances by an individual before a County agency at the specific invitation or
 5 request of a registered lobbyist if the person or entity performs no other lobbying act and notifies
 6 the agency that the person or entity is testifying at the request of the lobbyist.

7 (m) Limited exemption. A person who would otherwise be required to file a registration
 8 and submit reports pursuant to Subsections (a), (b), and (g), above, is not required to file if he
 9 reasonably believes that all expenses incurred in connection with his lobbying activities will be
 10 reported pursuant to Subsection (g) by a properly registered person acting on his behalf. The
 11 authorization required by Subsection (c), above, shall be completed by these individuals as to
 12 persons acting on their behalf. Persons exempted herein, however, become subject to the
 13 provisions of this Section immediately, upon failure of the registrant to report any information
 14 required by this Section.

15 (n) The Board shall compute and make available a subtotal under each of the ten (10)
 16 required categories in paragraph (g)(2) of this Section, and a subtotal representing the combined
 17 total of paragraph (g)(2), subparagraphs (G), (H), and (I) of paragraph (g)(2). The Board also
 18 shall compute and make available the total amount reported by all lobbyists for their lobbying
 19 activities during the reporting period.

20 **Sec. 2-296. Ex Parte Communication.**

21 An official shall not consider any ex parte or private communication from any person,
 22 whether oral or written, which the official knows or should know may be intended to influence
 23 the decision on the merits of any matter where a determination or decision by the official is
 24 required by law to be made upon facts established by a record of testimony. Any such ex parte
 25 or private communication received by the official shall be made a public record by the official
 26 and filed in the matter in question, and if made orally, shall be written down in substance for this
 27 purpose by the official, made a public record and filed in the matter in question. A
 28 communication to the Clerk of the County Council, Board of Appeals or similar agency,
 29 concerning the status or procedures of a pending matter shall not be considered an ex parte or
 30 private communication. This Section shall not apply to legal advice rendered by the Office of

1 Law and shall not apply to technical advice or explanation rendered by or at the request of the
2 appropriate official of the County.

3 **Sec. 2-297. Enforcement.**

4 (a) (1) Upon a finding of a violation of any provision of this Division, the Board may:

5 (A) Issue an order of compliance directing the respondent to cease and desist
6 from the violation;

7 (B) Issue a reprimand; or

8 (C) Recommend to the appropriate authority other appropriate discipline of the
9 respondent, including censure or removal if that discipline is authorized by law.

10 (2) If the Board finds that a respondent has violated Section 2-295 of this Division,
11 the Board may:

12 (A) Require a respondent who is a registered lobbyist to file any additional
13 reports or information that is reasonably related to the information that is required under Section
14 2-295 of this Division;

15 (B) Impose a fine not exceeding One Thousand Dollars (\$1,000) for each
16 violation; and

17 (C) Suspend the registration of an individual registered lobbyist if the Board
18 finds that the lobbyist has knowingly and willfully violated Section 2-295 of this Division or has
19 been convicted of a criminal offense arising from lobbying activities.

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

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

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

1 (3) Impose a fine of up to One Thousand Dollars (\$1,000) for any violation of the
2 provisions of this Division, each day upon which the violation occurs constituting a separate
3 offense.

4 [(b)] (c) Any person who knowingly and willfully violates the provisions of Section 2-295
5 of this Division is guilty of a misdemeanor, and upon conviction, is subject to a fine of not more
6 than One Thousand Dollars (\$1,000) or imprisonment for not more than six (6) months, or both.
7 If the person is a business entity and not a natural person, each officer and partner of the business
8 entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and,
9 upon conviction, is subject to the same penalties as the business entity.

10 [(c)] (d) In addition to any other enforcement provisions of this Division, a person who is
11 subject to the provisions of this Division and who is found by the Board, Council, or a court to
12 have violated its provisions may be subject to termination or such other disciplinary action as
13 may be warranted, or may be suspended from receiving payment of salary or other compensation
14 pending full compliance with the terms of an order of the Board, Council, or a court.

15 [(d)] (e) Any person who is subject to the provisions of this Division shall obtain and
16 preserve all accounts, bills, receipts, books, papers, and documents necessary to complete and
17 substantiate any reports, statements, or records required to be made pursuant to this Division for
18 three (3) years from the date of filing the report, statement, or record containing these items.
19 These papers and documents shall be available for inspection upon request by the Board or the
20 Council after reasonable notice.

21 **Sec. 2-298. through Sec. 2-313. Reserved.**

22 * * * * *

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

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

Adopted this ____ day of _____, 2011.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ingrid M. Turner
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.

* * * * *