

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2022 Legislative Session

Bill No. CB-095-2022

Chapter No. 79

Proposed and Presented by Council Chair (by request—County Executive)

Introduced by Council Members Hawkins, Turner Streeter, Ivey, Dernoga, Burroughs,
Medlock, Glaros, Harrison and Taveras

Co-Sponsors _____

Date of Introduction September 27, 2022

BILL

1 AN ACT concerning

2 CODE OF ETHICS

3 For the purpose of complying with newly adopted changes to the State Ethics Law that include
4 new definitions, prohibited gifts, certain disclosures, prohibiting retaliation and generally
5 conforming with state requirements pass by the Maryland General Assembly.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 2. ADMINISTRATION.

8 Sections 2-291, 2-293 and 2-294,

9 The Prince George's County Code

10 (2019 Edition; 2021 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Sections 2-291, 2-293 AND 2-294 of the Prince George's County Code be and the
13 same are hereby added with the following amendments:

14 SUBTITLE 2. ADMINISTRATION.

15 DIVISION 2. COUNTY EXECUTIVE.

16 **Sec. 2-291. - Definitions.**

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

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

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

6 * * * * *

7 (12) **Quasi-governmental agency** means an entity that is created by State statute that
8 performs a public function, and that is supported in whole or in part by the State
9 but is managed privately.

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

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

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

16 * * * * *

17 (d) Solicitation or Acceptance of Gifts.

- 18 (1) An official or employee may not solicit any gift.
- 19 (2) An official or employee may not directly solicit or facilitate the solicitation of a
20 gift, on behalf of another person, from an individual regulated lobbyist.
- 21 (3) No official or employee may knowingly accept any gift, directly or indirectly, from
22 any person that he knows or has reason to know:
 - 23 (A) Is doing business with or seeking to do business with the Council, as to
24 members thereof, or, as to other officials or employees, with their office,
25 agency, board, or commission;
 - 26 (B) Has financial interests that may be substantially and materially affected,
27 in a manner distinguishable from the public generally, by the performance or
28 nonperformance of his official duty; or
 - 29 (C) Is engaged in an activity regulated or controlled by the official's or
30 employee's governmental unit; or
 - 31 (D) Is a lobbyist with respect to matters within the jurisdiction of the official

or employee[.]; or

(E) Is an association or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

* * * * *

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

* * * * *

(j) An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

Sec. 2-294. – Financial Disclosure.

(a) The following elected officials, 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:

- (1) Members of the County Council;
- (2) County Executive;

* * * * *

- (34) Members of the Police Accountability Board; and
- (35) Members of the Administrative Charging Committee.

[(34)] (36) Any other officials, employees, and/or appointees of the County Government whom the County Executive shall by Executive Order designate for filing and who are directly responsible for making governmental decisions, policy or taking governmental action pursuant to any such decision or policy or recommending any such decision, policy or action with regard to:

- (A) Procurement or contracting;
- (B) Administering or monitoring grants or subsidies;
- (C) Planning and zoning;
- (D) Inspecting, licensing, regulating, or auditing any nongovernmental enterprise;

and

1 (E) Other activities where the decision, action or policy might have significant
 2 economic impact on the interests of any nongovernmental enterprise;
 3 [(35)] (37) Any other officials, employees, and/or appointees of the County
 4 Government whom the County Executive shall by Executive Order
 5 designate for filing and who are dependent partly or wholly in their private
 6 interest by their association with the County Government, and in the course
 7 of their private duties and/or services utilize public equipment, supplies,
 8 property, or the influence of their public office.

9 * * * * *

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

19 (1) The Board may not provide public access to a portion of a statement that is filed
 20 after January 1, 2019, that includes a person's home address, if the person has
 21 identified it as their home address.

22 (2) The Board shall not provide public access to information related to consideration
 23 received from:

- 24 (A) The University of Maryland Medical System;
- 25 (B) A governmental entity of the State or local government in the State; or
- 26 (C) A quasi-governmental entity of the State or local government in the
 27 State.

28 * * * * *

29 (8) Source of Earned Income.
 30 (A) The name and address of each place of salaried employment and of each
 31 business entity of which the person or his spouse or dependent child was a

1 sole or partial owner and from which the person, his spouse, or dependent
2 child received earned income, at any time during the year for which the
3 statement is filed.

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

8 (C) For a statement filed on or after January 1, 2019, if a spouse is a regulated
9 lobbyist, must disclose the entities that has engaged the spouse to lobby on
10 its behalf.

11 (D) Relationship with University of Maryland Medical System, State or Local
12 Government, or Quasi-Governmental Entity.

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

16 (1) The University of Maryland Medical System;

17 (2) A governmental entity of the State or a local government in the
18 State; or

19 (3) A quasi-governmental entity of the State or local government in the
20 State.

21 (b) For each financial or contractual relationship reported, the schedule
22 shall include:

23 (1) A description of the relationship;

24 (2) The subject matter of the relationship; and

25 (3) The consideration.

26 * * * * *

27 (e) All statements filed pursuant to this Section shall be on a form developed by the Board with
28 the assistance of the Office of Ethics and Accountability, and shall disclose the following
29 interests, if known:

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

1 [(10)] 11 Additional information. Such additional interests or information as the person
2 making the statement wishes to disclose.

3 * * * * *

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

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

10 (1) Any interest held by a business entity in which the person making the statement
11 held a thirty percent (30%) or greater equity interest any time during the year for
12 which the statement is filed;

13 (2) Any interest held by a trust or an estate in which, at any time during the year for
14 which the statement is filed, the person making the statement held a reversionary
15 interest or was a beneficiary, or, if a revocable trust, with respect to which the
16 person making the statement was a settlor. A trust, within the meaning of this
17 Subsection, does not include a common trust fund or a trust which forms part of a
18 pension or profit-sharing plan which has more than twenty-five (25) participants
19 and which has been determined by the Internal Revenue Service to be a qualified
20 trust under the Internal Revenue Code.]

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

24 (2) An interest held, at any time during the applicable period, by:

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

26 (B) A business entity described in section (i) of this subsection in which the
27 business entity held a 25% or greater interest;

28 (C) A business entity described in section (ii) of this subsection in which the
29 business entity held a 50% or greater interest; and

30 (D) A business entity in which the individual directly or indirectly, through an
31 interest in one or a combination of other business entities, holds a 10% or

1 greater interest.

2 (3) An interest held by a trust or an estate in which, at any time during the reporting
3 period;

4 (A) The individual held a revisionary interest or was a beneficiary; or

5 (B) If a revocable trust, the individual was a settlor.

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

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

Adopted this 24th day of October, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Angela D. Alsobrooks
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.

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