

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2014 Legislative Session

Bill No. CB-84-2014
 Chapter No. 75
 Proposed and Presented by The Chairman (by request – County Executive)
 Introduced by Council Member Turner
 Co-Sponsors _____
 Date of Introduction October 21, 2014

BILL

1 AN ACT concerning

2 Code of Ethics

3 For the purpose of amending the Code of Ethics in order to conform to State law, changing
 4 certain responsibilities to the Office of Ethics and Accountability, and changing the Board of
 5 Ethics reporting period.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 2. ADMINISTRATION.

8 Sections 2-292, 2-293, 2-294 and 2-295

9 The Prince George's County Code

10 (2011 Edition; 2013 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Sections 2-292, 2-293, 2-294 and 2-295 of the Prince George's County Code be
 13 and the same are hereby repealed and reenacted with the following amendments:

14 SUBTITLE 2. ADMINISTRATION.

15 DIVISION 17. CODE OF ETHICS.

16 Sec. 2-292. Administration.

17 * * * * *

18 (4) The Board shall be assisted in carrying out its responsibilities by the [County
 19 Attorney] Office of Ethics and Accountability. If a conflict of interest under Section 2-293 of
 20 this Division or other conflict prohibits the County Attorney or the Office of Ethics and
 21 Accountability from assisting the Board in a matter, the County shall provide sufficient funds for

1 the Board to hire independent counsel for the duration of the conflict.

2 * * * * *

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

10 * * * * *

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

14 * * * * *

15 (i) Any person may file with the Board a complaint alleging a violation of any of the
 16 provisions of this Division. These complaints shall be written and under oath and may be
 17 referred to the [County Attorney] Office of Ethics and Accountability or other legal counsel, if
 18 appropriate, for investigation and review. If, after receiving an investigative report, the Board
 19 determines that there are insufficient facts upon which to base a determination of a violation, it
 20 may dismiss the complaint. If there is a reasonable basis for believing a violation has occurred,
 21 then the subject of the complaint shall be afforded an opportunity for a hearing conducted in
 22 accordance with the Board's applicable rules of procedure for actions taken on the record. Any
 23 final determination resulting from the hearing shall include findings of fact and conclusions of
 24 law. Upon a finding of a violation, the Board may take any enforcement action provided for in
 25 accordance with Section 2-297 of this Division. Notwithstanding any other provision of law to
 26 the contrary, following the filing of a complaint, and unless and until the matter is referred for
 27 prosecution or a finding of a violation has been made, the proceedings, meetings, and activities
 28 of the Board and its staff in connection with the complaint shall be conducted in a confidential
 29 manner. Failure of the Board or its staff to maintain the confidentiality of information acquired
 30 in connection with the complaint shall be a misdemeanor subject to the penalty set forth in
 31 Section 1-123 of this Code. A finding of a violation is public information. The Board may adopt

1 additional policies and procedures related to complaints, complaint hearings, the use of
2 independent investigators and staff, and cure and settlement agreements.

3 * * * * *

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

5 * * * * *

6 (h) Exemptions and Waivers. The Board or, if appropriate, the Council, may, after
7 consultation with the [County Attorney] Office of Ethics and Accountability, grant exemptions
8 to or modifications of this Section as to officials or employees serving as members of Prince
9 George's County Boards and Commissions, when it finds that the application of this Section
10 would constitute an unreasonable invasion of privacy and would significantly reduce the
11 availability of qualified persons for public service and if it also finds that the exemption of
12 modification would not be contrary to the purposes of this Division. The Board or, if
13 appropriate, the Council, may grant exceptions or modifications in accordance with this Section
14 either on an individual basis, or, if appropriate, by general resolution.

15 * * * * *

16 **Sec. 2-294. Financial Disclosure.**

17 * * * * *

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

21 * * * * *

22 (g) The statements submitted pursuant to this Section shall be reviewed by the Board for
23 compliance with the provisions of this Section, and officials and employees shall be notified of
24 any omissions or deficiencies. The Board should seek the advice of the [County Attorney]
25 Office of Ethics and Accountability, as appropriate. Evidence of any noncompliance with this
26 Section shall be acted upon by the Board or referred to the Council for appropriate action to
27 ensure compliance with this Section.

28 (h) The Board or, if appropriate, the Council may, after consultation with the [County
29 Attorney] Office of Ethics and Accountability, grant exemptions to or modifications of this
30 Section as to officials or employees serving as members of Prince George's County boards and
31 commissions, where it finds that the application of the Section would constitute an unreasonable

1 invasion of privacy and would significantly reduce the availability of qualified persons for public
 2 service and it also finds that the exemption or modification would not be contrary to the purposes
 3 of this Division.

4 * * * * *

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

6 (a) Except as provided in Subsections (l) and (m) of this Section, any person who engages
 7 in lobbying as defined in Section 2-291(a)[(12)] (9) shall file and certify, under oath or
 8 affirmation, a lobbying registration with the Board on or before the beginning of the calendar
 9 year in which a person expects to lobby or within five (5) days after engaging in lobbying
 10 activities, if this person, during the calendar year, either:

11 * * * * *

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

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

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

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

24 [(4)] (3) A statement of whether the person on whose behalf the lobbyist acts is
 25 exempt from registration pursuant to Subsection (m) of this Section;

26 [(5)] (4) The identification, by formal designation, if known, of matters on which the
 27 lobbyist expects to act;

28 [(6)] (5) Identification of the period of time (to be contained within a single calendar
 29 year) during which the lobbyist is authorized to engage in these activities, unless sooner
 30 terminated; and

31 [(7)] (6) The full legal signature of the lobbyist and, when appropriate, the person on

1 whose behalf he acts, or an agent or authorized officer thereof.

2 * * * * *

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] Office of Ethics and Accountability, as appropriate. Evidence of
 7 noncompliance with this Section shall be acted upon by the Board or referred to the Council or
 8 the State's Attorney for appropriate action.

9 * * * * *

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

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

Adopted this 19th day of November , 2014.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

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.