

Chapter 43. Ethics, Code of

Section 1. Short title.

EXHIBIT A

This chapter may be cited as the Town of Bel Air Code of Ethics.

Section 2. Statement of purpose and policy.

(a) The Town of Bel Air, recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

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

(c) For the purpose of guarding against improper influence, the Bel Air Board of Town Commissioners enacts this Code of Ethics to require Town of Bel Air elected officials, officials, employees, and individuals appointed to boards and commissions to disclose their financial affairs and to set minimum standards for the conduct of local government business.

(d) It is the intention of the Bel Air Board of Town Commissioners that this chapter, except its provisions for criminal sanctions, be liberally construed to accomplish this purpose.

Section 3. Definitions.

In this chapter, the following terms have the meanings indicated.

(a) (1) "Business entity" means a corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.

(2) Business entity does not include a governmental entity.

(b) "Board" means the Town of Bel Air Board of Ethics established under §4(a) of this chapter.

(c) (1) "Compensation" means any money or thing of value, regardless of form, received or to be received by any individual covered by this chapter from an employer for service rendered.

(2) For the purposes of §8 of this chapter, if lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.

(c-1) "Designated second home" means:

(1) If an individual owns one second home, the individual's second home; or

(2) If an individual owns more than one second home, any one second home the individual identifies to the Board as the individual's designated second home.

(d) "Doing business with" means:

(1) Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$5,000 or more of Town of Bel Air controlled funds;

(2) Being regulated by or otherwise subject to the authority of the Town of Bel Air; or

- (3) Being registered as a lobbyist under §8 of this chapter.
- (e) (1) "Elected official" means any individual who holds an elective office of the Town of Bel Air.
- (2) "Elected official" does not include the Sheriff, State's Attorney, Register of Wills, or Clerk of the Court.
- (f) (1) "Employee" means an individual who is employed by the Town of Bel Air.
- (2) "Employee" does not include an elected local official.
- (3) "Employee" does not include an employee of:
- (i) The offices of the Sheriff, State's Attorney, Register of Wills, or Clerk of the Court;
 - (ii) The County Health Department; or
 - (iii) The County Department of Social Services.
- (g) "Financial interest" means:
- (1) Ownership of any interest as the result of which the owner has received, within the past 3 years, or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or
- (2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity by a Town of Bel Air official or employee, or the spouse of an official or employee.
- (h) (1) "Gift" means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.
- (2) "Gift" does not include a contribution as defined in Election Law Article, Annotated Code of Maryland.
- (h-1) "Home address" means the address of an individual's:
- (1) Principal home; and
 - (2) Designated second home, if any.
- (i) "Immediate family" means a spouse and dependent children.
- (j) (1) "Interest" means a legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.
- (2) For purposes of §6 of this chapter, "interest" includes any interest held at any time during the reporting period.
- (3) "Interest" does not include:
- (i) An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
 - (ii) An interest in a time or demand deposit in a financial institution;
 - (iii) An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 - (iv) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
 - (v) A college savings plan under the Internal Revenue Code; or
 - (vi) A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.
- (k) "Lobbyist" means a person required to register and report expenses related to lobbying under §8 of this chapter.
- (l) "Lobbying" means:

(1) Communicating in the presence of a Town of Bel Air official or employee with the intent to influence any official action of that official or employee; or

(2) Engaging in activities with the express purpose of soliciting others to communicate with a Town of Bel Air official or employee with the intent to influence that official or employee.

(m) "Official" means an elected official, an employee of the Town of Bel Air, or a person appointed to or employed by the Town of Bel Air or any Town of Bel Air agency, board, commission, or similar entity:

(1) Whether or not paid in whole or in part with Town of Bel Air funds; and

(2) Whether or not compensated.

(n) "Person" includes an individual or business entity.

(n-1) "Principal home" means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

(o) "Qualified relative" means a spouse, parent, child, brother, or sister.

(p) "Quasi-governmental entity" means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.

(q) "Second home" means a residential property that:

(1) An individual occupies for some portion of the filing year; and

(2) Is not a rental property or a time share.

Section 4. Administration.

(a) (1) There is a Town of Bel Air Board of Ethics that consists of five Town of Bel Air residents, not less than twenty-one (21) years of age, appointed by the Bel Air Board of Town Commissioners.

(2) The Board members shall serve four year overlapping terms.

(3) A Board member may serve until a successor is appointed and qualifies.

(b) (1) The Board shall elect a chairman from among its members.

(2) The term of the chairman is one year.

(3) The chairman may be reelected.

(c) (1) The Town Attorney shall assist and advise the Board in carrying out the Board's duties.

(2) If a conflict of interest under §5 of this chapter or other conflict prohibits the Town Attorney from assisting the Board in a matter, the Town of Bel Air shall, at the discretion of the Town Administrator, hire independent counsel for the duration of the conflict.

(d) The Board is the advisory body responsible for interpreting this chapter and advising persons subject to this chapter regarding its application.

(e) The Board shall hear and decide, with the advice of the Town Attorney or other legal counsel if appropriate, all complaints filed regarding alleged violations of this chapter by any person.

(f) The Board or an office designated by the Board shall retain as a public record, except as otherwise provided herein, all forms submitted by any person under this chapter for at least four years after receipt by the Board.

(g) The Board shall conduct a public information and education program regarding the purpose and implementation of this chapter.

(h) The Board shall certify to the State Ethics Commission on or before October 1 of each year that the Town of Bel Air is in compliance with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, for

elected local officials.

(i) The Board shall:

(1) Determine if changes to this chapter are required to be in compliance with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland; and

(2) Shall forward any recommended changes and amendments to the Bel Air Board of Town Commissioners for enactment.

Add - 4(i)(3) Be empowered to issue subpoenas in furtherance of the Board's investigative and adjudicatory functions set forth herein. All requests for subpoenas must be made, in writing, to the Town Attorney and Town Clerk and be signed by the Chairperson. The Chairperson shall have the discretion to approve or deny any request for a subpoena. Service of subpoenas shall be conducted pursuant to the Maryland Rules and all attorney's fees and costs associated with service of, enforcement of or defense of any subpoena shall be borne by the requestor.

(j) (1) Any person subject to this chapter may request an advisory opinion from the Board concerning the application of this chapter.

(2) The Board shall respond promptly to a request for an advisory opinion and shall provide interpretations of this chapter based on the facts provided or reasonably available to the Board within 60 days of the request or reasonably extend beyond 60 days by sending a written notice of extension to the person requesting an advisory opinion.

(3) In accordance with all applicable State and Town laws regarding public records, the Board shall publish or otherwise make available to the public, copies of its advisory opinions, with the identities of the subjects deleted.

(4) The Board may adopt additional policies and procedures related to the advisory opinion request process.

(k) (1) Any person may file a complaint with the Board alleging a violation of any of the provisions of this chapter.

(2) A complaint shall be in writing and under oath.

(3) The Board may refer a complaint to the Town Attorney, or other legal counsel if appropriate, for investigation and review.

(4) The Board may dismiss a complaint if, after receiving an investigative report, the Board determines that there are insufficient facts upon which to base a determination of a violation.

(5) If there is a reasonable basis for believing a violation has occurred, the subject of the complaint shall be given an opportunity for a hearing conducted in accordance with the Board's rules of procedure.

(6) A final determination of a violation resulting from the hearing shall include findings of fact and conclusions of law.

(7) Upon a finding of a violation, the Board may take any enforcement action provided for in §9 of this chapter.

(8)(i) After a complaint is filed and until a final finding of a violation by the Board, all actions regarding a complaint are confidential.

(ii) A finding of a violation is public information.

(9) The Board may adopt additional policies and procedures related to complaints, complaint hearings, the use of independent investigators and staff, the use of witness and document subpoenas, and cure and settlement agreements.

(l) The Board may grant exemptions to or modifications of the conflict of interest and financial disclosure provisions of this chapter to officials or employees serving as members of Town boards, committees, and commissions, when the Board finds that the exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:

(1) Constitute an unreasonable invasion of privacy; and

(2) Significantly reduce the availability of qualified persons for public service.

(m) The Board may:

(1) Assess a late fee of \$5 per day up to a maximum of \$500 for a failure to timely file a financial disclosure statement required under §6 or 7 of this chapter; and

(2) Assess a late fee of \$10 per day up to a maximum of \$1,000 for a failure to file a timely lobbyist registration or lobbyist report required under §8 of this chapter.

Section 5. Prohibited conduct and interests.

(a) Participation prohibitions.

(1) Except as permitted by Board regulation or opinion, an official or employee may not participate in:

(i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest.

(ii) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

(A) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

(B) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

(C) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;

(D) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

(E) An entity, doing business with the Town of Bel Air, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

(F) A business entity that:

1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(2) A person who **may be** disqualified from participating under paragraph (1) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

(i) The disqualification leaves a body with less than a quorum capable of acting;

(ii) The disqualified official or employee is required by law to act; or

(iii) The disqualified official or employee is the only person authorized to act.

(3) The prohibitions of paragraph 1 of this subsection do not apply if participation is allowed by regulation or opinion of the Board.

(4) A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(b) Employment and financial interest restrictions.

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

(i) Be employed by or have a financial interest in any entity:

(A) Subject to the authority of the official or employee or the Town of Bel Air agency, board, or commission with which the official or employee is affiliated; or

(B) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

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

(2) The prohibitions of paragraph (1) of this subsection do not apply to:

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

(ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Board of Ethics;

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

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

(c) Post-employment limitations and restrictions.

(1) A former official or employee may not assist or represent any party other than the Town of Bel Air for compensation in a case, contract, or other specific matter involving the Town of Bel Air if that matter is one in which the former official or employee significantly participated as an official or employee.

(2) A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.

(d) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town of Bel Air.

(e) Use of prestige of office.

(1) (i) An official or employee may not intentionally use the prestige of office or public position:

(a) For the private gain of that official or employee or the private gain of another; or

(b) To influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.

(ii) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

(2) This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.

(3) (i) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Elections Code.

(ii) An elected official may not use public resources to solicit a contribution as that term is defined in the Elections Code.

(f) Solicitation and acceptance of gifts.

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

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

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has reason to know:

(i) Is doing business with or seeking to do business with the Town of Bel Air office, agency, board, or commission with which the official or employee is affiliated;

(ii) Has financial **or legal** interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

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

(iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee; or

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

(4) (i) This paragraph does not apply to a gift:

(A) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(B) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

(C) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

(ii) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

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

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

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

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

(E) Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(F) A specific gift or class of gifts that the Board exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the Town of Bel Air and that the gift is purely personal and private in nature;

(G) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(H) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the official's or employee's official position.

(g) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or **former official or employee** may not disclose or use confidential information, that the official or employee acquired by reason of the individual's public position or **former public position** and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(h) 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~~

Insert instead of strikethrough above: "this Chapter 43 of the Town of Bel Air, Maryland Code"

Section 6. Financial disclosure — elected officials, officials, and employees.

(a) This section applies to all elected officials, all candidates to be elected officials, and the following Town of Bel Air employees:

Town Administrator

All Department Heads

All Deputy Department Heads

All Information Technology personnel

Armory/Events Manager

Financial Officers

All Planners

Chief of Operations

Assistant Chief of Operations

Facilities Manager

Shop Supervisor

Sanitation Supervisor

(b) Except as provided in subsection (d) of this section, an elected official, employee, or candidate to be an elected official shall file the financial disclosure statement required under this subsection:

- (1) On a form provided by the Board;
- (2) Under oath or affirmation; and
- (3) With the Board.

(c) Deadlines for filing statements.

(1) An incumbent official or employee shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(2) An official or employee who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

(3) (i) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.

(ii) The statement shall cover:

(A) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

(B) The portion of the current calendar year during which the individual held the office.

(d) Candidates to be elected officials.

(1) Except for an official or employee who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

(2) A candidate to be an elected official shall file a statement required under this section:

- (i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
- (ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
- (iii) In all other years for which a statement is required, on or before April 30.

(3) A candidate to be an elected official:

(i) May file the statement required under §6(d)(2)(i) of this chapter with the Town Clerk or Town of Bel Air Board of Election Judges with the certificate of candidacy or with the Board of Ethics prior to filing the certificate of candidacy; and

(ii) Shall file the statements required under §6(d)(2)(ii) and (iii) of this chapter with the Board.

(4) If a statement required by a candidate is overdue and not filed within 8 days after written notice of the failure to file is

provided by the Town Clerk or Board of Election Judges, the candidate is deemed to have withdrawn the candidacy.

(5) The Town Clerk or Board of Election Judges may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.

(6) Within 30 days of the receipt of a statement required under this section, the Town Clerk or Board of Election Judges shall forward the statement to the Board, or an office designated by the Board.

(e) Public record.

(1) The Board or office designated by the Board shall maintain all financial disclosure statements filed under this section.

(2) The Board or office designated by the Board shall make financial disclosure statements available during normal office hours for examination and copying by the public, subject to reasonable fees and administrative procedures established by the Board.

(3) If an individual examines or copies a financial disclosure statement, the Board or the office designated by the Board shall record:

(i) The name and home address of the individual reviewing or copying the statement; and

(ii) The name of the person whose financial disclosure statement was examined or copied.

(4) Upon request by the individual whose financial disclosure statement was examined or copied, the Board or the office designated by the Board shall provide the official or employee with a copy of the name and home address of the person who reviewed the official's or employee's financial disclosure statement.

(5) For statements filed after January 1, 2019, the Board or the office designated by the Board may not provide public access to an individual's home address that the individual has designated as the individual's home address.

(6) The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:

(i) The University of Maryland Medical System;

(ii) A governmental entity of the State or a local government in the State; or

(iii) A quasi-governmental entity of the State or local government in the State.

(f) Retention requirements. The Board or the office designated by the Board shall retain financial disclosure statements for four years from the date of receipt.

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

(h) Contents of statement.

(1) Interests in real property.

(i) A statement filed under this section shall include a schedule of all interests in real property wherever located.

(ii) For each interest in real property, the schedule shall include:

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

(B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

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

(D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

(E) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

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

(2) Interests in corporations and partnerships.

(i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the Town of Bel Air.

(ii) For each interest reported under this paragraph, the schedule shall include:

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

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

(C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(iii) An individual may satisfy the requirement to report the amount of the interest held under item (ii)(B) of this paragraph by reporting, instead of a dollar amount:

(A) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

(B) For an equity interest in a partnership, the percentage of equity interest held.

(3) Interests in business entities doing business with the Town of Bel Air.

(i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the Town of Bel Air, other than interests reported under paragraph (2) of this subsection.

(ii) For each interest reported under this paragraph, the schedule shall include:

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

(B) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;

(C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the Town of Bel Air or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations

(ii) For each gift reported, the schedule shall include:

(A) A description of the nature and value of the gift; and

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

(5) Employment with or interests in entities doing business with the Town of Bel Air.

(i) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the Town of Bel Air.

(ii) For each position reported under this paragraph, the schedule shall include:

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

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

(C) The name of each Town agency with which the entity is involved as indicated by identifying one or more of the three categories of "doing business", as defined in §3(d) of this chapter.

(6) Indebtedness to entities doing business with or regulated by the individual's Town unit or department.

(i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's Town unit or department owed at any time during the reporting period:

(A) By the individual; or

(B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(ii) For each liability reported under this paragraph, the schedule shall include:

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

(B) The amount of the liability owed as of the end of the reporting period;

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

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

(7) Employment with the Town of Bel Air. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.

(8) Sources of earned income.

(i) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

(ii) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the Town, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

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

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

(A) The University of Maryland Medical System;

(B) A governmental entity of the State or a local government in the State; or

(C) A quasi-governmental entity of the State or local government in the State.

(ii) For each financial or contractual relationship reported, the schedule shall include:

(A) A description of the relationship;

(B) The subject matter of the relationship; and

(C) The consideration.

(10) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

(i) For the purposes of §6(h)(1), (2), and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

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

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

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

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

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

(iv) A business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.

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

(i) The individual held a reversionary interest or was a beneficiary; or

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

(j) (1) The Board shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

(2) The Town of Bel Air Board of Ethics may take appropriate enforcement action to ensure compliance with this section.

Section 7. Financial disclosure — appointed members of boards and commissions.

(a) (1) The Town of Bel Air appointed officials listed in paragraph (b) of this section shall file the statement required by §6 of this chapter.

(2) The appointed officials shall be required to disclose any the information specified in §6(g), of this chapter only with respect to those interests, gifts, compensated positions, and liabilities that may create a conflict, and as provided in §5 of this chapter, between to the member's personal interests and the member's official local duties.

(3) An official shall file a statement required under this section annually, not later than April 30 of each calendar year during which the official holds office.

(b) Appointed officials required to file:

Appearance and Beautification Committee

Board of Appeals

Board of Building Appeals

Board of Ethics

Board of Election Judges

Cultural Arts Commission

Economic and Community Development Commission

Historic Preservation Commission

Planning Commission

Committee on the Elderly and Needy Citizens

Tree Committee

(c) The Board shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §6(e) of this chapter.

Section 8. Lobbying.

(a) Except as provided in subsections (b) and (c) of this section, a person or entity who engages in lobbying as defined in §3(l) shall file a lobbying registration with the Board if the person or entity, during the calendar year:

- (1) Expends, exclusive of personal travel and subsistence expenses, in excess of \$100 in furtherance of this activity; or
- (2) Is compensated in excess of \$100 in connection with this activity.

(b) The following activities are exempt from regulation under this section:

(1) Professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending Bel Air Board of Town Commissioner actions when these services do not otherwise constitute lobbying activities;

(2) Appearances before the Bel Air Board of Town Commissioners upon its specific invitation or request if the person or entity engages in no further or other activities in connection with the passage or defeat of Bel Air Board of Town Commissioners actions;

(3) Appearances before a Town of Bel Air agency upon the specific invitation or request of the agency if the person or entity engages in no further or other activities in connection with the passage or defeat of any agency executive action;

(4) Appearance as part of the official duties of a duly elected or appointed official or employee of the State or a political subdivision of the State, or of the United States, and not on behalf of any other entity;

(5) Actions of a publisher or working member of the press, radio, or television in the ordinary course of the business of disseminating news or making editorial comment to the general public who does not engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of the person or entity or the employer of the person or entity;

(6) Appearances by an individual before the Bel Air Board of Town Commissioners at the specific invitation or request of a registered lobbyist if the person performs no other lobbying act and notifies the Bel Air Board of Town Commissioners that the person or entity is testifying at the request of the lobbyist;

(7) Appearances by an individual before a government agency at the specific invitation or request of a registered lobbyist if the person or entity performs no other lobbying act and notifies agency that the person or entity is testifying at the request of the lobbyist;

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

(9) Appearance as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not on behalf of any other entity.

(c) Limited exemption — employer of a lobbyist.

(1) A person or entity who compensates one or more lobbyists and who would otherwise be required to register as a lobbyist is not required to file a registration and submit lobbying reports if the person or entity reasonably believes that all expenses incurred in connection with the lobbying activities will be reported by a properly registered person or entity acting on behalf of the person or entity.

(2) A person or entity exempted under this subsection becomes subject to this section immediately upon failure of the lobbyist to report any information required under this section.

(d) (1) The registration filed under this section shall be filed on or before the later of the beginning of the calendar year in which the person or entity expects to lobby and within five days of first engaging in lobbying activities in the calendar year.

(2) The registration filed under this section:

(i) Shall be dated and on a form developed by the Board;

(ii) Shall include:

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

(B) The name, address, and nature of business of any person or entity on whose behalf the lobbyist acts; and

(C) The written authorization of any person or entity on whose behalf the lobbyist acts or an authorized officer or agent, who is not the lobbyist, of the person or entity on whose behalf the lobbyist acts;

(iii) A statement of whether the person or entity on whose behalf the lobbyist acts is exempt from registration under subsection (c) of this section;

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

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

(vi) The full legal signature of the lobbyist and, when appropriate, the person or entity on whose behalf the lobbyist acts or an agent or authorized officer of the person or entity on whose behalf the lobbyist acts.

(e) A lobbyist shall file a separate registration for each person or entity that has engaged or employed the lobbyist for lobbying purposes.

(f) A lobbyist may terminate the lobbyist's registration by providing written notice to the Board and submitting all outstanding reports and registrations.

(g) A person or entity may not engage in lobbying activities on behalf of another person or entity for compensation that is contingent upon the passage or defeat of any action by the Bel Air Board of Town Commissioners or the outcome of any executive action.

(h) Activity report.

(1) A lobbyist shall file with the Board or the office designated by the Board:

(i) By July 31, one report concerning the lobbyist's lobbying activities covering the period beginning January 1 through June 30; and

(ii) By January 31, one report covering the period beginning July 1 through December 31.

(2) A lobbyist shall file a separate activity report for each person or entity on whose behalf the lobbyist acts.

(3) If the lobbyist is not an individual, an authorized officer or agent of the entity shall sign the form.

(4) The report shall include:

(i) A complete and current statement of the information required to be supplied with the lobbyist's registration form.

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

(A) Total compensation paid to the lobbyist not including expenses reported under items (B)—(I) of this subparagraph;

(B) Office expenses of the lobbyist;

(C) Professional and technical research and assistance not reported in item (i) of this subparagraph;

(D) Publications which expressly encourage persons to communicate with Town officials or employees;

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

(F) Meals and beverages for Town officials and employees;

(G) Reasonable expenses for food, lodging, and scheduled entertainment of Town officials or employees for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;

(H) Other gifts to or for officials or employees or their spouses or dependent children; and

(I) Other expenses.

(i) Special gift report.

(1) (i) With the six-month activity report required under subsection (h) of this section, a lobbyist shall report, except for gifts

reported in item (h)(4)(ii)(G) of this section, gifts from the lobbyist with a cumulative value of \$75 or more during the reporting period to an official, employee, or member of the immediate family of an official or employee.

(ii) The lobbyist shall report gifts under this paragraph regardless of whether the gift was given in connection with lobbying activities.

(2) The report shall include the date, beneficiary, amount or value, and nature of the gift.

(j) Notification to official and confidentiality.

(1) If any report filed under this section contains the name of an official or employee or a member of the immediate family of an official or employee, the Board shall notify the official or employee within 30 days.

(2) The Board shall keep the report confidential for 60 days following receipt by the Board.

(3) Within 30 days of the notice required under paragraph (1) of this subsection, the official or employee may file a written exception to the inclusion in the report of the name of the official, employee, or member of the immediate family of the official or employee.

(k) The Board may require a lobbyist to submit other reports the Board determines to be necessary.

(l) The Board or office designated by the Board shall maintain all registrations and reports filed under this section.

(m) (1) The Board shall review the registrations and reports filed under this section for compliance with this section and shall notify persons engaging in lobbying activities of any omissions or deficiencies.

(2) The Board may take appropriate enforcement action to ensure compliance with this section.

(n) Annual report.

(1) The Board shall compute and make available a subtotal under each of the ten required categories in subparagraph (h)(4)(ii) of this section.

(2) The Board shall compute and make available the total amount reported by all lobbyists for their lobbying activities during the reporting period.

(o) The Board shall make lobbying registrations and reports available during normal business hours for examination and copying subject to reasonable fees and procedures established by the Board.

Section 9. Enforcement.

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

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

(ii) Issue a reprimand; or

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

(2) If the Board finds that a respondent has violated §8 of this chapter, the Board may:

(i) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under §8 of this chapter;

(ii) Impose a fine not exceeding \$5,000 for each violation; and

(iii) Suspend the registration of an individual registered lobbyist if the Board finds that the lobbyist has knowingly and willfully violated §8 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

(b) (1) Upon request of the Board, the Town Attorney may file a petition for injunctive or other relief in the **Circuit Court for Harford County**, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.

(2) (i) The court may:

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

(B) Except as provided in subparagraph (ii) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(C) Impose a fine of up to \$5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.

(ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(c) (1) Any person who knowingly and willfully violates the provisions of §8 of this chapter is guilty of a misdemeanor, and upon conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both.

(2) If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, is subject to the same penalties as the business entity.

(d) In addition to any other enforcement provisions in this chapter, a person who the Board or a court finds has violated this chapter:

(1) Is subject to termination or other disciplinary action; and

(2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Board or a court.

(e) (1) A person who is subject to the provisions of this chapter shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to complete and substantiate a report, statement, or record required under this chapter for three years from the date of filing the report, statement, or record.

(2) These papers and documents shall be available for inspection upon request by the Board or the Bel Air Board of Town Commissioners after reasonable notice.

Section 10. Severability.

If any section, sentence, clause, or phrase of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, the ruling shall not affect the validity of the remaining portions of this chapter.