



TOWN OF BEL AIR

39 N. Hickory Avenue
Bel Air, MD 21014
(410) 638-4550

BOARD OF ETHICS

2024 Annual Report

MEMBERSHIP

Names

Wilbur W. Bolton III
Shelley O. Dolan
H. Theresa Rose
Susan S. Niewenhous
David G. Mueller

Appointed (4 Yr. Term)

04/21/2025 (Reappointed)
08/19/2024 (Reappointed)
04/21/2025 (Reappointed)
07/19/2021 (Term Expired)
07/15/2024 (Newly Appointed)

MEETING AGENDAS & MINUTES

1. January 11, 2024
2. August 28, 2024

OTHER RELEVANT WORK COMPLETED

- Amended Bel Air Board of Ethics Rules of Procedure on January 11, 2024.
- Advisory Opinion issued January 29, 2024
- Bel Air Board of Town Commissioners enacted Ordinance No. 822-23 repealing and replacing Bel Air Town Code Chapter 43 Code of Ethics on February 5, 2024, and the legislation became effective on February 26, 2024.
- Local Government Ethics Law Annual Certification completed on August 28, 2024.

ATTACHMENTS

- 1/11/24 and 8/28/2024 Agendas and Minutes, 1/29/2024 Advisory Opinion (redacted), Board of Ethics Rules and Procedures, Ordinance No. 822-23, and 2024 Annual Certification.

Respectfully Submitted,

Michael L. Krantz
Town Clerk

Bel Air Board of Ethics
Meeting Agenda
January 11, 2024, at 6:30 PM
Bel Air Town Hall
39 N. Hickory Ave.
Bel Air, MD 21014

1. Approval of Agenda
2. Approval of Minutes
3. Review and Revise Bel Air Board of Ethics Rules of Procedure
4. Closed Session
 - a. This meeting will be closed under the provisions of the Maryland Open Meetings Act General Provisions Art. § 3-305(b)(7).
 - b. Topics of Discussion
 - i. To consult with counsel to obtain legal advice regarding Ethics Complaint against unnamed official or employee.
 - c. Reason for Closed-Session Discussion of Above Topics
 - i. Because public discussion of sensitive information about the privacy or reputation of an individual with respect to a matter that is not related to public business; comply with a specific constitutional, statutorily, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and inhibit the ability of the public body to receive candid and uninhibited legal guidance.
5. Adjournment

MINUTES
BOARD OF ETHICS
Thursday, January 11, 2024

The Board of Ethics met on Thursday, January 11, 2024, at 6:30 pm at the Bel Air Town Hall.

MEMBERS PRESENT: Wilbur W. Bolton, III, Chair
Shelley Dolan
Susan Niewenhaus
Theresa Rose

IN ATTENDANCE: Edward Hopkins, Town Administrator
Michael Krantz, Director of HR & Administration/Town Clerk
Jane Sudbrink, Recording Secretary
Elizabeth Thompson, Town Counsel via telephone

I. APPROVAL OF AGENDA

Mr. Krantz called the meeting to order at 6:31 pm. Mr. Krantz read the roll call of attendees as listed above.

II. APPROVAL OF MINUTES

Mr. Bolton motioned to approve both the open and closed portion of the December 20, 2023 meeting minutes (with editorial changes provided by Mr. Krantz). Ms. Dolan seconded the motion. Ms. Niewenhaus did not vote on the closed portion of the minutes because she had recused herself from that part of the meeting. All in favor. Motion carried.

III. REVIEW AND REVISE BEL AIR BOARD OF ETHICS RULES AND PROCEDURES

Mr. Krantz said the rules of procedure have been published on the website. Ms. Thompson explained to members the issue of subpoena power. She said that there is currently nothing in the town code that authorizes this board to issue subpoenas in the event of a contested hearing. She has requested that the board of commissioners introduce an amendment to Ordinance 822-23 to provide for subpoena power to the board of ethics. Mr. Krantz further added that Ordinance 822-23 is pending and will have a public hearing on January 16, 2024. He noted that the commissioners will not actually vote on this ordinance on that day. Rather, with the commissioners' recommendation, Mr. Krantz will present the revised rules of procedure to the state board of ethics on February 1, 2024. On February 5, 2024, the board of commissioners will then formally vote to adopt the rules of procedure.

Mr. Krantz referred board members to page 5 of the rules, *Section 5 Complaints, Part n.*, which states that the ethics board "may issue subpoenas..." Mr. Krantz said board members could vote this evening to remove that statement or let it slide until the formal vote knowing that the board does not have that power at this time. Mr. Krantz expressed concern that this portion of the rules of procedure are wrong and it would be sensible to remove the statement for the next three to four weeks and then correct it again after the ruling of the board of commissioners. Ms. Thompson concurred that this section could be removed and then put back in after the commissioners' approval. Mr. Krantz said the rules of procedure should be accurate just in case a hearing does come up in the next three to four weeks.

Mr. Bolton was agreeable to the change. Ms. Dolan asked for further clarification. Mr. Krantz reiterated that at this time, *Part n.* should be removed because the ethics board does not have subpoena power. As soon as the board of commissioners votes on the ordinance and its subpoena amendment and adopts it, the ethics board will meet again when *Part n.* is re-added and official. In answer to Ms. Dolan, Mr. Krantz said he has received an unofficial thumbs up from the state ethics board regarding the rules of procedure. He noted that the subpoena power amendment provided by Ms. Thompson will be a new addition for review by the state ethics board on February 1. Ms. Thompson said she does not foresee any issues with the state ethics board; the town's rules of procedure are standard.

Mr. Bolton motioned to remove *Section 5, Part n.* from the Bel Air Board of Ethics Rules of Procedure. Ms. Niewenhous seconded the motion. All in favor. Motion carried. Mr. Krantz confirmed for Ms. Dolan that he will remove *Part n.* from the website tomorrow morning.

IV. CLOSED SESSION

Ms. Dolan motioned to close the meeting. Mr. Bolton seconded the motion. All in favor. Motion carried. Mr. Krantz read *sections A, B, and C* below to close the meeting. The meeting closed at 6:38 pm.

A. This meeting will be closed under the provisions of the Maryland Open Meetings Act General Provisions Art. 3-305(b)(7).

B. Topics of Discussion

1. To consult with counsel to obtain legal advice regarding ethics complaint against unnamed official or employee.

C. Reason for Closed Discussion of Above Topics

1. Because public discussion of sensitive information about the privacy or reputation of an individual with respect to a matter that is not related to public business; comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and inhibit the ability of the public body to receive candid and uninhibited legal guidance.

Ms. Dolan motioned to reopen the meeting. Ms. Rose seconded the motion. All in favor. Motion carried. The meeting reopened at 7:19 pm.

V. ADJOURNMENT

Mr. Bolton clarified for Ms. Rose the different situations between this meeting (complaint) and December's meeting (advisory), both revolving around the same legal situation. Ms. Thompson said she hoped to have a draft advisory opinion by this Friday.

Ms. Dolan motioned to adjourn the meeting. Ms. Niewenhous seconded the motion. All in favor. Motion carried. The meeting adjourned at 7:22 pm.

Signature on file

Michael L. Krantz, Town Clerk

Signature on file

Wilbur W. Bolton, III, Chair



TOWN OF BEL AIR MARYLAND

39 N. Hickory Avenue · Bel Air, MD 21014

Administration 410-638-4550
410-879-2711
Administration Fax 410-879-9225
www.belairmd.org

BOARD OF COMMISSIONERS

Mary F. Chance
Steven T. Chizmar
Paula S. Etting
James B. Rutledge, III
Jakob D. Taylor

TOWN ADMINISTRATOR
Edward Hopkins

January 29, 2024

[REDACTED]

RE: Request for an Advisory Opinion

Dear [REDACTED]:

The Board of Ethics acknowledges receipt of your letter dated November 27, 2023 requesting an advisory opinion concerning whether your donation to the plaintiffs' Go Fund Me Account organized to raise funds to pay for legal fees in the matter of [REDACTED], and your subsequent position as Commissioner places you in a conflict of interest that would bar you from participation, as a Commissioner, in any discussion or decision related to the pendency of that case. Specifically, you request the Board to address the following questions which have been re-stated from your letter:

1. Does your past donation constitute an "interest" as defined under the Town of Bel Air Ethics Code?
2. If so, would your participation in deliberations and decisions of the Commissioners constitute a Conflict of Interest as defined under the Town of Bel Air Code of Ethics?

Relevant Facts.

Prior to your candidacy for Town Commissioner, you admittedly made a one-time, personal donation of \$ [REDACTED] to a Go Fund Me account set up by [REDACTED] the primary plaintiff in a lawsuit against the Town of Bel Air, Maryland. You advise and it has been confirmed to us that you were never a plaintiff in the underlying litigation, you never represented any of the litigants in the underlying lawsuit and you do not own properties affected by the lawsuit. You state that you have “no financial interest or stake, legal or equitable, in the outcome of the lawsuit. We have been advised that the specific purpose of the Go Fund Me account was to raise legal fees to pay for the plaintiffs’ attorneys’ fees and court costs associated with the litigation which is currently pending before the Supreme Court of Maryland. We have been advised that the plaintiffs have sought, in their Second Amended Complaint, the return of all court costs and attorney’s fees. We have been further advised that while the Circuit Court for Harford County granted the equitable relief requested, the court did not grant the plaintiffs’ attorney’s fees and court costs. The case is currently before the Supreme Court of Maryland who may take any action it deems appropriate, including remanding the case to the circuit court for further proceedings.

Relevant Provisions of TOWN OF BEL AIR, MD CODE.

TOWN OF BEL AIR, MD CODE §43-2 defines “Interest” as “Any legal or equitable economic interest that is owned or held, in whole or in part, jointly or severally, directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition.”

TOWN OF BEL AIR, MD CODE §43-4 is entitled, “Conflicts of Interest” and states, in pertinent part:

A. Participation Prohibitions.

- (1) Except as permitted by the regulations or opinion of the Board of Ethics of the Town of Bel Air, an official or employee may not participate in:
 - (a) 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, except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter.

Conclusions.

The Board does not find that your one-time donation of \$ [REDACTED] constitutes an “interest” as defined under the TOWN OF BEL AIR, MD CODE OF ETHICS. While the term “donation” is not defined by the Code of Ethics, the common use of the term means that something of value was given to support a not-for-profit endeavor and there is no expectation that the donation will be returned to the grantor. This is not an “interest” as defined under the Code of Ethics. A donation does not bestow “an economic interest” by

the grantor. Specifically, in this case, your donation of \$ [REDACTED] does not bestow an “economic interest” in the outcome of the lawsuit against the Town. However, in the event that the funds are returned to you, the Board finds that you have a duty to report this change in circumstance to the Board.

Because the Board finds that your donation does not constitute an “interest” as defined under the TOWN OF BEL AIR, MD CODE, the provisions of §43-4 are not invoked and based on the facts as presented, there is no conflict of interest.

The Board adopts this advisory opinion by a vote of two-to-one, with one member abstaining.

Very truly yours,



Wilbur W. Bolton, III
Chairman
Bel Air Board of Ethics

WWBIII/eht

cc: Elizabeth H. Thompson, Esquire, Town Counsel
Michael Krantz, Town Clerk

RULES OF PROCEDURE

TOWN OF BEL AIR BOARD OF ETHICS

1. AUTHORITY

These rules are adopted pursuant to Town of Bel Air, MD Code Chapter 43: Ethics, Code of § 43-3: Board of Ethics.

2. GENERAL PROCEDURES FOR ETHICS BOARD MEETINGS

- a. Regular meetings of the Town of Bel Air (“Town”) Board of Ethics (“Ethics Board” or “Board”) are subject to the Maryland Open Meetings Act (“Act”) and are, generally, public meetings. However, the Ethics Board may, at its discretion, hold closed sessions in accordance with the provisions of the Act.
- b. Each regular meeting shall be noticed in writing, by posting the agenda on the Town website.
- c. A quorum shall consist of at least three members of the Ethics Board.
- d. Motions put to a vote must be seconded and shall be decided by a simple majority of the members present and voting. The Board requires at least three members to vote either for or against a motion to decide a motion. An abstention does not count as a vote. If due to abstentions there is a lack of a quorum to vote on a motion, the motion fails.
- e. Proxy voting shall not be allowed.
- f. A tie vote by the Ethics Board shall be interpreted as a defeat of the motion upon which the vote was taken.
- g. Minutes of the Board’s meetings shall be kept and posted, once approved by the Board, on the Town’s website, in compliance with these Rules of Procedure and the Open Meetings Act.

3. BOARD MEMBERS - PROCEDURES

- a. The Town Attorney shall assist and advise the Board of Ethics in carrying out the Board’s duties.
 - i. The Town Clerk shall provide staff and administrative support.
- b. The Ethics Board shall elect a Chairperson, approved by a majority vote of the Ethics Board at the first meeting in each fiscal year. The chair serves a term of one (1) year and is eligible for reelection. In the absence of the Chairperson, a temporary Chairperson shall be elected to preside at the meeting by a majority of the Board Members present. The temporary Chairperson’s designation ends at the conclusion of the meeting at which he or she was elected.

- c. The duties of the Chairperson shall be as follows:
 - i. Preside at all meetings of the Ethics Board;
 - ii. Decide on all points of order and procedures subject to these rules unless overruled by a majority of Board Members present;
 - iii. Participate in discussions and vote on motions, however, the Chairperson cannot make or second any motion;
 - iv. Write opinions or designate the Town Attorney or a Board Member to write opinions or decisions; and
 - v. Have the authority to postpone a meeting for good cause.
 - vi. Determine that an extension of time is warranted to any requirement under these rules.
- d. A Board Member will not appear before any group or body to speak for the Ethics Board except as authorized by the Ethics Board. In any public or private statement concerning Ethics Board affairs, Board Members will expressly indicate whether they are speaking for the Ethics Board or for themselves.
- e. All Board Members shall comply with the Bel Air Code of Ethics and any Board Member who has a conflict of interest with respect to any pending matter to be considered by the Ethics Board shall abstain from any and all discussion, review, and analysis of such matter.
- f. No Board Member shall publicly comment on the merits of a matter before the Ethics Board, or a matter that can be reasonably expected to appear before the Ethics Board, prior to the release of a decision on that matter.

4. REQUESTS FOR ADVISORY OPINIONS

- a. An advisory opinion is a formal, written opinion issued by the Ethics Board that provides an interpretation of the Ethics Code.
- b. The Ethics Board issues advisory opinions to provide guidance on compliance with the requirements of the Ethics Code. Advisory opinions may be requested by any official or person subject to the provisions of the Ethics Code and are intended to serve as a guide to the persons immediately affected, as well as others who may face similar situations in the future.
- c. An individual requesting an advisory opinion should visit the Ethics Board's web page at <https://www.belairmd.org/204/Board-of-Ethics> and click on the "Request Advisory Opinion" Form link or contact the Town Clerk's Office at 410-638-4550 for a paper copy of the form. Once the requestor has completed the Request for Advisory Opinion Form, it should be emailed to townclerk@belairmd.org with "Request for Advisory Opinion to Board of Ethics," indicated in the subject line or on a sealed envelope and sent either via hand-delivery or first-class mail to the Town of Bel Air, Attn: Town Clerk, 39 N. Hickory Avenue, Bel Air, MD 21014.

- d. Requests must be signed by the requestor and contain the requestor's name, home and email addresses, telephone number(s) and a statement of the facts and circumstances giving rise to the request.
- e. The Town Attorney will review the completed Request for Advisory Opinion Form and any documentation submitted and determine whether the required information has been provided. If additional information is needed, the requestor will be contacted for the additional information. A Request for Advisory Opinion will not be processed until all required information is provided.
- f. Once the Request for Advisory Opinion Form is complete, the Town Attorney will circulate the request to the members of the Ethics Board. The Chairperson will determine when the request shall be placed on the Ethics Board's agenda for discussion. The requestor or other persons with information material to the request may be invited by any member of the Ethics Board to address the Ethics Board.
- g. When the Ethics Board makes a decision on the request, it will issue a written advisory opinion. The person who is the subject of the request will not be identified in the opinion. A copy of the opinion will be given to the person making the request. The advisory opinion will be available on the Town's web site.
- h. When a request presents facts and/or raises issues that have been addressed in a previously issued advisory opinion, the Ethics Board may transmit the prior advisory opinion as a response to the request.
- i. The name of the person who is the subject of the advisory opinion will remain confidential to the extent provided by law.
- j. The Board shall issue its advisory opinion within sixty (60) days from the meeting date in which the Request for an Advisory Opinion was reviewed by the Board. At the discretion of the Chairperson, this deadline may be extended no more than sixty (60) days. The requestor shall be notified of any such extension of time.

5. COMPLAINTS

- a. A complaint is a written document, signed under oath, alleging a specific violation of the Ethics Code. Any person may file a complaint. The complaint must be filed within one hundred and eighty (180) days of the time the person filing the complaint either knew or, in the exercise of reasonable care, should have known of the violation.
- b. Any person wishing to file a complaint with the Ethics Board should visit the Ethics Board's web page at <https://www.belairmd.org/204/Board-of-Ethics> and click on the "Ethics Complaint" Form link or contact the Town Clerk's Office at (410) 638-4550 for a paper copy of the form. Once the complainant has completed the Ethics Complaint Form, it should be emailed to townclerk@belairmd.org with "Ethics Complaint," indicated in the subject line or on a sealed envelope and sent either via hand-delivery or first-class mail to the Town of Bel Air, Attn: Town Clerk, 39 N. Hickory Avenue, Bel Air, MD 21014.

- c. Complaints must be in writing, signed under oath and contain the complainant's name, mailing and email addresses, telephone number, and a statement of the facts and circumstances giving rise to the complaint.
- d. The complaint must allege a violation of the Ethics Code, on the part of an employee or official who is subject to the jurisdiction of the Ethics Board and should identify the provision(s) of the Ethics Code that was allegedly violated.
- e. Anonymous complaints will not be processed.
- f. The Town Attorney will review the complaint to determine whether the required information has been provided and will notify the Ethics Board of the complaint and whether the complaint is complete. The Chairperson shall determine when the complaint will be placed on the Ethics Board's agenda for discussion.
- g. The Ethics Board may initiate a complaint on its own if deemed necessary by the Ethics Board.
- h. Upon receipt of a complaint or the initiation of a complaint by the Ethics Board, the Ethics Board will notify the subject of the complaint that a complaint has been made and will provide that person with a copy of the complaint.
- i. Once the Ethics Board reviews the complaint it may:
 - i. dismiss the complaint without further investigation;
 - ii. direct the Town Attorney or his or her designee to investigate the allegations to aid the Ethics Board in its initial evaluation of the complaint; and/or
 - iii. set a hearing on the complaint.
- j. The Ethics Board shall notify the complainant in writing of its initial determination. The Ethics Board may also meet with the complainant and/or the respondent to seek clarification regarding the facts related to the complaint.
- k. If a hearing is scheduled, the complainant and the person who is the subject of the complaint will be given the opportunity to attend the hearing and present evidence and cross-examine witnesses. All testimony shall be taken under oath. Board hearings are quasi-judicial, administrative hearings and do not strictly conform to the rules of evidence and procedure that govern judicial hearings. The Board may consider any evidence presented which, based on its experience and expertise, the Board finds relevant and assists it in reaching a decision. Hearsay evidence, if relevant, may be accepted. The Chairperson may exclude from evidence any irrelevant, immaterial, or unduly repetitive material.
- l. Ex parte communications with the Chairperson or any member of the Ethics Board is strictly prohibited. If any member of the Board is contacted by any complainant, respondent and/or witness relative to a pending matter before the Board or potential matter that may be before the Board, that member shall notify the Chairperson and the Town Attorney as soon as possible concerning such communications.
- m. Board hearings are conducted on the record and are audiotaped.

~~n. The Ethics Board may issue subpoenas and compel the attendance of witnesses and production of documents.~~

o. At the conclusion of the hearing and after deliberation, the Ethics Board will issue a formal written decision that includes findings of fact and conclusions of law based on the evidence presented. The written decision will be sent to the subject of the complaint and the complainant, and it will be available for public inspection and copying. The Board shall issue its written decision within sixty (60) days from the close of hearing. At the discretion of the Chairperson, this deadline may be extended no more than sixty (60) days. The complainant and the respondent, or their counsel of record shall be notified of any such extension of time.

p. Upon a finding of a violation of the Ethics Code, the Ethics Board may take any action in accordance with the provisions of Town of Bel Air, MD Code Chapter 43: Ethics, Code of § 43-9: Enforcement.

q. CONFIDENTIALITY

i. Once a complaint is filed or initiated by the Ethics Board, the proceedings, meetings, and activities of the Ethics Board and staff in connection with the complaint shall be conducted in a confidential manner. The Ethics Board, its staff, and the parties should not disclose any information relating to the complaint, including the identity of the subject of the complaint or the identity of the complainant. The complaint remains confidential unless and until the Ethics Board finds that the Ethics Code has been violated.

ii. If the Ethics Board decides that there was no violation, the Ethics Board will issue a written decision. The names of the complainant and the respondent will remain confidential and will not be included in the decision.

r. RIGHT TO LEGAL REPRESENTATION AND PARTICIPATION

i. The subject of a complaint has the right to be represented by legal counsel at all meetings with, and hearings conducted by, the Ethics Board. The respondent is responsible for all legal fees associated with his or her legal representation.

ii. The respondent has the right to be heard by the Ethics Board before any decision adverse to the respondent may be rendered.

6. OUTSIDE LEGAL COUNSEL

If any matter filed with the Ethics Board involves an individual that would pose a conflict of interest for the Town Attorney, as defined under the Maryland Attorney's Rules of Professional

Conduct, the Ethics Board, in consultation with the Town Attorney, will recommend to the Bel Air Town Administrator whether to employ outside counsel for that matter.

7. PARLIAMENTARY RULES

Parliamentary procedure in a meeting of the Ethics Board is informal. However, if required to keep order, the Chairperson may apply Robert's Rules of Order to resolve any parliamentary issue not specifically covered by these rules.

8. AMENDMENTS

Amendments to these rules of procedure may be introduced at any meeting of the Ethics Board and voted on at any subsequent meeting.

Notes:

Adopted on December 20, 2023, by the Bel Air Board of Ethics

Amended on January 11, 2024, by the Bel Air Board of Ethics

Ordinance No. 822-23

An Ordinance Repealing and Replacing Bel Air Town Code Chapter 43 Code of Ethics

WHEREAS, General Provisions Article, Title 5, Subtitle 8, Annotated Code of the State of Maryland requires local government entities to adopt a code of ethics for the authority’s directors, officers, and employees; and

WHEREAS, State of Maryland House Bill 363 and House Bill 1058, enacted during the 2021 General Assembly legislative session, made modifications to the State of Maryland Ethics Law requiring changes to local government ethics laws; and

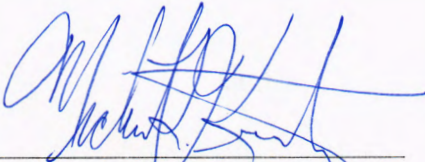
WHEREAS, Town of Bel Air Town Code, Chapter 43, Code of Ethics was last amended by the Board of Town Commissioners on December 3, 2018, by Ordinance No. 787-18; and

WHEREAS, the Bel Air Board of Town Commissioners wishes to repeal and replace Bel Air Town Code, Chapter 43, Code of Ethics with the recommended Maryland State Ethics Commission Appendix A - Model Ethics Law A, amended accordingly to reference the Town of Bel Air and related specificities; and

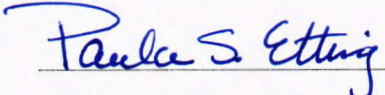
NOW, THEREFORE, BE IT ORDAINED by the Board of Town Commissioners that Ordinance 822-23 repealing and replacing Town of Bel Air Town Code Chapter 43 Code of Ethics, attached hereto and incorporated herein as **Exhibit A**, is hereby adopted.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the twenty-first (21st) day after passage unless petitioned to referendum.

INTRODUCTION:	December 18, 2023
PUBLIC HEARING:	January 16, 2024
ENACTMENT:	February 5, 2024
EFFECTIVE:	February 26, 2024
AYES:	Commissioners Rutledge, Chizmar, Taylor, Chance, and Etting
NAYS:	None
ABSENT:	None



Michael L. Krantz, Town Clerk



Paula S. Etting, Chair
Board of Town Commissioners

ORDINANCE NO. 823-24 NOT UTILIZED

ORDINANCE NO. 823-24 NOT UTILIZED

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

(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.

Bel Air Board of Ethics
Meeting Agenda
August 28, 2024, at 6:30 PM
Bel Air Town Hall
39 N. Hickory Ave.
Bel Air, MD 21014

1. Approval of Agenda
2. Approval of Minutes
3. Review of 2023 Financial/Gift Disclosure Statements
 - a. Elected Officials & Candidates to be Elected Officials
 - b. Designated Employees
 - c. Appointed Officials
4. Local Government Ethics Law Annual Certification to the State Ethics Commission
5. Board of Ethics 2023 Annual Report
6. Review Board of Ethics Member Contact Information
7. Board of Ethics Member Terms & Re-Appointments
8. Miscellaneous
9. Adjournment

STATE ETHICS COMMISSION
45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770 / 1-877-669-6085
FAX: 410-260-7746
<http://ethics.maryland.gov>

LOCAL GOVERNMENT ETHICS LAW
ANNUAL CERTIFICATION (Form 26)

General Information and filing deadline

This form should be completed by the appropriate county or municipal ethics official on behalf of the county ethics commission or the municipal ethics commission. It is to be submitted to State Ethics Commission at the above address on or before October 1 of each year. See §5-807(b) of Md. Code Ann., General Provision, Title 5.

The purpose of this form is to provide the certification required by §5-807(b) of the State Ethics Law. The certification states that the county or municipality is in compliance with State Ethics Law requirements for elected local officials. Section 5-807(b) requires the local ethics law be equivalent to or exceed the requirements of the State Ethics Law provisions for conflicts of interest and financial disclosure for elected local officials.¹

Identifying Information

Name of County or Municipality:	Town of Bel Air
Name of Person Completing Form:	Michael L. Krantz
Title of Person Completing Form:	Town Clerk
Address of Person Completing Form:	39 N. Hickory Avenue
	Bel Air, MD 21014
Phone Number (Office):	(410) 638-4550
Phone Number (Cell):	(443) 807-1377
Email Address:	mkrantz@belairmd.org

¹ See also §5-808 and §5-809.

Certifications

I HEREBY CERTIFY that the current ethics code for Town of Bel Air
(county/municipality) includes conflicts of interest provisions for elected local officials
and candidates for local elected office that are equivalent to or more stringent than the
requirements for State elected officials as set forth in Subtitle 5, Title 5 of General Provision
Article.

and
 FURTHER CERTIFY that the current ethics code for Town of Bel Air
(county/municipality) includes financial disclosure requirements for elected local officials and
candidates for local elected office that are equivalent to or more stringent than the requirements
for State elected officials as set forth in Subtitle 5, Title 5 of General Provision Article.

W Bolton
Signature

8/28/24
Date

WILBUR W. BOLTON
Printed Name

Chair
Title

Information on the local ethics law and Commission

Date of last amendment to the local ethics law: 2/5/2024

Date of last approval of the law by the State Ethics Commission: 2/1/2024

- Names and Addresses of the local ethics commission or local ethics board members:
- Wilbur W. Bolton, III ----- Bel Air, MD 21014
 - Shelley Dolan ----- Bel Air, MD 21014
 - Theresa Rose ----- Bel Air, MD 21014
 - Susan Niewenhou ----- Bel Air, MD 21014
 - David Mueller ----- Bel Air, MD 21014

Please attach a copy of the county's/municipality's most recent ethics law.

MINUTES
BOARD OF ETHICS
Wednesday, August 28, 2024

The Board of Ethics met on Wednesday, August 28, 2024, at 6:30 pm at the Bel Air Town Hall.

MEMBERS PRESENT: Wilbur W. Bolton, III, Chair
Shelley Dolan
David Mueller
Susan Niewenhaus

IN ATTENDANCE: Michael Krantz, Director of HR & Administration
Kristine Reinhardt, Administrative Secretary
Elizabeth Thompson, Town Counsel
Jane Sudbrink, Recording Secretary

ABSENT: Theresa Rose

I. APPROVAL OF AGENDA

Mr. Krantz called the meeting to order at 6:30 pm. Ms. Niewenhaus motioned to accept the agenda as prepared. Mr. Bolton seconded the motion. All in favor. Motion carried.

II. APPROVAL OF MINUTES

Mr. Bolton motioned to approve the minutes of January 11, 2024. Mr. Mueller abstained because he did not attend this meeting because he was not yet a member. Ms. Dolan seconded the motion. Yeas: Bolton, Dolan, Niewenhaus. Abstain: Mueller. Motion carried 3 yeas, 1 abstention.

III. REVIEW OF 2023 FINANCIAL/GIFT DISCLOSURE STATEMENTS

A. Elected Officials and Former Elected Officials

Mr. Krantz distributed forms for the members to review. These forms consisted of elected officials' financial and gift disclosure statements. Mr. Krantz detailed the information in these documents, which included property ownership, employment, spouse's employment, debt, other income, company partnerships, involvement with government entities, and any received gifts.

Mr. Krantz explained that the deadline for submission of the annual certification to the State Ethics Commission is October 1st.

B. Designated Employees

Mr. Krantz distributed to board members designated town employees' financial and gift disclosure statements for review. Mr. Krantz said the town code requires that these town employees - department heads, deputy directors, managers, chiefs, and some supervisors - must report these statements. Gifts

over \$20 must be reported. Mr. Krantz noted that Angela Robertson reported a gift of \$50 from the Cultural Arts Commission (CAC) in recognition of her work with the CAC.

C. Appointed Officials

Mr. Krantz reviewed the gift disclosure statements from appointed officials on town boards. He said that no appointed official reported receiving gifts except Gregory LaCour on the Committee for Seniors and Citizens in Need. Mr. LaCour detailed that in his work for Bel Air United Methodist Church, he receives funds to cover the purchase of food. He then uses this money to purchase food for seniors and citizens in need. Mr. LaCour never actually received a gift even though he reported this service to the community on the Schedule D: Gifts disclosure form.

IV. LOCAL GOVERNMENT ETHICS LAW ANNUAL CERTIFICATION TO THE STATE ETHICS COMMISSION

Mr. Mueller made a motion to certify that the Bel Air Code of Ethics includes conflicts of interests, and provisions for local elected officials and candidates, and it also includes financial disclosure requirements for local elected officials and candidates that are equivalent to or more stringent than the requirements of the state. Ms. Niewenhous seconded the motion. All in favor. Motion carried. Mr. Bolton signed the forms as chair.

V. BOARD OF ETHICS 2023 ANNUAL REPORT

Mr. Krantz said that like other commissions, the Board of Ethics is obligated to do an annual report. This report will be shared with the Board of Commissioners for review. Mr. Krantz summarized the board's actions for 2023, including that the board met twice, passed rules of procedures, created a request form, and established a webpage that listed general information on the board. Mr. Krantz said the revised ethics code and the opinion that was issued will be reflected in 2024's report. Ms. Dolan motioned to approve the Board of Ethics 2023 Annual Report. Mr. Bolton seconded the motion. All in favor. Motion carried.

VI. REVIEW OF BOARD OF ETHICS MEMBER CONTACT INFORMATION

Mr. Krantz asked the members to review their contact information, make any changes, and initial and date the forms.

VII. BOARD OF ETHICS MEMBER TERMS AND REAPPOINTMENTS

Mr. Krantz reviewed the members' terms. He thanked Ms. Dolan for her continued service and recent reappointment and Mr. Mueller for joining the board. Ms. Niewenhous and Mr. Bolton said they would be interested in continuing to serve when their terms are up in 2025.

VIII. MISCELLANEOUS

Mr. Krantz said that less than half of the appointed officials attend the annual volunteer recognition dinner. Consequently, town staff decided that the budget for the dinner will be evenly distributed amongst the boards for them to determine how to best celebrate and appreciate their contribution to the town. Mr. Krantz said he is open to suggestions. He suggested dinner at a local restaurant as an

option. Mr. Krantz said that as soon as the budget is finalized, for the Ethics Board, he will share that information with the members, and they can decide what they would like to.

IX. ADJOURNMENT

Mr. Bolton motioned to adjourn the meeting. Ms. Dolan seconded the motion. All in favor. Motion carried. The meeting adjourned at 7:24 p.m.

Signature on file

Wilbur W. Bolton, III, Chair

Signature on file

Michael L. Krantz, Town Clerk