ARTICLE 8

ETHICS

(As Last Amended by Ord. 24-368)

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SUBTITLE 1

FINDINGS; POLICY; SHORT TITLE

§ 1-1. Findings.

(a) *Trust in government essential.*

The Mayor and City Council of Baltimore recognizes that our system of representative government largely depends on the people's trust in their public servants.

(b) *Need for impartiality.*

The citizens of Baltimore City rely on their public servants to preserve their safety, health, and welfare through fair and impartial enforcement of laws, imposition of taxes, and expenditure of public funds.

(c) *Citizens' right of reliance.*

Each citizen of Baltimore City has a right to be assured of the fair, impartial, and independent judgment of all public servants.

(Ord. 04-795.)

Defined terms:

Public servant	§2-23

§ 1-2. Goals; purpose.

To guard against improper influence or even the appearance of improper influence, and to ensure public trust in the government, the Mayor and City Council of Baltimore enacts this article to:

(1) set minimum ethical standards of conduct for City officials and employees;

(2) require certain officials and employees to disclose their financial interests;

(3) require persons engaged in lobbying activities to register and disclose those activities; and

(3) generally protect the public welfare.

(Ord. 04-795.)

Defined terms:

Employee	§2-9 §2-16	*Official*	§2-21
Financial interest		*Person*	§2-22
Interest	§2-19		

§ 1-3. Short title.

This article may be cited as the "Baltimore City Public Ethics Law".

(Ord. 04-795.)

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SUBTITLE 2

DEFINITIONS; GENERAL PROVISIONS

PART I. DEFINITIONS

§ 2-1. In general.

In this article, the following terms have the meanings indicated unless the context clearly requires a different meaning or a different definition is adopted for a particular statutory unit. *(Ord. 04-795.)*

§ 2-2. "Agency".

(a) *In general.*

"Agency" means any department, board, commission, council, authority, committee, office, or other unit of City government.

(b) *Inclusions.*

"Agency" also includes:

(1) Baltimore Children and Youth Fund;

(2) Baltimore City Parking Authority;

(3) Baltimore Development Corporation;

(4) Baltimore Police Department;

(5) Enoch Pratt Free Library of Baltimore City;

(6) Housing Authority of Baltimore City;

(7) Local Development Council, South Baltimore Video Lottery Terminal;

(8) Pimlico Community Development Authority;

(9) South Baltimore Gateway Community Impact District Management Authority; and

(10) any individual not embraced in a unit of City government who exercises authority comparable to that of the head of a unit of City government.

(Ord. 04-795; Ord. 05-174; Ord. 10-272; Ord. 16-509; Ord. 17-063; Ord. 20-363.)

Defined terms:

Board	§2-3

§ 2-3. "Board".

(a) *In general.*

"Board" means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a parttime basis.

(b) *Inclusions.*

"Board" also includes:

(1) Board of Commissioners of the Housing Authority of Baltimore City;

(2) Board of Directors of the Baltimore Children and Youth Fund;

(3) Board of Directors of the Baltimore City Parking Authority;

(4) Board of Directors of the Baltimore Development Corporation;

(5) Board of Directors of the South Baltimore Gateway Community Impact District Management Authority;

(6) Civilian Review Board of Baltimore City;

(7) Local Development Council, South Baltimore Video Lottery Terminal; and

(8) Pimlico Community Development Authority.

(Ord. 04-795; Ord. 05-174; Ord. 10-272; Ord. 16-509; Ord. 17-063; Ord. 20-363.)

§ 2-4. "Business entity".

"Business entity" means any person engaged in business or other organized activity, whether for profit or not-for-profit and regardless of form.

(Ord. 04-795.)

Defined terms:

Person	§2-22

§ 2-5. *{Vacant}*

§ 2-6. "Child".

"Child" means a biological child, adopted child, stepchild, ward, or foster child, regardless of age.

§ 2-7. "Compensation".

"Compensation" means any money or thing of value, regardless of form, received or to be received by a person for services rendered.

(Ord. 04-795.)

Defined terms:

Person §2-22

§ 2-8. "Elected official".

"Elected official" means:

(1) the Mayor;

(2) the City Comptroller;

(3) the President of the City Council; and

(4) any member of the City Council.

(Ord. 04-795.)

§ 2-9. "Employee".

(a) *In general.*

"Employee" means any employee of the City who is not an official.

(b) *Inclusions.*

"Employee" also includes an employee of any agency or board included within the scope of § 2-2 {"Agency"} or § 2-3 {"Board"} of this subtitle. *(Ord. 04-795.)*

Defined terms:

Agency §2-2 *Official* §2-21

Board §2-3

§ 2-10. "Ethics Board".

"Ethics Board" means the Baltimore City Board of Ethics, established under Article VII, § 106 of the City Charter and Subtitle 3 {"Administration") of this article.

(Ord. 04-795.)

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§ 2-11. "Executive Director".

"Executive Director" means the Executive Director of the Ethics Board or the Executive Director's designee.

(Ord. 04-795.)

Defined terms:

Ethics Board §2-10

§§ 2-12 to 2-15. *{Reserved}*

§ 2-16. "Financial interest".

"Financial interest" means ownership of:

(1) more than 3% of a business entity;

(2) securities of any kind that represent or are convertible into ownership of more than 3% of a business entity; or

(3) any interest as the result of which the owner:

(i) received more than $1,000 in any 1 of the preceding 3 calendar years; or

(ii) is entitled to receive more than $1,000 in the current or any subsequent calendar year. *(Ord. 04-795.)*

Defined terms:

Business entity §2-4 *Interest* §2-19

§ 2-17. "Gift".

(a) *In general.*

"Gift" means, except as specified in subsection (b) of this section, the transfer of any thing or any service of economic value, regardless of the form, without adequate, identifiable, and lawful consideration.

(b) *Exclusions.*

"Gift" does not include the solicitation, acceptance, receipt, or disposition of a political contribution that is regulated under State Election Law Article, Title 13 {"Campaign Finance"} or under any other state law that regulates the conduct of elections or the receipt of political contributions.

(Ord. 04-795; Ord. 11-484; Ord. 17-068.)

§ 2-18. ***{Repealed by Ord. 22-125}***

Editor's Note: For the Code-wide standard definition of "includes" and "including", *see* City General Provisions Article, § 1-105.

§ 2-19. "Interest".

(a) *In general*.

"Interest" means, except as specified in subsection (b) of this section, any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held wholly or partly, jointly or severally, or directly or indirectly.

(b) *Exclusions*.

"Interest" does not include:

(1) an interest held in the capacity of a personal representative, agent, custodian, fiduciary, or trustee, unless the holder has an equitable interest in the subject matter;

(2) an interest in a time or demand deposit in a financial institution;

(3) 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 some other specified period;

(4) an interest in a mutual fund that is publicly traded on a national scale, unless the mutual fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the public servant's agency;

(5) an interest in a trust that is qualified under § 401 or § 501 of the Internal Revenue Code and forms part of a pension or a profit-sharing plan;

(6) an interest in a qualified tuition plan under § 529 of the Internal Revenue Code; or

(7) a mutual fund or exchange-traded fund that is publicly traded on a national scale unlessthe 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 public servant's agency. *(Ord. 04-795; Ord. 16-585; Ord. 19-239.)*

Defined terms:

Agency	§2-2	*Public servant*	§2-23

§ 2-20. "Lobbyist".

"Lobbyist" means any person required to register with the Ethics Board under Subtitle 8 {"Lobbying"} of this article.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Person*	§2-22

2-21

§ 2-21. "Official".

(a) *In general.*

"Official" means:

(1) an elected official;

(2) the head of any department;

(3) the head of any bureau or division within a department; and

(4) any other individual in a unit of City government who, whether acting alone or as a member of a board acting jointly with other board members:

(i) has authority comparable to that of the head of a department or the head of a bureau or division;

(ii) has decision-making authority in making City policy;

(iii) has decision-making authority in the exercise of quasi-judicial, regulatory, licensing, inspecting, or auditing functions; or

(iv) acts as a principal advisor to one who has authority of the type listed.

(b) *Inclusions.*

"Official" also includes the Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Executive Director, Executive Secretary, or Administrator of any agency or board included within the scope of § 2-2 {"Agency"} or § 2-3 {"Board"} of this subtitle.

(Ord. 04-795; Ord. 16-509.)

Defined terms:

Agency	§2-2	*Elected official*	§2-8
Board	§2-3		

§ 2-22. "Person".

(a) *In general.*

"Person" has the meaning stated in § 1-107(a) {"Person: In general"} of the City Code's General Provisions Article.

(b) *Qualified inclusion of governmental entities*.

Notwithstanding § 1-107(b) {"Person: Exclusion"} of the General Provisions Article, in this article "person" also includes, except as used in Subtitle 9 {"Enforcement"} for the imposition of criminal penalties, a governmental entity or an instrumentality or unit of a governmental entity.

(Ord. 04-795; Ord. 10-267; Ord. 19-332; Ord. 22-125.)

§ 2-23. "Public servant".

"Public servant" means any official or employee.

(Ord. 04-795.)

Defined terms:

Employee	§2-9	*Official*	§2-21

§ 2-24. "Quasi-governmental entity".

"Quasi-governmental entity" means an entity that:

(1) is created by a state statute;

(2) performs a public function; and

(3) is supported in whole or in part by the state, but is managed privately.

(Ord. 24-368.)

§§ 2-25 to 2-30. *{Reserved}*

PART II. RULES OF INTERPRETATION

§ 2-31. In general.

In interpreting and applying this article, the following rules of interpretation apply:

(1) those contained in Subtitles 2 and 3 of the City Code's General Provisions Article; and

(2) any additional rules contained in this Part II.

(Ord. 04-795; Ord. 22-125.)

§ 2-32. Conflicting provisions.

(a) *Article sets minimum requirements.*

In their interpretation and application, the provisions of this article must be taken to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(b) *Other laws*.

If another applicable law relating to conflicts of interest, financial disclosure, or lobbying is more stringent than this article, that provision also applies.

(c) *Agency rules and regulations*.

If an agency adopts a rule or regulation relating to conflicts of interest that is more stringent than this article, that provision also applies.

(Ord. 04-795; Ord. 22-125.)

Defined terms:

Agency	§2-2

§ 2-33. Liberal construction.

The Mayor and City Council intends that the provisions of this article, except those imposing criminal sanctions, be liberally construed to accomplish their purposes.

(Ord. 04-795; Ord. 22-125.)

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SUBTITLE 3

ADMINISTRATION

PART I.

ETHICS BOARD

§ 3-1. Establishment.

There is a Baltimore City Board of Ethics, as established under Article VII, § 106 of the City Charter and this subtitle.

(Ord. 04-795.)

§ 3-2. Appointment and qualifications.

(a) *Composition.*

The Ethics Board comprises the following 5 members, appointed by the Mayor in accordance with City Charter Article IV, § 6:

(1) 1 member nominated by the President of the City Council;

(2) 1 member nominated by the City Comptroller; and

(3) 3 members named by the Mayor, at least 2 of whom must be members of the Maryland Bar.

(b) *Qualifications.*

(1) Each member of the Ethics Board must be:

(i) an individual of known personal integrity;

(ii) someone who possesses a recognized knowledge and interest in government and civics; and

(iii) a resident of the City of Baltimore.

(2) No person may be appointed to the Board or, once appointed, continue to serve on the Board if the person:

(i) is or becomes a lobbyist under the State Public Ethics Law, Subtitle 8 of this article, or the ethics code of any political subdivision of this State;

(ii) is or becomes an officer or employee of the State, the City, or any other political subdivision of the State, or of any of their respective agencies, instrumentalities, or other units (other than a State college, university, or other institution of higher education); or

(iii) is or becomes a candidate for elected public office of the State, the City, or any other political subdivision of the State.

(Ord. 04-795; Ord. 10-272.)

Defined terms:

Employee	§2-9	*Official*	§2-21
Ethics Board	§2-10	*Person*	§2-22
Lobbyist	§2-20		

§ 3-3. Tenure; removal.

(a) *Tenure.*

(1) In accordance with City Charter Article VII, § 108(a), the term of a member is 5 years.

(2) The terms of the members are staggered as required by the terms for the members first appointed under the 2010 amendments to this subtitle.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

Editor's Note: Section 2 of Ordinance 10-272, which changed the composition and terms of the Board, provides for the following initial terms:

(1) the member nominated by the Council President shall be appointed for a term ending December 31, 2015;

(2) the member nominated by the Comptroller shall be appointed for a term ending December 31, 2014; and

(3) of the remaining 3 members:

(i) 1 shall be appointed for a term ending December 31, 2013;

(ii) 1 shall be appointed for a term ending December 31, 2012; and (iii) 1 shall be appointed for a term ending December 31, 2011.

(b) *Removal.*

(1) The Mayor may remove an appointed member as provided in City Charter Article IV, § 6, but only for the following causes:

(i) neglect of duty;

(ii) misconduct in office;

(iii) a disability that makes the member unable to discharge the powers and duties of the office; or

(iv) a violation of this article.

3-1

(2) Before seeking City Council approval for a removal, the Mayor must give the member:

(i) written notice of the charges; and

(ii) an opportunity to reply to the charges.

(Ord. 04-795; Ord. 10-272.)

§ 3-4. Officers.

(a) *Chair.*

(1) The Ethics Board must elect a Chair from among its members.

(2) The term of the Chair is 1 year.

(3) The Chair may be reelected.

(b) *Others.*

The Ethics Board may elect a Vice-Chair and other officers from among its members.

(Ord. 04-795; Ord. 10-272; Ord. 11-520.)

Defined terms:

Ethics Board	§2-10

§ 3-5. Meetings; compensation.

(a) *Quorum.*

3 Members of the Ethics Board are a quorum.

(b) *Voting.*

(1) An affirmative vote of at least 3 members is needed for any action by the Ethics Board.

(2) The Board's records must show how each member voted on each question.

(c) *Open meetings.*

All meetings of the Ethics Board must be conducted in accordance with the State Open Meetings Act, Title 3 of the State General Provisions Article.

(d) *Compensation; expenses.*

The members of the Ethics Board:

(1) serve without compensation; but

(2) are entitled to reimbursement for reasonable expenses incurred in the performance of their duties, as provided in the Ordinance of Estimates. *(Ord. 04-795; Ord. 16-503.)*

Defined terms:

Compensation	§2-7	*Ethics Board*	§2-10

§ 3-6. Rules and regulations; orders.

(a) *Rules and regulations.*

Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Ethics Board may adopt rules and regulations to carry out the provisions of this article.

Editor's Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed the text of this subsection to refer to and reflect the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(b) *Orders.*

The Ethics Board may issue orders necessary or appropriate to carry out the provisions of this article.

(Ord. 04-795; Text Conformed 02/16/21.)

Defined terms:

Ethics Board	§2-10

§§ 3-7 to 3-10. ***{Reserved}***

3-11

PART II. STAFF AND OTHER ASSISTANCE

§ 3-11. Executive Director and staff.

Editor's Note: This section was amended by Ordinance 20-354, effective October 10, 2020, designating the Inspector General to serve *ex officio* as the Executive Director of the Ethics Board.

(a) *Director.*

The Inspector General serves as the Executive Director of the Ethics Board and is responsible for assisting the Board in performing its responsibilities.

(b) *Staff.*

In consultation with the Board, the Executive Director may assign staff from the Office of the Inspector General to assist the Board and Executive Director.

(Ord. 04-795; Ord. 20-354)

Defined terms:

Ethics Board	§2-10	*Executive Director*	§2-11

§ 3-12. Other assistance.

At the request of the Ethics Board, the Baltimore Police Department, City Solicitor, City Comptroller, and all other City officials and agencies must provide reasonable investigative or other professional assistance to the Board.

(Ord. 04-795.)

Defined terms:

Agency	§2-2	*Official*	§2-21
Ethics Board	§2-10		

§§ 3-13 to 3-15. ***{Reserved}***

PART III. GENERAL ADMINISTRATION

§ 3-16. Forms.

The Ethics Board must prepare and distribute all forms required by this article.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10

§ 3-17. Review of statements and reports.

As required by the Ethics Board from time to time, the Executive Director must:

(1) review statements and reports filed in accordance with Subtitle 7 {"Financial Disclosure"} and Subtitle 8 {"Lobbying"} of this article; and

(2) notify individuals who submit documents under those subtitles of any omissions or deficiencies.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Executive Director*	§2-11

§ 3-18. Records.

(a) *Board to maintain.*

The Ethics Board must retain all documents filed with it and all other records of the Board for at least:

(1) 4 years; or

(2) if longer, the period set by the Archives and Records Management Committee in consultation with the Ethics Board.

(b) *Public access.*

The Ethics Board must make these documents and other records available for public inspection and copying during regular office hours.

(c) *Fees and procedures.*

The Ethics Board may charge a reasonable fee for the examination and copying of documents or other records.

(Ord. 04-795.)

Defined terms:

Ethics Board §2-10

3-19

§ 3-19. Public awareness.

The Ethics Board must publish and make publicly available information that explains the provisions of this article, the duties imposed by it, and the means for enforcing it.

(Ord. 04-795.)

Defined terms:

Ethics Board §2-10

§ 3-20. Training courses.

(a) *Board to offer.*

The Ethics Board must develop and offer a training course of not less than 2 hours on the requirements of this article.

(b) *Officials required to take.*

(1) Except as provided in paragraph (2) of this subsection, every official must complete the training course within 6 months of his or her appointment or reappointment to office.

(2) The training requirements of this subsection do not apply to:

(i) an official who, within the 3 years preceding his or her appointment or reappointment, completed a training course provided under this section; or

(ii) an individual who is an official only by virtue of being a board member, unless the board:

(A) is one of the entities listed in § 7-8 {"[Disclosures statements] – Agency officials and staff"} of this article; or

(B) performs one of the functions described in § 7-9 {"[Disclosure statements] – Procurement, legislative liaison, and enforcement personnel"} of this article.

(c) *Availability to others.*

(1) After consultation with the Board, an agency head may authorize or require one or more classes of agency employees to attend the training course.

(2) On request of the agency head, the Board must offer the training course to those employees as soon as practicable.

(3) The Board must annually notify agency heads of the availability of the training course under this subsection.

(d) *Assistance.*

The Department of Human Resources must provide the Ethics Board with:

(1) appropriate facilities for conducting the training course;

(2) timely notice of the appointment of all officials subject to the training requirements; and

(3) administrative and other assistance.

(Ord. 04-795; Ord. 04-822; Ord. 10-272; Ord. 16-585.)

Defined terms:

Agency	§2-2	*Ethics Board*	§2-10
Board	§2-3	*Official*	§2-21
Employee	§2-9		

§ 3-21. Conflicts affidavit.

(a) *Officials to file.*

Each official must, within 6 months of his or her initial appointment to office, complete and file with the Ethics Board and with that official's appointing authority, an affidavit that certifies, under penalties of perjury, that the official:

(1) has read and understands the provisions of this article governing conflicts of interest;

(2) is not then in violation of those provisions; and

(3) obligates himself or herself to comply with those provisions in all future activities.

(b) *Form.*

The affidavit must be in the form that the Ethics Board requires.

(Ord. 04-795; Ord. 17-068.)

Defined terms:

Ethics Board §2-10 *Official* §2-21

§ 3-22. Oaths and subpoenas.

(a) *In general.*

The Ethics Board and Executive Director each may:

(1) administer oaths; and

(2) issue subpoenas for the attendance of witnesses to testify or to produce other evidence.

3-23

(b) *Judicial enforcement.*

A subpoena issued under this section may be judicially enforced.

(Ord. 04-795.)

Defined terms:

Ethics Board §2-10 *Executive Director* §2-11

§ 3-23. Filing fees.

(a) *In general.*

Except as otherwise specified in this article, the Ethics Board may charge reasonable filing fees for statements, reports, and other documents filed under this article.

(b) *No fee for timely disclosure statement.*

The Board may not charge a fee for a disclosure statement timely filed under Subtitle 7 {"Financial Disclosure"} of this article.

(c) *Late fees.*

The fees charged may include late fees for any document that is filed after the applicable deadline.

(Ord. 04-795; Ord. 13-180.)

Defined terms:

Ethics Board §2-10

§ 3-24. Notices to new appointees.

(a) *General – Notice required.*

An individual who is appointed to fill a vacancy in a position must be given written notice, in a form approved by the Ethics Board, of the requirements of:

(1) § 3-20 {"Training courses"};

(2) § 3-21 {"Conflicts affidavit"}; and

(3) § 7-12 {"Financial Disclosure: Appointee to vacancy"}.

(b) *General – By whom given.*

(1) For Board members and uncompensated appointees of the Mayor, the notice required by subsection (a) of this section must be given by the Mayor or the Mayor's designee.

(2) For all other appointees, the notice must be given by the appointee's agency head or the agency head's designee.

(c) *General – When to be given.*

The notice required by subsection (a) of this section must be given within 5 days after the appointment.

(d) *General – Notice to be signed*.

(1) To evidence receipt by the appointee and understanding of the appointee's responsibilities, the notice required by subsection (a) must be signed by both the appointee and the official providing the appointee the notice.

(2) Within 5 days of signing, a copy of the signed notice required under this subsection must be:

(i) placed in the appointee's agency personnel file; and

(ii) provided to the Ethics Board.

Editor's Note: This subsection (d) was added by Ordinance 19-287, effective February 25, 2020.

(e) *Board members – Special pre-appointment notice.*

(1) An individual who is nominated to fill a vacancy on a City board must also be given written notice, in a form approved by the Ethics Board, of the provisions of § 6-14 {"Exceptions – New board members"} of this article.

(2) The notice required by paragraph (1) of this subsection must be given by the Mayor or the Mayor's designee at least 14 days before the appointment is to be confirmed.

(Ord. 04-795; Ord. 04-822; Ord. 16-585; Ord. 19-287.)

Defined terms:

Ethics Board §2-10

§ 3-25. Exemptions for boards.

(a) *In general.*

The Ethics Board may exempt from this article, or modify the applicability of this article to, a board or 1 or more members of a board if the Ethics Board determines that, because of the nature of the board, the application of this article to the board or member:

(1) would significantly reduce the availability of qualified individuals for public service; and

(2) is not needed to preserve the purposes of this article.

(b) *Written request required*.

An exemption under this section may be granted only on the written request of the board involved.

(Ord. 04-795.)

Defined terms:

Board §2-3 *Ethics Board* §2-10

§ 3-26. Reports.

The Ethics Board must submit to the Mayor and the City Council:

(1) an annual report on its activities; and

(2) as appropriate from time to time, based on its investigations and studies, special reports with recommendations for legislation. *(Ord. 10-272.)*

SUBTITLE 4

ADVISORY OPINIONS

§ 4-1. Request for opinion.

(a) *Requester's right.*

At the written request of a person who is subject to this article, the Ethics Board must provide an advisory opinion, in a timely fashion, on the article's application to that person under the circumstances described in the request.

(b) *Board's discretion.*

At the written request of any person not within the scope of subsection (a) of this section, the Ethics Board may provide that person with an advisory opinion on the article's application to the circumstances described in the request.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Person*	§2-22

§ 4-2. Executive Director's assistance.

(a) *Requester's right.*

The Executive Director must assist any person who needs or asks for help in preparing a written request under §4-1(a) {"Request for opinion: Requester's right"} of this subtitle.

(b) *Director's discretion.*

The Executive Director may assist any person who needs or asks for help in preparing a written request under §4-1(b) {"Request for opinion: Executive Director's discretion"} of this subtitle. *(Ord. 04-795.)*

Defined terms:

Executive Director	§2-11	*Person*	§2-22

§ 4-3. Publication.

(a) *In general.*

Each advisory opinion of the Ethics Board must be:

(1) in writing; and

(2) subject to the redactions required by subsection (b) of this section, filed and made available for public inspection.

4-4

(b) *Confidentiality*.

(1) Neither the Ethics Board nor its staff may reveal the identity of the person that is the subject of an advisory opinion.

(2) Before an advisory opinion is made public, the Ethics Board must delete:

(i) the name of the person that is the subject of the opinion; and

(ii) to the fullest extent possible, any other information that might identify that person.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Person*	§2-22

§ 4-4. Reliance on opinion.

Any person subject to this article is entitled to rely on an advisory opinion of the Ethics Board that:

(1) is reasonably applicable to that person's circumstances; and

(2) has not been:

(i) overruled by a later opinion of the Ethics Board; or

(ii) superseded by an amendment to the applicable provisions of this article or of the rules and regulations adopted under it.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Person*	§2-22

5-1

SUBTITLE 5

COMPLAINTS

§ 5-1. Commencement of action.

(a) *On complaint of other.*

(1) Any person may file a complaint with the Ethics Board alleging a violation of this article.

(2) A complaint filed under this subsection must be:

(i) in writing;

(ii) under oath; and

(iii) signed by the complainant.

(b) *On Board's motion.*

On its own motion, the Ethics Board may issue a written complaint alleging a violation of this article.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Person*	§2-22

§ 5-2. Copy to respondent.

(a) *In general*.

Subject to the redactions required by subsection (b) of this section, the Executive Director must promptly send the respondent a copy of the complaint.

(b) *Confidentiality.*

For a complaint filed under § 5-1(a) {"Commencement of action: On complaint of other"} of this subtitle, the Executive Director must delete from the copy sent to the respondent:

(1) the complainant's name; and

(2) to the fullest extent possible, any other information that might identify the complainant. *(Ord. 04-795.)*

Defined terms:

Ethics Board	§2-10	*Executive Director*	§2-11

5-3

§ 5-3. Preliminary investigation.

(a) *In general*.

The Executive Director must promptly investigate the complaint.

(b) *Report to Board.*

The Executive Director must report his or her findings to the Ethics Board within a reasonable time.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Executive Director*	§2-11

§ 5-4. Dismissal on cure of violation.

(a) *Opportunity to cure.*

If the investigation discloses a prima facie violation, the Executive Director must:

(1) so notify the respondent; and

(2) provide the respondent with an opportunity to cure the violation.

(b) *Dismissal on cure.*

The Ethics Board may dismiss the complaint if:

(1) within 15 days after the Executive Director's notice, the respondent cures the alleged violation; and

(2) the Board finds that a dismissal would not be contrary to the purposes of this article.

(c) *Notice of dismissal.*

If the Ethics Board dismisses a complaint under this section, the Executive Director promptly must notify the complainant and respondent of the dismissal.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Executive Director*	§2-11

§ 5-5. Dismissal on preliminary review.

(a) *In general.*

After receiving the report of the investigation, if the Ethics Board determines that the facts do not merit further proceedings, the Board must dismiss the complaint.

5-6

(b) *Notice of dismissal.*

If the Ethics Board dismisses a complaint under this section, the Executive Director promptly must notify the complainant and respondent of the dismissal.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Executive Director*	§2-11

§ 5-6. Hearing on complaint.

(a) *In general.*

If the complaint is not dismissed under § 5-4 {"Dismissal on cure of violation"} or § 5-5 {"Dismissal on preliminary review"} of this subtitle, the Ethics Board must provide the respondent with notice and an opportunity for a hearing before the Board.

(b) *Representation by counsel.*

At the hearing, the respondent is entitled to be represented by counsel.

(c) *Procedures*.

In its rules and regulations, the Ethics Board must establish procedures to govern the conduct of hearings held under this subtitle.

(Ord. 04-795.)

Editor's Note: The procedures established by the Board to govern the conduct of hearings are set forth in Board Regulations R 05.21 through R 05.26.

Defined terms:

Ethics Board	§2-10

§ 5-7. Disposition.

(a) *Determination.*

After the Ethics Board considers all of the evidence presented, it must make written findings of fact and conclusion of law on each alleged violation.

(b) *Finding of no violation*.

If the Ethics Board determines that the respondent has not violated this article, the Board must:

(1) dismiss the complaint; and

(2) promptly notify the complainant and respondent of the dismissal.

5-8

(c) *Sanctions for violation.*

If the Ethics Board determines that the respondent has violated any provision of this article, the Board may take any 1 or more of the actions authorized in Subtitle 9 {"Enforcement"}, Part II {"Administrative Sanctions"}.

(Ord. 04-795; Ord. 11-520.)

Defined terms:

Ethics Board §2-10

§ 5-8. Judicial and appellate review.

(a) *Judicial review.*

A respondent aggrieved by a final decision of the Ethics Board under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Appellate review*.

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(Ord. 04-795;Ord. 19-332.)

Defined terms:

Ethics Board §2-10

§ 5-9. Confidentiality of proceedings.

(a) *In general.*

Notwithstanding any other law and except as otherwise provided in this section, after a complaint is filed:

(1) the proceedings, meetings, and activities of the Ethics Board and its staff relating to the complaint are confidential; and

(2) neither the Ethics Board nor its staff may disclose any information relating to the complaint, including the identity of the complainant or the respondent.

(b) *Permitted disclosures*.

(1) The Ethics Board may release any information, other than the complainant's identity, if the respondent has agreed in writing to the release.

(2) The Ethics Board may disclose the complainant's identity to the respondent only at the respondent's request and for good cause shown.

5-9

(c) *Duration.*

The restrictions imposed by this section terminate when:

(1) the matter is referred for criminal prosecution; or

(2) the Ethics Board determines that a violation has occurred.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10

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SUBTITLE 6

CONFLICTS OF INTEREST

PART I. DEFINITIONS

§ 6-1. Definitions.

(a) *In general.*

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

(b) *Disqualifying relative*.

"Disqualifying relative", as applied to an individual, means that individual's spouse, parent, child, or sibling.

(Ord. 04-795.)

Defined terms:

Child §2-6

§§ 6-2 to 6-5. *{Reserved}*

PART II. RESTRICTIONS ON PARTICIPATION

§ 6-6. Prohibited participation.

(a) *"Business entity" limited.*

In this section, "business entity" does not include Baltimore City or any instrumentality, unit, or agency of Baltimore City.

Editor's Note: This subsection was added by Ordinance 13-102 (Bill 12-163). Bill 12-163 passed the City Council on February 4, 2013. Pursuant to City Charter Art. IV, § 5(c), that bill automatically became law on March 11, 2013, without the Mayor's signature.

(b) *When participation prohibited*.

Except as otherwise provided in this Part II, a public servant may not participate in and must disqualify himself or herself from any matter if:

(1) the public servant has an interest in the matter of which the public servant might reasonably be expected to know;

(2) to the public servant's knowledge, a disqualifying relative has an interest in the matter; or

(3) any of the following is a party to the matter:

(i) any business entity in which:

(A) the public servant has a financial interest of which the public servant might reasonably be expected to know; or

(B) to the public servant's knowledge, a disqualifying relative has a financial interest;

(ii) any business entity in which:

(A) the public servant is a partner, officer, director, trustee, employee, or agent; or

(B) to the public servant's knowledge, a disqualifying relative is a partner, officer, director, trustee, employee, or agent;

(iii) any business entity with which:

(A) the public servant has applied for a position, is negotiating employment, or has arranged prospective employment; or

(B) to the public servant's knowledge, a disqualifying relative has applied for a position, is negotiating employment, or has arranged prospective employment;

6-6

(iv) any business entity that is a party to a contract with:

(A) the public servant, if the contract could reasonably be expected to result in a conflict between the private interests of the public servant and the public servant's official City duties; or

(B) to the public servant's knowledge, a disqualifying relative, if the contract could reasonably be expected to result in a conflict between the private interests of the public servant or disqualifying relative and the public servant's official City duties;

(v) any business entity in which a financial interest is held by another business entity in which the public servant has a financial interest, if the public servant might reasonably be expected to know of both financial interests;

(vi) any business entity in which a financial interest is held by another business entity in which a disqualifying relative has a financial interest, if the public servant knows of both financial interests;

(vii) any business entity that has a financial interest in another business entity in which the public servant also has a financial interest, if the public servant might reasonably be expected to know of both financial interests;

(viii) any business entity that has a financial interest in another business entity in which a disqualifying relative also has a financial interest, if the public servant knows of both financial interests; or

(ix) any business entity that, to the public servant's knowledge, is a creditor or oblige of the public servant or a disqualifying relative and that, as a creditor or obligee, is in a position to affect directly and substantially the interest of the public servant or disqualifying relative.

(Ord. 04-795; Ord. 10-267; Ord. 13-102.)

Editor's Note: Section 8 of Ordinance 04-795 provides that the preceding § 6-6 "do[es] not prohibit the continued employment of a relative of a public servant if:

(1) the employment was entered into prior to the enactment of this Ordinance; and

(2) immediately prior to the enactment of this Ordinance, the employment and the public servant's participation in the employment conformed to all then-applicable laws, rules, and other standards of conduct."

Ord. 04-795 was enacted on July 8, 2004.

Defined terms:

Business entity	§2-4, §6-6(a)	*Interest*	§2-19	*Disqualifying relative*	§6-1	*Public servant*	§2-23
Financial interest	§2-16						

Art. 8, § 6-6.1

§ 6-6.1. Restrictions for former lobbyists.

(a) *In general.*

Except as otherwise provided in subsection (b) of this section, a former lobbyist who is or becomes subject to regulation under this subtitle as an official may not participate in a case, contract, or other specific matter as an official for 1 calendar year after the termination of the former lobbyist's registration if the former lobbyist previously assisted or represented another party for compensation in that case, contract, or other specific matter.

(b) *Board members.*

This section does not apply to a former lobbyist who is an official only as a member of a board. *(Ord. 19-239.)*

Defined terms:

Board	§2-3	*Lobbyist*	§2-20
Compensation	§2-7	*Official*	§2-21

§ 6-7. Exceptions.

(a) *Actions authorized by Board or article.*

The prohibitions in § 6-6 {"Prohibited participation"} of this subtitle do not apply to the extent that participation in a matter is expressly allowed:

(1) by a rule or regulation of the Ethics Board;

(2) by an advisory opinion of the Ethics Board;

or

(3) by another provision of this article.

(b) *Ministerial activities.*

The prohibitions in § 6-6 {"Prohibited participation"} of this subtitle do not prohibit the exercise of a ministerial duty that does not affect the disposition of or any decision relating to the matter involved.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10

§ 6-8. Participation notwithstanding conflict.

(a) *In general.*

Subject to subsection (b) of this section, a public servant who otherwise would be disqualified under § 6-6 {"Prohibited participation"} of this subtitle may nonetheless participate in a matter if:

(1) his or her disqualification would leave a board or other body with less than a quorum capable of acting;

(2) the public servant is required by law to act; or

(3) the public servant is the only individual authorized to act.

(b) *Conditions of participation.*

(1) A public servant who seeks to participate in a matter under the authority of this section must comply with the requirements of this subsection.

(2) If acting as a member of a board or other body, the public servant must, before participating, publicly disclose to that board or other body the nature and circumstances of the conflict.

(3) In all cases, the public servant must, as soon as possible after participating, file with the Ethics Board and the public servant's appointing authority a written notice of the nature and circumstances of the conflict and the participation.

(Ord. 04-795.)

Defined terms:

Board	§2-3	*Public servant*	§2-23
Ethics Board	§2-10		

§ 6-9. Service with entity on City's behalf.

The prohibitions in § 6-6 {"Prohibited participation"} of this subtitle do not apply to the service of a public servant as a trustee or director of a business entity doing business with or subject to regulation by the City as long as:

(1) the City has an economic or programmatic interest in the entity; and

(2) the public servant:

(i) serves on the entity as part of his or her official duties, at the direction of his or her agency;

(ii) receives no fee, salary, or other remuneration for his or her service; and

(iii) does not participate in any matter in which the public servant or any disqualifying relative has a financial interest.

(Ord. 04-795.)

Defined terms:

Agency	§2-2	*Disqualifying relative*	§6-1
Business entity	§2-4	*Financial interest*	§2-16
Business with City	§2-5	*Public servant*	§2-23

§ 6-10. {Reserved}

PART III. *RESTRICTIONS ON EMPLOYMENT AND INTERESTS*

§ 6-11. Prohibited employment, interests.

Except as otherwise provided in this Part III, a public servant may not:

(1) be employed by or have a financial interest in any person that is subject to the authority of that public servant or of the City agency with which the public servant is affiliated;

(2) be employed by or have a financial interest in any person that is negotiating or has entered into:

(i) a contract with the City or an agency of the City, if:

(A) the contract is with, for the benefit of, or to be administered by the agency with which the public servant is affiliated;

(B) the public servant's duties for the City include matters substantially relating to or affecting the subject matter of the contract and the contract binds or purports to bind the City to pay more than $1,000; or

(C) for any other contract, the public servant fails to timely disclose to the Ethics Board and the procuring agencies, as required by rule or regulation of the Ethics Board, his or her employment by or financial interest in the person who is negotiating or has entered into the contract; or

(ii) a subcontract on a contract described in this item (2); or

(3) hold any other employment relationship that would impair the impartiality and independent judgment of the public servant. *(Ord. 04-795; Ord. 11-484; Ord. 15-374.)*

Editor's Note: Section 2 of Ordinance 15-374 provides that the preceding § 6-11(2), as amended by Ord. 15-374, "does not prohibit continued employment or financial interest if:

(1) the employment or financial interest was entered into before the enactment of this Ordinance; and

(2) the employment or financial interest did not violate then-§ 6-11, as in effect before the enactment of this Ordinance, and conformed to all other then-applicable laws, rules, and standards of conduct."

Ord. 15-374 was enacted and became immediately effective on June 11, 2015.

Defined terms:

Agency §2-2 *Person* §2-22 *Financial interest* §2-16 *Public servant* §2-23

§ 6-12. Exceptions – Board regulation.

The prohibitions in § 6-11 {"Prohibited interests"} of this subtitle do not apply to an employment or financial interest that is allowed by a rule or regulation of the Ethics Board if:

(1) in the case of employment, the employment does not create a conflict of interest or the appearance of a conflict of interest; and

(2) in the case of a financial interest, the interest is disclosed in the manner required by the rule or regulation.

Editor's Note: Board Regulation R 06.12.1 establishes exemptions under this § 6-12 for: (i) outside employment as an adjunct faculty member of an accredited college or university; and (ii) a board member appointed under a requirement that the member represent certain industries, classes, etc. Regulation R 06.12.2, in turn, provides for certain additional employment exemptions that, subject to certain criteria, may be approved by the Board on individual application.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Financial interest*	§2-16

§ 6-13. Exceptions – Industry representatives.

The prohibitions in § 6-11 {"Prohibited interests"} of this subtitle do not apply to an individual who is appointed to a regulatory or licensing unit pursuant to a requirement that persons subject to the jurisdiction of the unit be represented in appointments to it.

(Ord. 04-795.)

Defined terms:

Person	§2-22

§ 6-14. Exceptions – New board members.

(a) *In general.*

The prohibitions in § 6-11 {"Prohibited interests"} of this subtitle do not apply to a board member who holds the employment or financial interest at the time of his or her appointment, if that employment or financial interest is publicly disclosed to the appointing authority, the Ethics Board, and, if applicable, the City Council before confirmation.

(b) *Disclosure by affidavit.*

The disclosure must be made by an affidavit, under penalties of perjury, in the form that the Ethics Board requires.

(Ord. 04-795.)

Defined terms:

Board	§2-3	*Financial interest*	§2-16
Ethics Board	§2-10		

Art. 8, § 6-15

§ 6-15. Exceptions – Service on City's behalf.

The prohibitions in § 6-11 {"Prohibited interests"} of this subtitle do not apply to the service of a public servant as a trustee or director of a business entity in accord with and subject to the limitations specified in § 6-9 {"Service ... on City's behalf"} of this subtitle.

(Ord. 04-795.)

Defined terms:

Business entity	§2-4	*Public servant*	§2-23

§ 6-16. Extraordinary exemptions.

(a) *In general*.

Subject to subsection (b) of this section, the Ethics Board may exempt a public servant from the prohibitions of § 6-11 {"Prohibited interests"} of this subtitle or modify the applicability of those prohibitions to a public servant if the Board determines that failure to grant the exemption or modification would limit the City's ability to:

(1) recruit and hire highly qualified or uniquely qualified professionals for public service; or

(2) assure the availability of competent services to the public.

(b) *Criteria for granting.*

(1) The Ethics Board may grant an exemption or modification under this section only:

(i) in extraordinary circumstances;

(ii) at the request of the City agency involved; and

(iii) with the Mayor's approval of that request.

(2) The Ethics Board must apply this section as consistently as possible under similar facts and circumstances.

(Ord. 04-795.)

Defined terms:

Agency	§2-2	*Public servant*	§2-23
Ethics Board	§2-10		

§ 6-17. Permitted transactions.

The prohibitions of § 6-11 {"Prohibited interests"} of this subtitle do not prevent:

(1) an elected official from appearing, without compensation, before any City agency or legislative body on behalf of constituents or in the performance of any public, official, or civic obligation or duty;

(2) a public servant from accepting or receiving any benefit or facility that is provided for or made available to citizens or residents under any housing or other general welfare legislation or in the exercise of the police power, but only if the public servant does not exercise any responsibility or authority with respect to authorizing that benefit or facility for himself or herself; or

(3) a public servant from entering into a contract with the City for the City's acquisition of real property, if:

(i) the amount to be paid for the property does not exceed the property's value, as established by at least 2 competent real estate appraisers selected by the City; and

(ii) all records of the City relating to the transaction are open to public inspection at all times during regular business hours.

(Ord. 04-795.)

Defined terms:

Agency	§2-2	*Elected official*	§2-8
Compensation	§2-7	*Public servant*	§2-23

§§ 6-18 to 6-20. {*Reserved*}

§ 6-21. Contingent compensation.

A public servant may not assist or represent a party for contingent compensation in any matter before or involving any City agency.

(Ord. 04-795.)

Defined terms:

Agency §2-2 *Public servant* §2-23 *Compensation* §2-7

§ 6-22. Post-employment restrictions.

(a) *Former public servants generally.*

After leaving office or terminating employment, a former public servant may not assist or represent a party, other than the City, in a case, contract, or other specific matter for compensation if:

(1) the matter involves City government; and

(2) the former public servant significantly participated in the same matter as a public servant.

(b) *Additional restrictions on former elected officials.*

(1) Except as provided in paragraph (2) of this subsection, a former elected official may not assist or represent another party for compensation in any matter that is the subject of legislative action for 1 calendar year from the date the elected official leaves office.

Art. 8, § 6-22

(2) Paragraph (1) of this subsection does not apply to a former elected official's representation of a municipal corporation, county, or State governmental entity.

(Ord. 04-795; Ord. 11-484; Ord. 19-239.)

Defined terms:

Compensation §2-7 *Public servant* §2-23

Elected official §2-8

§§ 6-23 to 6-25. {***Reserved}***

PART IV. GIFTS

§ 6-26. Solicitation prohibited.

(a) *In general.*

Except as permitted under subsection (b) of this section, a public servant may not solicit or facilitate the solicitation of a gift, whether on the public servant's own behalf or on behalf of another person.

(b) *Exception*.

The prohibition in subsection (a) of this section does not apply to a solicitation if:

(1) it is for the benefit of an official governmental program or activity or a City-endorsed charitable function or activity; and

(2) it either:

(i) is expressly allowed by a rule or regulation of the Ethics Board; or

(ii) otherwise has been approved in advance by the Ethics Board, on the written request of the public servant and his or her agency.

(Ord. 04-795; Ord. 10-267; Ord. 15-373; Ord. 24-368.)

Editor's Note: Board Regulations R 06.26.1 and R 06.26.2 sets out criteria for obtaining approval under § 6-26(b) for "official governmental" or "City-endorsed charitable" solicitations.

Defined terms:

Agency	§2-2	*Lobbyist*	§2-20
Ethics Board	§2-10	*Person*	§2-22
Financial interest	§2-16	*Public servant*	§2-23
Gift	§2-17		

§ 6-27. Acceptance prohibited.

Except as otherwise provided in this Part IV, a public servant may not knowingly accept any gift, directly or indirectly, from any person that the public servant knows or has reason to know:

(1) does or seeks to do business of any kind, regardless of amount:

(i) with the public servant's agency; or

(ii) with another person in connection with or in furtherance of a contract that is being negotiated or has been entered into by the other person with the public servant's agency;

(2) engages or seeks to engage in an activity that is regulated or controlled by the public servant's agency;

(3) is or, within the preceding 12 months, has been a lobbyist with respect to matters within the jurisdiction of the public servant;

(4) has a financial interest that might be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the public servant's official duties;

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

(6) is an owner, partner, officer, director, trustee, employee, or agent of any person described in items (1) through (4) of this section.

(Ord. 04-795; Ord. 10-267; Ord. 15-373; Ord. 16-503; Ord. 24-368.)

Defined terms:

Agency	§2-2	*Lobbyist*	§2-20
Employee	§2-9	*Person*	§2-22
Financial interest	§2-16	*Public servant*	§2-23
Gift	§2-17		

§ 6-28. Qualified exemptions.

Subject to § 6-29 {"Exemption limitations"} of this subtitle, the prohibitions in § 6-27 {"Acceptance prohibited"} of this subtitle do not apply to the unsolicited receipt of:

(1) food or beverages received and consumed by the recipient in the presence of the donor or sponsoring entity;

(2) gifts or awards that have insignificant monetary value, as defined by rule or regulation of the Board;

Editor's Note: Board Regulation R 06.28A defines "insignificant value", for purposes of this section, as: "(1) a gift or award with a value of not more than $20; or (2) a gift or award in a series of gifts and awards with a cumulative value of not more than $60, if given by or on behalf of the same person during the reporting period."

(3) in return for a speaking engagement or participation on a panel at a meeting, reasonable expenses, actually incurred and verifiable, for food, travel, lodging, child or dependent care, and scheduled entertainment of the public servant, but only if:

(i) the expenses are associated with the meeting; and

(ii) to the extent the expenses are anticipated to exceed $500, the public servant has notified the Ethics Board before attending the meeting;

(4) tickets or free admission given to an elected official to attend a specific charitable, cultural, or political event, if given by the person sponsoring or conducting the event as a courtesy or ceremony to the office;

(5) a specific gift or class of gifts that the Ethics Board exempts on a written finding that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of City business; or

Editor's Note: Board Regulation R 06.28.5 establishes exemptions under this § 6-28(5) (i) for certain pharmaceutical samples given to City health-care facilities, (ii) for certain free admissions to events sponsored or conducted by educational institutions, and (iii) for certain free admissions offered by or on behalf of an instrumentality or unit of State government.

(6) gifts from a spouse, parent, child, or sibling.

(Ord. 04-795; Ord. 11-484; Ord. 15-372.)

Defined terms:

Child	§2-6	*Gift*	§2-17
Elected official	§2-8 §2-10	*Person*	§2-22
Ethics Board		*Public servant*	§2-23

§ 6-29. Exemption limitations.

The exemptions specified in § 6-28 {"Qualified exemptions"} of this subtitle do not apply to any gift if:

(1) the gift would tend to impair the recipient's impartiality and independent judgment; or

(2) for a gift of significant value, as defined by rule or regulation of the Board:

(i) the gift would give the appearance of impairing the recipient's impartiality and independent judgment; or

(ii) the recipient believes or has reason to believe that the gift is designed to impair his or her impartiality and independent judgment.

Editor's Note: Board Regulation R 06.28B defines "significant value", for purposes of § 6-29(2), as: "(1) any gift with a value of more than $20; or (2) a gift in a series of gifts with a cumulative value of more than $60, if given by or on behalf of the same person during the reporting period." *(Ord. 04-795; Ord. 11-484.)*

Defined terms:

Gift	§2-17

§ 6-30. {*Repealed by Ord. 15-372}*

§ 6-31. Additional exemptions by Board.

By rule or regulation, the Ethics Board may establish further exemptions from or modifications of this Part IV, as the Board considers necessary.
(Ord. 04-795.)

ART. 8, § 6-31

Defined terms:

Ethics Board	§2-10

§§ 6-32 to 6-35. {*Reserved}*

PART V. MISCELLANEOUS

§ 6-36. Prestige of office.

(a) *In general.*

A public servant may not intentionally use the prestige of his or her office or position for his or her own private gain or that of another.

(b) *Constituent services.*

The performance of usual and customary constituent services, without additional compensation, is not prohibited by this section.

(Ord. 04-795.)

Defined terms:

Compensation	§2-7	*Public servant*	§2-23

§ 6-37. Disclosing confidential information.

Except in the discharge of an official duty, a public servant or former public servant may not disclose or use, for his or her own economic benefit or that of another, confidential information that the public servant or former public servant acquired by reason of his or her public position and that is not available to the public.

(Ord. 04-795; *Ord. 24-368.)*

Defined terms:

Public servant	§2-23

§ 6-38. Participation in procurement.

(a) *Scope of section.*

This section applies to:

(1) any individual who, for a proposed City procurement, assists a City agency in the drafting, development, or issuance of specifications, an invitation for bids, a request for proposals, a request for qualifications, or any other document related to the procurement; and

(2) any person who employs that individual.

(b) *Prohibited conduct.*

A person described in subsection (a) of this section may not:

(1) submit a response for that procurement; or

(2) directly or indirectly, assist or represent another person in submitting a response for that procurement.

(c) *Exemptions.*

For purposes of this section, the following transactions do not constitute assisting in the drafting of specifications, an invitation for bids, a request for proposals, or a request for qualifications:

(1) providing descriptive literature, such as catalogue sheets, brochures, technical data sheets, or standard specification "samples", whether solicited by the City agency or unsolicited;

(2) submitting written comments on a specification prepared by an agency or on a solicitation for a bid or proposal, if comments have been solicited from 2 or more persons as part of a request for information or a prebid or preproposal process; or

(3) providing specifications for a sole-source or selected-source procurement authorized by law.

(Ord. 04-795; Ord. 16-503.)

Defined terms:

Agency	§2-2	*Person*	§2-22

§ 6-39. Employment of relatives by elected officials.

(a) *"Relative" defined.*

In this section, "relative" means:

(1) spouse;

(2) parent or stepparent;

(3) sibling or step sibling;

(4) child, stepchild, foster child, or ward;

(5) mother-in-law or father-in-law;

(6) son-in-law or daughter-in-law;

(7) grandparent; or

(8) grandchild.

(b) *Prohibited employment.*

No elected official may use public funds to employ a relative of that elected official or of any other elected official. *(Ord. 04-795.)*

6-40

Editor's Note: Section 8 of Ordinance 04-795 provides that the preceding § 6-39 "do[es] not prohibit the continued employment of a relative of a public servant if:

(1) the employment was entered into prior to the enactment of this Ordinance; and

(2) immediately prior to the enactment of this Ordinance, the employment and the public servant's participation in the employment conformed to all then-applicable laws, rules, and other standards of conduct."

The Ordinance was enacted on July 8, 2004.

Defined terms:

Child	§2-6	*Elected official*	§2-8

§ 6-40. Prohibited retaliation.

A public servant may not retaliate against an individual for participating in an investigation of or reporting a potential violation of this article.
(Ord. 24-368.)

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SUBTITLE 7

FINANCIAL DISCLOSURE

PART I. GENERAL PROVISIONS

§ 7-1. "Business with the City" defined.

(a) *In general.*

In this subtitle, "business with the City" means any 1 or combination of sales, purchases, leases, or contracts:

(1) that are made:

(i) to, from, or with the City or an agency of the City; or

(ii) to, from, or with another person in connection with or in furtherance of a contract that is being negotiated or has been entered into by the other person with the City or an agency of the City; and

(2) involve consideration of $5,000 or more on a cumulative basis.

(b) *Determining consideration.*

For purposes of this section, the total consideration committed to be paid as of the award or execution of a contract or lease, to the extent then ascertainable, is included, regardless of the period over which payments are to be made.

(Ord. 04-795; Ord. 10-267; Ord. 14-307.)

Defined terms:

Agency	§2-2	*Person*	§2-22

§ 7-1.1. Required agency assistance.

(a) *Agencies to identify those required to file*.

(1) *Newly-created or vacant positions*.

Editor's Note: This paragraph (1) was added by Ordinance 19-287, effective February 25, 2020.

Prior to filling a newly-created or vacant position:

(i) each agency head must identify whether the position will be required to file a statement under this subtitle; and

(ii) if the agency head identifies the position as being required to file a statement under this subtitle, each agency head must:

Art. 8, § 7-1.1

(A) include a disclosure of the financial disclosure requirement in any advertisement or job listing seeking applicants for that position; and

(B) provide the Board with the appointee's name and position number within 10 days of filling that position.

(2) *Annual reporting.*

Editor's Note: Ordinance 19-287 amended this paragraph's former annual reporting deadline from "February 28" to "January 1", effective February 25, 2020.

On or before January 1 of each year, each agency head must provide to the Ethics Board, with a copy to the Director of Human Resources, the names and position numbers of all public servants in that agency who are required to file statements with the Ethics Board under:

(1) § 7-7 { "Elected officials and staff"};

(2) § 7-8 {"Agency officials and staff"}; or

(3) § 7-9 {"Procurement, legislative liaison, and enforcement personnel"}.

(b) *HR supplemental list*.

Editor's Note: Ordinance 19-287 amended this subsection's former annual reporting deadline from "March 15" to "February 1", effective February 25, 2020.

On or before February 1 of each year, the Director of Human Resources must provide to the Ethics Board the names and position numbers of all public servants who:

(1) hold positions of the types described in § 7-9 {"Procurement, legislative liaison, and enforcement personnel"} of this subtitle; and

(2) are not identified on any of the agency lists submitted under subsection (a) of this section.

(c) *Entities doing business with City.*

On or before February 1 of each year, the Finance Department must post on its website a searchable list of all persons that did business with the City for the calendar year immediately preceding the current calendar year.

(d) *Registered lobbyists.*

On or before February 1 of each year, the Ethics Board must post on its website a searchable list of all lobbyists who have registered with the Board for the calendar year immediately preceding the current calendar year.

(Ord. 04-795; Ord. 04-822; Ord. 14-307; Ord. 15-375; Ord. 16-585; Ord. 19-287.)

7-2

Defined terms:

Agency	§2-2	*Lobbyist*	§2-20
Business entity	§2-2	*Official*	§1-21
Business with City	§2-5	*Person*	§2-22
Ethics Board	§2-10	*Public servant*	§2-23

§ 7-2. General filing requirements.

(a) *Annual filing required.*

(1) *In general.*

Except as otherwise specified in this subtitle, each statement must be filed with the Ethics Board on or before April 30 of each year.

(2) *Elected officials.*

Elected officials must file the statement required by this subtitle on or before January 31 of each year.

(b) *Reporting period; information.*

Except as otherwise specified in this subtitle:

(1) each statement must cover the calendar year immediately preceding the filing; and

(2) disclose for that year all of the information required by Part III {"Contents of Statements"} of this subtitle.

(c) *Form.*

Each statement must be:

(1) filed on the form the Ethics Board provides; and

(2) signed under oath or affirmation, subject to the penalties of perjury.

(Ord. 04-795; Ord. 19-328.)

Defined terms:

Elected official	§2-8	*Ethics Board*	§2-10

Art. 8, § 7-4

§ 7-3. Statement by official of proposed action.

An official must disclose employment and interests that raise a potential conflict of interest in connection with a specific proposed action by the official. The disclosure must be made sufficiently in advance of the action to provide adequate disclosure to the public.

(Ord. 11-484.)

Editor's Note: Board Regulation R 07.03 sets out how and to whom the disclosure required by this section must be made.

Defined terms:

Interest	§2-19	*Official*	*cf.* §2-21

§ 7-4. Public inspections.

(a) *In general*.

(1) Except as provided in paragraphs (2) and (3) of this subsection, the Ethics Board shall allow a person to inspect a financial disclosure filed by a public servant under this subtitle.

(2) The Ethics Board may not provide public access to a portion of a statement that is filed on or after January 1, 2019, and that expressly identifies an individual's home address.

(3) The Ethics Board may 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 local government in the state; or (iii) a quasi-governmental entity of the state or a local government in the state.

(b) *Record of inspections*.

The Executive Director must:

(1) require each person who inspects a statement filed under this subtitle to identify him- or herself; and

(2) record:

(i) the inspecting person's name, address, telephone number, and organization represented; and

(ii) the name of the person whose statement was inspected.

(Ord. 04-795; Ord. 11-484; Ord. 16-585; Ord. 19-239; Ord. 19-332; Ord. 24-368.)

7-3

Defined terms:

Executive Director	§2-11	*Public servant*	§2-23
Person	§2-22		

§ 7-5. {*Reserved}*

PART II. WHO MUST FILE

§ 7-6. Definitions.

(a) *In general.*

In this Part II, the following terms have the meanings indicated.

(b) *"Non-clerical employee".*

"Non-clerical employee" means any public servant who:

(1) is compensated for his or her services; and

(2) is not employed solely in a secretarial, clerical, or custodial capacity.

(Ord. 04-795.)

Defined terms:

Public servant §2-23

§ 7-7. Persons required to file – Elected officials and staff.

The following elected officials and their employees must file the financial disclosure statements required by this subtitle:

(1) *Mayor's Office*.

(i) Mayor.

(ii) Deputy Mayors.

(iii) Chief of Staff.

(iv) All non-clerical employees of Mayor's Office.

(2) *Council President's Office*.

(i) President of City Council.

(ii) Chief of Staff.

(iii) Director of Legislative Affairs.

(iv) Director of Fiscal Affairs.

(v) Director of Operations/Office Manager.

(vi) All non-clerical employees of President's Office.

(3) *City Council*.

(i) Councilmembers.

(ii) Executive Secretary.

(iii) Chief Clerk.

(iv) Journal Clerk

(v) Parliamentarian.

(vi) Director of Council Services.

(vii) All non-clerical employees of Council Services.

(viii) All non-clerical employees of Councilmembers.

(4) *Comptroller's Office*.

(i) City Comptroller.

(ii) Deputy City Comptroller.

(iii) Executive Assistant to Comptroller.

(iv) City Auditor.

(v) Real Estate Officer.

(vi) Director of Communication Services.

(vii) All non-clerical employees of Comptroller's Office.*(Ord. 04-795.)*

Defined terms:

Elected official	§2-8	*Non-clerical employee*	§7-6
Employee	§2-9		

§ 7-8. Persons required to file – Agency officials and staff.

The following officials and employees must file the financial disclosure statements required by this subtitle:

(1) *{Reserved}*

(2) *Architectural and Engineering Awards Commission.*

(i) Members of Commission.

(ii) Director.

(3) *Auction Advisory Board.*

(i) Members of Board.

(ii) Director.

(3a) *Baltimore Children and Youth Fund.*

(i) All members of Board of Directors.

(ii) All non-clerical employees.

(4) *Baltimore Development Corporation*

(i) All members of the Board of Directors.

(ii) All officers of the Corporation.

(iii) All non-clerical employees of the Corporation.

(5) *Civilian Review Board*

(i) Members of Board.

(ii) Board Administrator.

(6) *Community Relations Commission*.

(i) Members of Board of Commissioners.

(ii) Director.

(6a) *Community Reinvestment and Reparations Commission.*

(i) Members the Commission.

(ii) All non-clerical employees.

(7) *Convention Complex*.

(i) Convention Complex Director.

(ii) Deputy Director.

(iii) Baltimore Arena Manager.

(iv) Convention Center Manager.

(v) Director, Client Services.

(vi) Director, Sales and Marketing.

(vii) Director, Building Services.

(viii) Director, Human Resources.

(ix) Director, Public Safety and Loss.

(8) *{Reserved}*

(9) *Electrical Examiners and Supervisors, Board of.*

(i) Members of Board.

(ii) Director.

(10) *Enoch Pratt Free Library.*

(i) Executive Director of Enoch Pratt Free Library.

(ii) All Directors and Assistant Directors.

(iii) All Managers.

(iv) All Chiefs and Assistant Chiefs.

(11) *Environmental Control Board.*

(i) Members of Board.

(ii) Executive Director.

(iii) Deputy Director.

(iv) All hearing examiners.

(12) *Ethics Board.*

(i) Members of Board.

(ii) Executive Director.

(12a) *Finance Board.*

(i) Members of the Board.

(ii) All non-clerical employees of or assigned to the Board.

(13) *Finance Department.*

(i) Director of Finance.

(ii) Deputy Finance Director.

(iii) All Bureau Heads and Division Chiefs of Department.

(iv) Deputy Chief of the Bureau of Treasury Management.

(v) City Purchasing Agent.

(vi) Risk Manager.

(vii) All non-clerical employees of Department.

(14) *Fire Department.*

(i) Members of Board of Fire Commissioners.

(ii) Chief of Fire Department.

(iii) Assistant Chiefs.

(iv) Fire Marshal.

(v) Shift Commanders.

(vi) Battalion Chiefs.

(vii) Fire Inspectors.

(viii) Public Safety and Health Officers.

(ix) Public Information Officers.

(x) Emergency Medical Services Manager.

(xi) Emergency Medical Services Billing Supervisor.

(xii) Fiscal Supervisor.

(15) *General Services Department.*

(i) Director of General Services.

(ii) Deputy Director of General Services.

(iii) All Bureau Heads, Division Chiefs, and Assistant Division Chiefs.

(iv) All General Superintendents.

(v) All inspectors.

(16) *Health Department.*

(i) Commissioner of Health.

(ii) All Deputy Commissioners of Health.

(iii) All Assistant Commissioners.

(iv) All Directors,

(v) All Chiefs.

(vi) All Inspectors.

(vii) All members of the Animal Hearing Panel.

(17) *Historical and Architectural Preservation Commission.*

(i) Members of Commission.

(ii) Executive Director.

(18) *Housing Authority of Baltimore City.*

(i) Members of Board of Commissioners.

(ii) Executive Director.

(iii) Deputy Executive Directors.

(iv) Associate Deputy Directors.

(v) Division Directors.

(vi) Section Chiefs.

(vii) Housing managers.

(viii) Housing Inspectors.

(ix) All attorneys.

(19) *Housing and Community Development Department.*

(i) Commissioner of Housing and Community Development.

(ii) Deputy Commissioners.

(iii) Assistant Commissioners.

(iv) All Bureau Heads, Directors, and Division Chiefs of Department.

(v) Members of Human Services Commission.

(vi) All non-clerical employees of the following programs or units of the Department:

1. Administrative Direction and Control.

2. Construction and Building Inspection.

3. Finance and Development.

4. Neighborhood Services.

5. Property Acquisition and Relocation.

6. Property Disposition.

(20) *Human Resources Department.*

(i) Members of Civil Service Commission.

(ii) Director of Human Resources.

(iii) Deputy Director of Human Resources.

(iv) All Bureau Heads and Division Chiefs of Department.

(21) *Information Technology, Office of.*

(i) Chief of Information Technology.

(ii) Information Systems Division Manager.

(iii) Systems Programming Manager.

(iv) Client Server Systems Administrator.

(vi) All Division Chiefs.

(22) *Inspector General, Office of.*

(i) Inspector General.

(ii) Assistant Inspectors General.

(iii) All non-clerical employees of Office.

(23) *{Reserved}*

(24) *Labor Commissioner, Office of.*

(i) Labor Commissioner.

(ii) Deputy Labor Commissioner.

(25) *Law Department.*

(i) City Solicitor.

(ii) Deputy City Solicitor.

(iii) All attorneys and investigators.

(26) *Legislative Reference Department*.

(i) Director.

(ii) Deputy Director.

(iii) All bill drafters.

(27) *LGBTQ Affairs, Office of*

(i) Director.

(ii) Members of the LGBTQ Commission.

(iii) All non-clerical employees.

(27a) *Local Development Council, South Baltimore Video Lottery Terminal.*

(i) Members of the Council.

(ii) All non-clerical employees of or assigned to the Council.

(28) *Municipal and Zoning Appeals Board.*

(i) Members of Board.

(ii) Executive Secretary.

(iii) All non-clerical employees of Board.

(29) *Older Adult Affairs and Advocacy, Office of*

(i) Members of the Commission on Aging, Resources, and Empowerment.

(ii) Director of the Office.

(iii) All Bureau Heads, Division Chiefs, and Administrators of the Office.

(iv) All non-clerical employees of the Office.

(30) *{Reserved}*

(31) *Parking Authority.*

(i) Members of Board of Directors.

(ii) Executive Director.

(iii) All non-clerical employees of Authority.

(32) *Pawnbrokers Review Board.*

(i) Members of Board.

(ii) Director.

(32a) *Pimlico Community Development Authority*

(i) Members of the Authority.

(ii) All non-clerical employees of or assigned to the Authority.

(33) *Planning Department.*

(i) Members of Planning Commission.

(ii) Director of Planning.

(iii) Deputy Director of Planning.

(iv) All non-clerical employees of Department.

(33a) *Police Accountability Board.*

(i) Members of the Board.

(ii) Members of the Administrative Charging Committee.

(iii) Director.

(iv) All non-clerical employees assigned to the Board or the Committee.

(34) *Police Department.*

(i) Commissioner.

(ii) Deputy Commissioners.

(iii) Commanding Officers.

(iv) All officers with rank of Captain or above.

(v) All civilian employees serving as Section Directors or above.

(35) *Public Art Commission*.

(i) Members of Commission.

(ii) Director.

(36) *Public Works Department.*

(i) Director of Public Works.

(ii) Deputy Director of Public Works.

(iii) All Bureau Heads, Division Chiefs, and Assistant Division Chiefs.

(iv) All General Superintendents.

(v) All inspectors.

(37) *Recreation and Parks Department.*

(i) Director of Recreation and Parks.

(ii) All Division Chiefs and Assistant Division Chiefs.

(iii) All inspectors.

(38) *Retirement Systems and Retirement Savings Plan.* (i) Members of the Boards of Trustees of:

(A) the Employees' Retirement System;

(B) the Fire and Police Employees' Retirement System; and

(C) the Retirement Savings Plan.

(ii) Executive **Directors** and Deputy Directors of these Systems and Savings Plan.

(iii)Members of the staffs of these Systems and Savings Plan, as designated by the irrespective Executive Directors.

(38a) *Re-Entry Action Council.*

(i) Director.

(ii) Members of the Re-Entry Action Council.

(iii) All non-clerical employees.

(38b) *South Baltimore Gateway Community Impact District Management Authority*.

(i) Members of the Board of Directors.

(ii) Administrator.

(iii) All non-clerical employees of or assigned to the Authority.

(39) *Sustainability, Commission on*

(i) Members of Commission.

(ii) All non-clerical employees assigned to the Commission

(40) *Transportation Department.*

(i) Director.

(ii) Deputy Director.

(iii) All Division Chiefs and Assistant Division Chiefs.

(iv) All General Superintendents.

(v) All Inspectors.

(41) - (42) *{Reserved}*

(43) *Wage Commission.*

(i) Members of Commission.

(ii) Director.

(iii) Program Compliance Officers.

(44) *Water-Customer Advocacy and Appeals, Office of*

(i) Office Administrator.

(ii) All Customer Advocates.

(iii) All non-clerical employees of or assigned to the Office.

(Ord. 04-795; Ord. 05-174; Ord. 07-489; Ord. 08-063; Ord. 10-272; Ord. 11-520; Ord. 11-573; Ord. 14-307; Ord. 15-375; Ord. 16-509; Ord. 17-063; Ord. 19-332; Ord. 20-336; Ord. 20-363; Ord. 21-028; Ord. 22-124; Ord. 22-146; Ord. 23-249; Ord. 23-264; Ord. 24-325.)

Defined terms:

Agency	§2-2	*Non-clerical employee*	§7-6
Employee	§2-9	*Official*	§2-21

§ 7-9. Persons required to file – Procurement, legislative liaison, and enforcement personnel.

The following public servants must file the financial disclosure statements required by this subtitle:

(1) *Procurement employees.*

All non-clerical employees whose functions include:

(i) the drafting, development, or issuance of specifications, invitations for bids, requests for proposals, requests for qualifications, or other related documents for the procurement of supplies, materials, or services;

(ii) the review or evaluation of bids, proposals, qualifications, or contracts for the procurement of supplies, materials, or services; or

(iii)the inspection, monitoring, or other enforcement of contract standards and specifications.

(2) *Legislative liaisons.*

All public servants whose functions include the influence of legislative action, as defined in § 8-1 of this article.

Art. 8, § 7-11

(3) *Enforcement personnel.*

All other public servants whose official duties include enforcement of (including inspections to assure compliance with) laws, rules, or regulations that affect the rights of the public or the procedures available to the public.

(Ord. 04-795; Ord. 15-375.)

Defined terms:

Agency	§2-2	*Public servant*	§2-23
Non-clerical employee	§7-6		

§ 7-10. *{Repealed by Ord. 15-375}*

§ 7-11. Persons vacating position.

(a) *In general.*

Except as provided in subsection (d) of this section, an individual who, other than by reason of death, vacates a position for which an annual statement is required must file a departure statement with the Ethics Board.

(b) *When to be filed.*

The departure statement must be filed within 60 days after vacating the position.

(c) *Scope of statement.*

The departure statement must:

(1) be in the form and contain all of the information required for an annual statement; and

(2) cover a reporting period that includes:

(i) the calendar year immediately preceding the date of vacating the position, unless the individual already has filed an annual statement for that year; and (ii) the part of the current calendar year during which the individual served.

(d) *Exceptions.*

A departure statement need not be filed if:

(1) an individual vacates a position to assume another position for which an annual statement is required under this subtitle; and

(2) the disclosure requirements of the new position are at least as extensive as those of the former position. *(Ord. 04-795.)*

7-12

Defined terms:

Ethics Board §2-10

§ 7-12. Persons filling vacancy.

(a) *In general.*

Except as provided in subsection (d) of this section, an individual who is appointed to fill a vacancy in a position for which an annual statement is required must file an entry statement with the Ethics Board. (b) *When to be filed.*

The entry statement must be filed within 30 days after the appointment.

(c) *Scope.*

The entry statement must:

(1) be in the form and contain all of the information required for an annual statement; and

(2) cover the calendar year immediately preceding the appointment.

(d) *Exceptions.*

An entry statement need not be filed if:

(1) while in another position, the individual already filed an annual statement for the preceding calendar year; and

(2) the disclosure requirements of the former position were at least as extensive as those of the new position. *(Ord. 04-795.)*

Defined terms:

Ethics Board §2-10

§ 7-13. Candidates for office.

(a) *In general.*

Except as provided in subsection (b) of this section, a candidate for an elected office for which an annual statement is required must file a statement annually:

(1) beginning with the year in which the candidate files a certificate of candidacy; and

(2) continuing through the year of the election.

Art. 8, § 7-13

(b) *Exception.*

This section does not require the filing of a statement for any full year that is already covered by a statement the individual has otherwise filed under this subtitle.

(c) *Filing requirements — Place.*

The statement required by this section must be filed with the Baltimore City Board of Elections.

(d) *Filing requirements — Time.*

(1) The initial statement required by this section must be filed no later than with the filing of the certificate of candidacy.

(2) In each subsequent year, through and including the year of the election, the statement must be filed on or before the earlier of:

(i) April 30; or

(ii) the last day for the withdrawal of a candidacy under State Election Law Article, § 5-502.

(e) *Filing requirements – Contents.*

The disclosure requirements applicable to a candidate filing under this section are the same as those applicable to an incumbent holding the office involved.

(f) *Filing prerequisite to candidacy.*

The Board of Elections may not accept a certificate of candidacy of a candidate covered by this section unless the candidate has filed the initial statement required by subsection (d)(1) of this section.

(g) *Subsequent failure to file.*

If a later statement required by this section is overdue and is not filed within 20 days after the candidate receives from the Board of Elections written notice of the failure to file, the candidate is considered to have withdrawn his or her candidacy.

(h) *Forwarding to Ethics Board.*

Within 30 days after receiving a statement, the Board of Supervisors of Elections must forward the statement to the Ethics Board.

(Ord. 04-795; Ord. 22-124.)

Defined terms:

Ethics Board	§2-10

§ 7-14. Designees of Mayor or President.

(a) *In general.*

Individuals designated under this section, other than elected officials, may also be required to disclose information annually.

(b) *Designations — by Mayor.*

By executive order, the Mayor may designate for disclosures under this section:

(1) any employee of an executive agency; and

(2) any uncompensated appointee of the Mayor.

(c) *Designations — by City Council President.*

By written order, the President of the City Council may designate for disclosures under this section:

(1) any employee of the City Council; and (2) any

uncompensated appointee of the President.

(d) *Contents.*

An individual filing a statement under this section must include the relevant information that the applicable designating authority specifies.

(e) *Statement a public record.*

A statement filed under this section is a public record.

(Ord. 04-795.)

Defined terms:

Agency	§2-2	*Employee*	§2-9
Elected official	§2-8		

§ 7-15. {*Reserved*}

Art. 8, § 7-16

PART III. CONTENTS OF STATEMENTS

§ 7-16. In general.

The statement required to be filed under this subtitle must include schedules that disclose the information and interests specified in this Part III, as directly applicable to the public servant or attributable to the public servant for the reporting period for which the statement is required.
(Ord. 04-795.)

Editor's Note: Board Regulation 07.16 authorizes board members who are not otherwise officials or employees required to file disclosure statements to file a modified, more limited statement provided by the Ethics Board.

Defined terms:

Public servant	§2-23

§ 7-17. Attributable interests.

(a) *In general.*

For purposes of § 7-21 {"Real property"} of this subtitle and § 7-22 {"Business entities"} of this subtitle, the following interests are attributable to and must be reported by the public servant.

(b) *Certain interests held by spouse, etc.*

An interest is attributable to the public servant if, at any time during the reporting period, it was:

(1) held by a spouse, parent, child, or sibling of the public servant; and

(2) directly or indirectly controlled by the public servant.

(c) *Interests held by certain business entities*.

(1) An interest is attributable to the public servant if, at any time during the reporting period, it was held by:

(i) a business entity in which an equity interest of 10% or more was held by or otherwise attributable under this section to the public servant;

(ii) a business entity in which a business entity describe in subparagraph (i) of this paragraph held a 25% or greater interest;

(iii) a business entity in which a business entity describe in subparagraph (ii) of this paragraph held a 50% or greater interest; and

(iv) a business entity in which a public servant directly indirectly, through an interest in 1 or a combination of other business entities holds a 10% or greater interest.

(2) This subsection does not limit:

(i) the requirements of § 7-21 {"Real property"} of this subtitle to disclose real property interests held by entities in which the public servant holds an interest; or

(ii) the requirements of § 7-22 {"Business entities"} of this subtitle to disclose certain entities in which the public servant holds an interest.

(d) *Interests held by certain trusts.*

An interest is attributable to the public servant if, at any time during the reporting period, it was held by a trust or estate in which the public servant:

(1) held a reversionary interest;

(2) was a beneficiary; or

(3) if a revocable trust, was a settlor.

(Ord. 04-795; Ord. 19-287; Ord. 24-368.)

Defined terms:

Business entity	§2-4	*Interest*	§2-19
Child	§2-6	*Public servant*	§2-23

§ 7-18. Blind trusts.

For purposes of any of the disclosures required by this subtitle, interests held by a blind trust are not considered interests of the public servant making the statement if:

(1) the blind trust is approved by the Ethics Board in accordance with rules and regulations adopted under this article; and

(2) the blind trust is operated in compliance with those rules and regulations.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Public servant*	§2-23	*Interest*	§2-19

§ 7-19. Business entity names.

An individual who is required to disclose the name of a business entity under this section shall disclose any other names that the business entity is using for trading or doing business. *(Ord. 24-368.)*

§ 7-20. {Reserved*}*

Art. 8, § 7-21

§ 7-21. Real property.

(a) *In general.*

The statement must include a schedule of each interest in real property that, at any time during the reporting period, was held by or, under § 7-17 {"Attributable interests"} of this subtitle, was attributable to the public servant, including each interest held in the name of a partnership, limited liability partnership, limited liability company, or other unincorporated entity in which an interest was held by or attributable to the public servant.

(b) *Required specifics.*

For each interest subject to this section, the schedule must include:

(1) the nature of the property;

(2) the property's location by street address, mailing address, or legal description;

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

(4) the identity of each other person with an interest in the property;

(5) the date and manner in which the interest was acquired;

(6) the identity of the person from which the interest was acquired;

(7) if the interest was acquired by purchase, the nature and amount of the consideration given for the interest;

(8) if the interest was acquired in any other manner, the fair market value of the interest when acquired;

(9) if any interest was transferred, in whole or in part, at any time during the reporting period:

(i) a description of the interest transferred;

(ii) the nature and amount of the consideration received for the interest; and

(iii) the identity of the person to which the interest was transferred.

(Ord. 04-795.)

Defined terms:

Interest	§2-19	*Public servant*	§2-23
Person	§2-22		

§ 7-22. Business entities.

(a) *In general.*

The statement must include a schedule of each interest in any corporation, partnership, limited liability company, or any other business entity, whether or not that entity does business with or is regulated by the City, if, at any time during the reporting period, the interest was held by or, under § 7-17 {"Attributable interests"} of this subtitle, was attributable to the public servant.

(b) *Required specifics.*

For each interest subject to this section, the schedule must include:

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

(2) subject to subsection (c) of this section, the nature and amount of the interest held, including any conditions to and encumbrances on the interest;

(3) except as provided in subsection (d) of this section, if any interest was acquired during the reporting period:

(i) the date and manner in which the interest was acquired;

(ii) the identity of the person from which the interest was acquired;

(iii) if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and

(iv) if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and

(4) if any interest was transferred, in whole or in part, during the reporting period:

(i) a description of the interest transferred;

(ii) the nature and amount of the consideration received for the interest; and (iii) if known, the identity of the person to which the interest was transferred.

(c) *Reporting equity interests.*

(1) For an equity interest in a corporation, the reporting requirements of subsection (b)(2) of this section may be satisfied by reporting, instead of a dollar amount:

(i) the number of shares held; and

(ii) unless the corporation's stock is publicly traded, the percentage of equity interest held.

(2) For an equity interest in a partnership, limited liability company, or any other business entity, the reporting requirements of subsection (b)(2) of this section may be satisfied by reporting, instead of a dollar amount, the percentage of equity interest held.

(d) *Reporting dividend reinvestments, etc.*

For purposes of the reporting requirements of subsection (b)(3) of this section, only the manner of acquisition need be disclosed if:

(1) the interest was acquired by dividend or dividend reinvestment and consists solely of additions to existing, publicly traded corporate interests; and

(2) the total value of the acquisition is less than $500.

(Ord. 04-795.)

Defined terms:

Business entity	§2-4 §2-	*Person*	§2-22
Business with City Interest	5 §2-19	*Public servant*	§2-23

§ 7-23. Gifts.

(a) *"Significant gift" defined.*

(1) In this section, "significant gift" means, except as specified in paragraph (2) of this subsection:

(i) any gift with a value of more than $20; and

(ii) any gift in a series of gifts with a cumulative value of $100 or more given by or on behalf of the same person during the reporting period.

(2) "Significant gift" does not include any of the following, regardless of value:

(i) a gift from a spouse, parent, child, or sibling;

(ii) a campaign contribution that is otherwise reported as required by law; or

(iii) tickets or free admission given to an elected official to attend a specific charitable, cultural, or political event, if given by the person sponsoring or conducting the event as a courtesy or ceremony to the office.

(b) *In general.*

The statement must include a schedule of each significant gift that was, at any time during the reporting period:

(1) accepted by the public servant or by any other person at the direction of the public servant; and

(2) given by or on behalf of, directly or indirectly, any person that the public servant knows or has reason to know was:

(i) a lobbyist;

(ii) a person regulated by the City;

(iii) a person doing business with the City; or

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

(c) *Required specifics.*

For each gift subject to this section, the schedule must include:

(1) the nature and value of the gift; and

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

(d) *Section not an authorization*.

Neither this section nor any disclosure made under it authorizes any gift that is not otherwise allowed by law.

(Ord. 04-795; Ord. 10-267; Ord. 11-484; Ord. 24-368.)

Defined terms:

Business with City §2-5 *Lobbyist* §2-20
Child §2-6 *Person* §2-22
Elected official §2-8 §2- *Public servant* §2-23
Gift 17

§ 7-24. Offices, employment, etc.

(a) *In general*.

The statement must include a schedule of each office, directorship, salaried employment, and other similar interest not otherwise disclosed that was, at any time during the reporting period:

(1) held by the public servant, by the public servant's spouse or child, or, if known to the public servant, by the public servant's parent or sibling,

(2) in any business entity that was:

(i) a lobbyist,

(ii) regulated by the City, or

(iii) doing business with the City.

(b) *Directorships held by the public servant*.

Editor's Note: This subsection (b) was added by Ordinance 19-287, effective February 25, 2020.

In addition to the requirements set forth in subsection (a) of this section, the statement must include each directorship held by the public servant in any business entity.

(c) *Required specifics.*

For each position or interest subject to this section, the schedule must include:

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

(2) the title and nature of the position or interest;

(3) the date when the position or interest began;

(4) if applicable, the name of each agency with which the entity is doing business, by which it is regulated, or in connection with which it is a lobbyist;

(5) if applicable, the nature of the entity's relationship to the City, which at a minimum must refer to the applicable criteria listed in subsection (a)(2) of this section; and

(6) if the position or interest is held by someone other than the public servant, the identity of the individual who held the position or interest. *(Ord. 04-795; Ord. 19-287.)*

Defined terms:

Agency	§2-2	*Interest*	§2-19
Business entity	§2-4 §2-5	*Lobbyist*	§2-20
Business with City		*Public servant*	§2-23
Child	§2-6		

§ 7-25. Indebtedness.

(a) *In general.*

Except as specified in subsection (c) of this section, the statement must include a schedule of each debt that was, at any time during the reporting period, owed:

(1) by the public servant or, if the public servant was involved in the transaction giving rise to the debt, by the public servant's spouse, parent, child, or sibling,

(2) to any business entity that was:

(i) a lobbyist;

(ii) regulated by the public servant's agency; or

(iii) doing business with the public servant's agency.

(b) *Required specifics.*

For each debt subject to this section, the schedule must include:

(1) the identity of the person to whom the debt was owed;

(2) the date the debt was incurred;

(3) the amount owed at the end of the reporting period;

(4) the terms of payment;

(5) the extent to which the principal was increased or decreased during the reporting period; and

(6) any security given.

(c) *Exceptions.*

This section does not apply to:

(1) a retail credit account;

(2) a retail installment sales account; or

(3) a utility account.

(Ord. 04-795; Ord. 19-239.)

Defined terms:

Agency	§2-2	*Lobbyist*	§2-20
Business entity	§2-4 §2-5	*Person*	§2-22
Business with City	§2-6	*Public servant*	§2-23
Child			

§ 7-26. Family employed by City.

(a) *In general.*

The statement must include a schedule of any spouse, parent, child, or sibling who was, at any time during the reporting period, employed by the City in any capacity.

(b) *Required specifics.*

For each family member subject to this section, the schedule must include:

(1) the individual's name and relationship to the public servant; and

(2) the agency and position in which the individual was employed.

Art. 8, § 7-27

(Ord. 04-795.)

Defined terms:

Agency	*§2-2*	*Public servant*	*§2-23*
Child	*§2-6*		

§ 7-27. Sources of income - Earned income.

(a) *In general.*

The statement must include a schedule that lists, for the public servant and for each of the public servant's spouse and children:

(1) each place of compensated employment at any time during the reporting period; and

(2) each business entity:

(i) of which the public servant, spouse, or child was a sole or partial owner; and

(ii) from which, at any time during the reporting period, he or she received earned income.

(b) *Required specifics*.

(1) For each source of income subject to this section, the schedule must include:

(i) the name and address of the place of salaried employment or business entity;

(ii) for each family member, that individual's name and relationship to the public servant; and

(iii)if the individual's spouse is a lobbyist, any entity that has engaged the spouse for lobbying purposes.

(2) The statement may not include a listing of a minor child's employment or a listing of 1 or more business entities of which the child is a sole or partial owner, unless the place of employment or business entity:

(i) is subject to the regulation or authority of the agency that employs the individual; or

(ii) has contracts in excess of $10,000 with the agency that employs the individual.

(Ord. 04-795; Ord. 19-239; Ord. 19-328; Ord. 24-368.)

Defined terms:

Business entity §2-4 *Lobbyist* §2-20 *Child* §2-6 *Public servant* §2-23

§ 7-28. Sources of income - Substantial interests of elected officials.

(a) *"Substantial interest" defined*.

In this section, "substantial interest" means holding an equity interest of 30% or more in a business entity.

(b) *Scope of section*.

This section only applies to payments received from any person that the elected official knows or should know was:

(1) a lobbyist;

(2) a person regulated by the City; or

(3) a person doing business with the City.

(c) *Disclosure of certain payments.*

(1) *Substantial interest in single entity.*

If the elected official or the elected official's spouse has a substantial interest in a business entity, the statement must include the name and address of any person described in subsection (b) of this section who, during the reporting period, paid that entity:

(i) $1,000 or more in the aggregate; or

(ii) an amount that in the aggregate constitutes 5% or more of the gross income of that entity, if the gross income of that entity is less than $20,000.

(2) *Substantial interest in multiple entities*.

If the elected official or the elected official's spouse has a substantial interest in multiple business entities, the statement must include the name and address of any person described in subsection (b) of this section, who during the reporting period, paid those entities:

(i) $1,000 or more in the aggregate; or

(ii) an amount that in the aggregate constitutes 5% or more of the gross income of those entities, if the gross income of those business entities is less than $20,000.

(d) *Confidential information*.

Nothing in this section is meant to require the disclosure of any information that is otherwise confidential by law.

(Ord. 19-328.)

Defined terms:

Art. 8, § 7-29

Business entity	§2-4 §7-1	*Person*	§2-22
Business with City	§2-20	*Substantial interest*	§7-28
Lobbyist			

§ 7-29. Relationships with University of Maryland Medical System, state or local government, or quasi-governmental entity.

(a) The statement shall include a schedule of any financial or contractual relationship with:

(1) the University of Maryland Medical System;

(2) a governmental entity of the state or a local government in the state; or

(3) a quasi-governmental entity of the state or local government in the state.

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

(1) a description of the relationship;

(2) the subject matter of the relationship; and

(3) the consideration.

(Ord. 04-795; Ord. 19-328; Ord. 24-368.)

Defined terms:

Interest	§2-19	*Public servant*	§2-23

§ 7-30. Additional information.

The statement may include a schedule of additional interests or information that the public servant chooses to disclose. *(Ord. 24-368.)*

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SUBTITLE 8 LOBBYING

PART I. DEFINITIONS

§ 8-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated. *(Ord. 04-795.)*

(b) *Compensation.*

If lobbying is only part of a person's employment, "compensation" means a prorated amount of the person's total compensation, as defined in § 2-7 of this article, that is based on the time devoted by the person to lobbying compared to the time devoted to other employment duties. *(Ord. 04-795.)*

Defined terms:

Compensation	§2-7	*Person*	§2-22
Lobby	§8-1(e)		

(c) *Executive action.*

"Executive action" means any official action or nonaction that:

(1) is taken by a public servant; and

(2) is not legislative action, as defined in this section.

(Ord. 04-795.)

Defined terms:

Legislative action	§8-1(d)	*Public servant*	§2-23

(d) *Legislative action.*

(1) "Legislative action" means any official action or nonaction relating to:

(i) any bill, resolution, nomination, appointment, report, or other matter within the jurisdiction of the City Council; or

(ii) any bill or resolution presented to the Mayor for approval or veto.

(2) "Legislative action" includes:

(i) introduction;

(ii) sponsorship;

(iii) consideration and debate;

(iv) amendment;

(v) passage or defeat; and

(vi) approval or veto.

(Ord. 04-795.)

(e) *Lobby.*

"Lobby" means to do any act that requires registration under this subtitle.

(Ord. 04-795.)

(f) *Reporting period.*

"Reporting period" means all or any part of the period from January 1 of any year through December 31 of the same year during which a person is registered or required to be registered with the Ethics Board as a lobbyist.

(Ord. 04-795; Ord. 18-198.)

Defined terms:

Lobbyist	§2-20	*Person*	§2-22

§§ 8-2 to 8-5. *{Reserved}*

PART II. REGISTRATION REQUIRED

§ 8-6. In general.

Except as otherwise specified in Part V {"Exemptions"} of this subtitle, a person who engages in any activity described in this Part II must register with the Ethics Board.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Person*	§2-22

§ 8-7. Legislative lobbying.

A person must register if, during a reporting period, the person:

(1) for the purpose of influencing any legislative action, communicates with a public servant; and

(2) in furtherance of or in connection with all such communications for that or any other legislative action, and all activities relating to those communications:

(i) expends $100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants;

(ii) incurs any expenses of $500 or more; or

(iii)earns $2,500 or more in compensation.*(Ord. 04-795.)*

Defined terms:

Compensation	§8-1	*Person*	§2-22
Gift	§2-17 §8-	*Public servant*	§2-23
Legislative action	1	*Reporting period*	§8-1

§ 8-8. Executive lobbying.

(a) *In general.*

A person must register if, during a reporting period, the person:

(1) for the purpose of influencing any executive action, communicates with a public servant; and

(2) in furtherance of or in connection with all such communications for that or any other executive action, and all activities relating to those communications, expends $100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants.

(b) *Regulations; Executive Orders*.

A person must register if, during a reporting period, the person:

(1) for the purpose of influencing the development, adoption, issuance, or amendment of regulations or of an executive order, communicates with a public servant; and

(2) in furtherance of or in connection with all such communications for that or any other executive action, and all activities relating to those communications:

(i) expends $100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants;

(ii) incurs any expenses of $500 or more; or

(iii) earns $2,500 or more in compensation.

(c) *Procurement.*

(1) A person must register if, during a reporting period, the person:

(i) for the purpose of influencing executive action on a procurement contract that exceeds $50,000, communicates with a public servant; and

(ii) in furtherance of or in connection with all such communications for that or any other executive action, and all activities relating to those communications:

(A) expends $100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants; or

(B) except as provided in paragraph (2) of this subsection, is compensated for his or her services.

(2) Paragraph (1)(ii)(B) of this subsection does not apply to a bona fide salesperson or commercial selling agency employed or maintained by an employer for the purpose of soliciting or securing a procurement contract, as long as the person engages in no other acts during the reporting period that require registration.

(d) *Business grants or loans*.

(1) A person must register if, during a reporting period, the person:

(i) for the purpose of influencing executive action to secure for a business entity a grant or loan that exceeds $50,000, communicates with a public servant; and

(ii) in furtherance of or in connection with all such communications for that or any other executive action, and all activities relating to those communications:

(A) expends $100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants; or

(B) except as provided in paragraph (2) of this subsection, is compensated for his or her services.

(2) Paragraph (1)(ii)(B) of this subsection does not apply to either of the following, as long as the person engages in no other acts during the reporting period that require registration:

(i) a bona fide full-time official or employee of a business entity that is seeking to secure a grant or loan; or

(ii) a person who is seeking a grant or loan for the purpose of locating, relocating, or expanding a business in or into the City.

(Ord. 04-795; Ord. 06-188.)

Defined terms:

Compensation	§8-1	*Person*	§2-22
Executive action	§8-1 §2-	*Public servant*	§2-23
Gift	17	*Reporting period*	§8-1

§ 8-9. "Grass roots" lobbying.

A person must register if, during a reporting period, the person:

(1) for the purpose of influencing any legislative or executive action, solicits others to communicate with a public servant; and

(2) in furtherance of or in connection with that solicitation, expends $1,000 or more, including expenditures for salaries, contractual employees, postage, telecommunications services, electronic services, advertising, printing, or delivery services.

(Ord. 04-795.)

Defined terms:

Executive action	§8-1	*Public servant*	§2-23
Legislative action	§8-1 §2-	*Reporting period*	§8-1
Person	22		

§ 8-10. {*Reserved*}

PART III. PROCEDURE

§ 8-11. Employer authorization required.

(a) *In general.*

Any person that engages a lobbyist for the purpose of lobbying must provide a written authorization for the lobbyist to act on the person's behalf.

(b) *Contents.*

The authorization must include:

(1) the person's full legal name and business address;

(2) the lobbyist's full legal name and business address;

(3) the period during which the lobbyist is authorized to act; and

(4) the legislative action, executive action, or other matter on which the lobbyist is authorized to act.

(c) *Signature.*

The authorization must be signed by:

(1) the person on whose behalf the lobbyist is being authorized to act; or

(2) if that person is a corporation, any authorized officer or agent of the corporation other than the lobbyist. *(Ord. 04-795.)*

Defined terms:

Executive action	§8-1	*Lobbyist*	§2-20
Legislative action	§8-1	*Person*	§2-22
Lobby	§8-1		

§ 8-12. Time for registering.

(a) *Initial registration.*

A lobbyist must register within 5 days after first engaging in any act that requires registration.

(b) *Annual renewal*.

A lobbyist must file a new registration on or before January 1 of each year if, on that date, the lobbyist is engaged in lobbying. *(Ord. 04-795.)*

Defined terms:

Lobby	§8-1	*Lobbyist*	§2-20

§ 8-13. Registration scope, form, and contents.

(a) *Separate registration per principal.*

A lobbyist who engages in lobbying on behalf of more than 1 person must file a separate registration for each person.

(b) *Form.*

The registration must be filed on the form the Ethics Board provides.

(c) *Contents.*

The registration must include the following information, as applicable:

(1) the lobbyist's full legal name and business address;

(2) the full legal name and business address of each other person that will be lobbying on the lobbyist's behalf;

(3) the full legal name, address, and nature of business of the person on whose behalf the lobbyist is acting;

(4) a statement of whether, because of the lobbyist's registration and reporting, the person on whose behalf the lobbyist is acting will be exempt from registration under § 8-33 {"Employer of reporting lobbyist"} of this subtitle; and

(5) the identification, by formal designation, if known, of the legislative action, executive action, or other matter on which the lobbyist is acting or expects to act or on which the lobbyist has engaged or expects to engage another person to act.

(d) *Written Authorization*

The registration must be accompanied by the written authorization required by § 8-11 {"Employer authorization required"} of this subtitle.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Lobby*	§8-1
Executive action	§8-1	*Lobbyist*	§2-20
Legislative action	§8-1	*Person*	§2-22

§ 8-14. Registration filing fee.

Each lobbying registration must be accompanied by a filing fee of $100. This fee shall be adjusted annually in accordance with the City Fee Policy and as approved by the Board of Estimates.

(Ord. 13-180.)

§ 8-15. Termination of registration.

(a) *Automatic termination.*

Unless sooner terminated under subsection (b) of this section, each registration terminates on the earlier of:

(1) the December 31 that first follows the registration's filing; or

(2) the date specified in a written authorization filed under § 8-11 {"Employer authorization required"} of this subtitle.

(b) *Termination by lobbyist*.

A lobbyist may terminate the registration as of an earlier date than that specified in subsection (a) of this section if the lobbyist:

(1) ceases all activity that requires registration;

(2) after ceasing all activity, files a notice of termination with the Ethics Board; and

(3) within 30 days after filing the notice, files all reports required by this subtitle.

(c) *Required termination on appointment as public servant.*

(1) Except as provided in paragraph (2) of this subsection, if a lobbyist is or becomes subject to regulation under this article as a public servant, the lobbyist must:

(i) immediately cease all activity that requires registration; and

(ii) terminate his or her registration in accordance with subsection (b) of this section within 30 days of becoming a public servant:

(A) file a notice of termination with the Ethics Board; and

(B) file all reports required by this subtitle.

(2) Paragraph (1) of this subsection does not apply to a lobbyist appointed to an advisory body of limited duration.

(Ord. 04-795; Ord. 13-180.)

Defined terms:

Ethics Board	§2-10	*Public servant*	§2-23
Lobbyist	§2-20		

PART IV. ACTIVITY REPORTS

Editor's Note: The following Part IV is shown as amended by Ordinance 18-198 (Bill 18-230) to require the filing of semi-annual, rather than annual, lobbying reports and to require that these reports be posted on the Ethics Board's website for public viewing. These changes, however, are subject to a special, delayed effective date. As described in the relevant provisions of Section 3(a) of Ord. 18-198:

> "The amendments made by this Ordinance to Part IV of Code Article 8, Subtitle 8, take effect ... on ... the 30th day after MOIT/BCIT has developed a viable, searchable online module that meets the criteria required by the Ethics Board and that will allow lobbyists to prepare and file their reports online, subject to the online payment of all attendant fees."

Progress to date suggests that the required online module will be completed and available for public use in June or early July, 2019.

§ 8-16. In general.

(a) *Semi-annual reports required.*

A lobbyist must file with the Ethics Board semi-annual activity reports for the reporting period for which the lobbyist is registered or required to be registered.

(b) *When and for whom filed.*

(1) For each reporting period, these semi-annual reports must be filed as follows:

(i) on or before July 31, covering the immediately preceding January 1 through June 30; and

(ii) on or before January 31, covering all of the immediately preceding January 1 through December 31.

(2) A separate report must be filed for each person on whose behalf the lobbyist acted.

(c) *Form* .

(1) Each report must be:

(i) filed on the form the Ethics Board provides; and

(ii) signed under oath or affirmation, subject to the penalties of perjury.

(2) If the lobbyist is not an individual, then an authorized officer or agent of the lobbyist must sign the report.

(Ord. 04-795; Ord. 18-198.)

Defined terms:

Ethics Board §2-10 *Person* §2-22 *Lobbyist* §2-20 *Reporting period* §8-1

§ 8-17. Contents – Registration information.

Each report must include a complete, current statement of the information required by § 8-13(c) {"Registration: Contents"} of this subtitle.

(Ord. 04-795.)

§ 8-18. Contents – Compensation.

(a) *In general.*

Except as provided in subsection (c) of this subsection, each report must include the total compensation paid to the lobbyist in connection with lobbying activities during the period to which that report applies, as specified in § 8-16(b)(1) of this subtitle.

(b) *Prorated amounts.*

If the compensation being reported is a prorated amount, it must be so labeled.

(c) *Exceptions*.

This section does not apply to:

(1) expenses otherwise reported under other sections of this Part IV; or

(2) salaries, compensation, and reimbursed expenses for the lobbyist's staff.

(Ord. 04-795; Ord. 18-198.)

Defined terms:

Compensation	§8-1	*Lobbyist*	§2-20
Lobby	§8-1		

§ 8-19. Contents – Expenses.

(a) *Staff, research, and assistance.*

Except as reported under § 8-18 {"Contents — Compensation"} of this subtitle, each report must include the total amount expended in connection with the lobbying activities during the period to which that report applies, as specified in § 8-16(b)(1) of this subtitle, for:

(1) office expenses of the lobbyist; and

(2) professional and technical research and assistance.

(b) *Publications.*

Each report must include the total amount expended in connection with the lobbying activities during the period to which that report applies, as specified in § 8-16(b)(1) of this subtitle, for publications that expressly encourage others to communicate with 1 or more public servants.

(c) *Witnesses.*

Each report must include:

(1) the total amount expended in connection with lobbying activities for witnesses during the period to which that report applies, as specified in § 8-16(b)(1) of this subtitle;

(2) the name of each witness; and (3) the fees and expenses paid

to each.

(d) *Food, beverages, gifts, etc.*

(1) Each report must include the total amount expended for each of the following during the period to which that report applies, as specified in § 8-16(b)(1) of this subtitle, whether or not expended in connection with lobbying activities:

(i) meals and beverages for a public servant or the spouse, parent, child, or sibling of a public servant;

(ii) special events, including parties, dinners, athletic events, entertainment, and other functions, to which a public servant or the spouse, parent, child, or sibling of a public servant is invited;

(iii) food, lodging, or scheduled entertainment of a public servant or the spouse, parent, child, or sibling of a public servant while attending a meeting;

(iv) tickets or free admission for a public servant or the spouse, parent, child, or sibling of a public servant to attend a professional or intercollegiate sporting event or a charitable, cultural, or political event; and

(v) other gifts to or for a public servant or the spouse, parent, child, or sibling of a public servant.

(2) The lobbyist must report the name of any public servant or the spouse, parent, child, or sibling of a public servant who benefitted from:

(i) expenses reported under paragraph (1)(i) of this subsection; or

(ii) expenses reported under paragraph (1)(iii) of this subsection, if more than $200 was expended for the benefit of the public servant, spouse, parent, child, or sibling.

(3) Expenses reported under paragraph (1)(ii), (iii), and (iv) of this subsection must be itemized by:

(i) the date and location of each event or activity; and

(ii) the total expense of the lobbyist for the event or activity.

(e) *Other expenses.*

Each report must include the total amount expended for all other expenses incurred in connection with the lobbying activities during the period to which that report applies, as specified in § 8 16(b)(1) of this subtitle.

(Ord. 04-795; Ord. 18-198.)

Defined terms:

Child	§2-6	*Lobbyist*	§2-20
Gift	§2-17	§8-1 *Public servant*	§2-23
Lobby			

§ 8-20. Contents – Gift recipients.

(a) *In general.*

Except as provided in subsection (c) of this section, each report must include the name of each public servant or the spouse, parent, child, or sibling of a public servant to or for whom the lobbyist or any person on the lobbyist's behalf has given, during the reporting period, 1 or more gifts with a cumulative value of $150 or more, whether or not given in connection with lobbying activities.

(b) *Itemization of certain gifts.*

For reports under subsection (a) of this section, each gift made after the $150 cumulative value is met must be itemized by:

(1) date;

(2) beneficiary;

(3) nature of gift; and

(4) value of gift.

(c) *Exception.*

This section does not apply to gifts reported under § 8-19(d)(1)(ii) or (iii) of this subtitle. *(Ord. 04-795.)*

Defined terms:

Child	§2-6	*Person*	§2-22
Gift	§2-17	*Public servant*	§2-23
Lobby	§8-1 §2-20	*Reporting period*	§8-1
Lobbyist			

§ 8-21. Contents – Business transactions.

(a) *Scope of section.*

(1) This section applies to an individual who:

(i) is a lobbyist under § 8-7 {"Legislative lobbying"} or § 8-8 {"Executive lobbying"} of this subtitle; and

(ii) engages in a business transaction with:

(A) any of the following officials:

1. the Mayor;

2. the City Comptroller;

3. the President of the City Council;

4. a member of the City Council;

5. the head of any department; or

6. the head of any bureau or division within a department; or

(B) any of the following related persons:

1. the spouse, parent, child, or sibling of an official listed in subitem (A);

2. a business entity in which an official listed in subitem (A) is a proprietor or partner; or

3. a business entity in which an official listed in subitem (A) has an ownership interest of 10% or more.

(2) This section does not apply to:

(i) an individual who is a lobbyist solely under § 8-9 {"'Grass roots' lobbying"} of this subtitle; or

(ii) the person who employs a lobbyist.

(b) *Disclosure required.*

Each report of a lobbyist subject to this section must disclose any business transaction or series of business transactions that:

(1) was with a person listed in subsection (a)(1)(ii) of this section;

(2) occurred during the reporting period; and

(3) involved consideration of:

(i) $1,000 or more for a single transaction; or (ii)

$5,000 or more for a series of transactions.

(c) *Contents.*

The disclosure required by this section must include:

(1) the date or dates of the transaction or series of transactions;

(2) the name and title of the official who was involved in the transaction or series of transactions;

(3) the nature of the transaction or series of transactions; and

(3) the nature and value of anything exchanged in the transaction or series of transactions.

(Ord. 04-795.)

Defined terms:

Business entity	§2-4	*Official*	§2-21
Interest	§2-19	*Person*	§2-22
Lobbyist	§2-20	*Reporting period*	§8-1

§§ 8-22 to 8-25. *{Reserved}*

§ 8-26. Supplemental reports.

The Ethics Board may require a lobbyist to file any additional or supplemental reports that the Board considers necessary.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10	*Lobbyist*	§2-20

§ 8-27. Reports to be public.

All reports filed under this subtitle are public documents and must be posted on the Ethics Board's website.

(Ord. 18-198.)

§§ 8-28 to 8-30. {Reserved*}*

PART V. EXEMPTIONS

§ 8-31. General exemptions.

The following activities are exempt from regulation under this subtitle:

(1) appearances as part of the official duties of an elected or appointed official or employee of the City, the State, the United States, any other state, or a political subdivision of any of them, to the extent that the appearance is not on behalf of any other person;

(2) actions of a member of the news media, to the extent that the actions are in the ordinary course of gathering and disseminating news or making editorial comment to the general public;

(3) representation of a bona fide religious organization, to the extent that the representation is for the purpose of protecting the right of its members to practice the doctrine of the organization; or

(4) appearances as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in representing the State, counties or municipal corporations, to the extent that the appearance is not in behalf of any other person.

(Ord. 04-795.)

Defined terms:

Elected official §2-8 *Person* §2-22 *Employee* §2-9

§ 8-32. Qualified exemptions.

(a) *Appearances on request.*

The following activities are exempt from regulation under this subtitle if the individual engages in no other acts during the reporting period that require registration:

(1) appearances before the City Council, before a committee or subcommittee of the City Council, or before a City agency at the specific request of the body involved; or

(2) appearances before the City Council, before a committee or subcommittee of the City Council, or before a City agency at the specific request of a lobbyist, if the witness notifies the body that he or she is testifying at the request of the lobbyist.

(b) *Student activities*.

An elementary, secondary, or postsecondary school student or student organization that communicates as part of a course or student activity is not subject to the registration requirements of this subtitle based on the expense threshold of § 8-7 {"Legislative lobbying"} or § 8-8 {"Executive lobbying"} of this subtitle.

(Ord. 04-795.)

Defined terms:

Agency §2-2 *Reporting period* §8-1 *Lobbyist* §2-20

§ 8-33. Employer of reporting lobbyist.

(a) *In general.*

A person that would otherwise be required to register and report under this subtitle need not do so if that person:

(1) employs a lobbyist; and

(2) reasonably believes that the lobbyist will:

(i) register as required by this subtitle; and

(ii) timely report all expenses incurred in connection with that person's lobbying activities.

(b) *Authorization still required.*

A person exempt under subsection (a) of this section must still complete the authorization required by § 8-11 {"Employer authorization required"} of this subtitle.

(c) *Exemption terminates on failure to report.*

If the lobbyist fails to report the information when required by this subtitle, the person previously exempt under this subsection immediately becomes subject to the registration and reporting requirements of this subtitle.

(Ord. 04-795.)

Defined terms:

Lobby §8-1 *Person* §2-22
Lobbyist §2-20

§§ 8-34 to 8-35. *{Reserved}*

PART VI. PROHIBITED CONDUCT

§ 8-36. Contingent compensation.

(a) *Legislative lobbying.*

A lobbyist may not lobby on behalf of any person for compensation that is dependent in anyway on:

(1) the passage, enactment, or defeat of any legislation; or

(2) any other contingency related to legislative action.

(b) *Executive lobbying.*

A lobbyist may not lobby on behalf of any person for compensation that is dependent in anyway on:

(1) the outcome of any executive action relating to the solicitation or securing of a procurement contract; or

(2) any other contingency related to executive action.

(Ord. 04-795.)

Defined terms:

Compensation	§2-7	*Lobby*	§8-1
Executive action	§8-1	*Lobbyist*	§2-20
Legislative action	§8-1	*Person*	§2-22

§ 8-37. Gifts.

A lobbyist may not make a gift to a public servant, directly or indirectly:

(1) if the lobbyist knows or has reason to know that the public servant's acceptance of the gift would violate Subtitle 6 {"Conflicts of Interest"}, Part IV {"Gifts"} of this article; or

(2) if the gift is made as a result of a solicitation or facilitation that the lobbyist knows or has reason to know is prohibited by § 6-26(a)(3).

(Ord. 04-795; Ord. 11-520.)

Defined terms:

Gift	§2-17	*Public servant*	§2-23
Lobbyist	§2-20		

§ 8-38. Loans.

Unless in the ordinary course of the lobbyist's business as or for a banking institution, banking association, mortgage broker or lender, sales finance company, or other similarly regulated financial or lending institution, a lobbyist may not make or facilitate the making of any loan of money, goods, or services to a public servant.

(Ord. 04-795.)

Defined terms:

Lobbyist	§2-20	*Public servant*	§2-23

§ 8-39. Fund raisers.

A lobbyist who is an individual may not engage in any charitable fund-raising activity at the request of a public servant, including soliciting a charitable contribution, transmitting the solicitation of a charitable contribution, or transmitting a charitable contribution.

(Ord. 04-795.)

Defined terms:

Lobbyist	§2-20	*Public servant*	§2-23

§ 8-40. "Bell ringing".

A lobbyist may not initiate or encourage the introduction of legislation for the purpose of opposing that legislation.

(Ord. 04-795.)

Defined terms:

Lobbyist	§2-20

§ 8-41. Requesting endorsement.

A lobbyist may not ask a public servant to recommend to a potential client the lobbyist's services or the services of any other lobbyist.

(Ord. 04-795.)

Defined terms:

Lobbyist	§2-20	*Public servant*	§2-23

§ 8-42. Veracity and candor.

(a) *Veracity required.*

While engaging in lobbying activities a lobbyist, or an individual who expects she or he will soon be required to register as a lobbyist, may not knowingly make to a public servant a statement of material fact that relates to the lobbying activity and that the lobbyist knows to be false.

(b) *Duty to identify self and clients.*

While engaging in lobbying activities a lobbyist, or an individual who expects she or he will soon be required to register as a lobbyist, must, in any interaction with a public servant:

(1) affirmatively identify themselves as a lobbyist; and

(2) identify the person on whose behalf they are lobbying.

Editor's Note: Ordinance 18-198 (Bill 18-230) amended this section, effective March 3, 2019, to broaden the scope of persons subject to the prohibition in subsection (a) and to require, in subsection (b), certain affirmative disclosures in interactions with a public servant.

(Ord. 04-795; Ord. 18-198.)

Defined terms:

Lobby §8-1 *Person* §2-22

Lobbyist §2-20 *Public servant* §2-23

SUBTITLE 9
ENFORCEMENT

PART I. INSPECTION OF RECORDS

§ 9-1. Retention required.

Any person required to file a report, statement, or other item under this article must obtain and, for the period specified in § 9-2 {"Retention period"} of this subtitle, retain all accounts, bills, receipts, books, papers, documents, and other records necessary to complete and substantiate the report, statement, or other item.

(Ord. 04-795.)

Defined terms:

Person	§2-22

§ 9-2. Retention period.

The person must retain the records required by § 9-1 {"Retention required"} of this subtitle for at least 3 years from:

(1) the date on which the report, statement, or other item was filed; or

(2) if the report, statement, or other item was not filed, the date by which it was required to be filed.

(Ord. 04-795.)

Defined terms:

Person	§2-22

§ 9-3. Inspection of records.

On request and reasonable notice, the records required by § 9-1 {"Retention required"} of this subtitle must be made available to the Ethics Board or the City Solicitor for inspection.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10

PART II. ADMINISTRATIVE SANCTIONS

§ 9-4. In general.

If, after considering a complaint brought under Subtitle 5 {"Complaints"} of this article, the Ethics Board determines that the respondent has violated any provision of this article, the Board may take any 1 or more of the following actions:

(1) issue an order directing the respondent to cease and desist from the violation;

(2) issue a reprimand;

(3) refer the matter to the appropriate official or other authority for other disciplinary action authorized by law, including censure or removal; or

(4) seek judicial relief or other enforcement action under this subtitle.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10

§ 9-5. Lobbying violations.

If, after considering a complaint brought under Subtitle 5 {"Complaints"} of this article, the Ethics Board determines that the respondent has violated any provision of Subtitle 8 {"Lobbying"} of this article, the Board may take any 1 or more of the following actions:

(1) require a respondent who is a lobbyist to file any additional reports or information that reasonably relates to the information required by Subtitle 8;

(2) impose a civil penalty of not more than $1,000 for each violation;

(3) prohibit a respondent from engaging in any lobbying activities intended to influence any City public servant on any matter for a period of not more than 3 years; or

(4) take any other action authorized by § 9-4 {"In general"} of this subtitle.

Editor's Note: Ordinance 18-198 (Bill 18-230) amended this section, effective March 3, 2019, to add the sanction described in item (3).

(Ord. 04-795; Ord. 18-198.)

Defined terms:

Ethics Board	§2-10	*Public servant*	§2-23
Lobbyist	§2-20		

§ 9-5.1. Overdue financial disclosure statements.

Editor's Note: This § 9-5.1 was added by Ordinance 19-287, effective February 25, 2020.

(a) *Late fee*.

(1) The Ethics Board may assess a late fee of $10 per day, up to an aggregate maximum of $1,000 per overdue statement, on any public servant who does not file a complete financial disclosure statement on or before the date it is due.

(2) Within 30 days after any late fee is assessed under this subsection, a public servant may file a written request with the Ethics Board to reduce or waive the fee for good cause.

(b) *Notice to public servant*.

If a public servant has failed to file a complete financial disclosure statement within 5 days of the date required under this article, the Ethics Board must notify the public servant in writing of the public servant's noncompliance and of the potential consequences under this section for continued noncompliance.

(c) *15-day notice*.

(1) If a public servant has failed to file a complete financial disclosure statement within 15 days of the date required under this article, the Ethics Board must notify the public servant in writing of the public servant's continued noncompliance and the potential consequences of further continued noncompliance.

(2) A copy of the notice sent under this subsection must be sent to:

(i) the public servant's agency head; (ii) the Director of Human Resources; and

(iii) the City Solicitor.

(d) *Referral to the Office of Inspector General*.

(1) If a public servant has failed to file a complete financial disclosure statement within 30 days of the date required under this article, the Ethics Board must refer the matter in writing to the Office of the Inspector General for investigation.

(2) A copy of the Board's referral made under this subsection must be sent to:

(i) the public servant;

(ii) the public servant's agency head;

(iii) the Director of Human Resources; and

(iv) the City Solicitor.

(e) *Referral for suspension.*

(1) If a public servant has failed to file a complete financial disclosure statement within 60 days of the date required under this article, the Ethics Board may refer the matter to the public servant's agency head, the Director of Human Resources, and the City Solicitor, with a recommendation that the public servant be suspended from office without pay until the financial disclosure statement is filed.

(2) A referral for suspension must include copies of the notices to the public servant required under this section.

(3) Regardless of whether any action is taken against the public servant, a copy of the Board's referral must be included in the public servant's agency personnel file.

(4) This subsection does not apply to elected officials.

(Ord. 19-287; Ord. 19-332.)

Defined terms:

Elected official	§2-8	*Public servant*	§2-23
Ethics Board	§2-10		

PART III. JUDICIAL RELIEF

§ 9-6. Petition to court.

(a) *In general.*

The Ethics Board may file a petition in Circuit Court, on behalf of the Mayor and City Council, to compel compliance with or seek other relief under this article.

(b) *Remedies cumulative.*

The remedies authorized in this article are cumulative, and the court may grant all or part of the relief sought.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10

§ 9-7. Relief generally.

In an action brought under § 9-6 {"Petition to court"} of this subtitle, the court may compel compliance with this article:

(1) by issuing an order to cease and desist from a violation; or

(2) by granting other injunctive relief.

(Ord. 04-795.)

§ 9-8. Civil penalty.

(a) *Penalty authorized.*

In an action brought under § 9-6 {"Petition to court"} of this subtitle, the court may impose a civil penalty of up to $1,000 for any violation of this article.

(b) *Each day a separate offense.*

For this purpose, each day on which a violation occurs is a separate offense.

(Ord. 04-795.)

§ 9-9. Voiding official act.

(a) *In general.*

Except as provided in subsection (b) of this section, in an action brought under § 9-6 {"Petition to court"} of this subtitle, the court may void an official act of a public servant if:

(1) the public servant had a conflict of interest that is prohibited by this article;

(2) the act arose from or concerned the subject matter of the conflict; (3) the

proceeding was brought within 90 days after the act occurred; and

(4) the court determines that the conflict had an impact on the act.

(b) *Exceptions.*

(1) The court may not void any contract previously approved by the Board of Estimates without the express consent of the Board of Estimates.

(2) The court may not void any official act that:

(i) appropriates public funds;

(ii) levies a tax; or

(iii) provides for the issuance of a bond, note, or other evidence of public obligation. *(Ord. 04-795.)*

Defined terms:

Public servant §2-23

§ 9-10. {*Reserved*}

PART IV. CONTRACTS

§ 9-11. Action by Board of Estimates.

(a) *In general.*

Except as provided in § 9-12 {"Exceptions"} of this subtitle, the Board of Estimates may void a contract with the City if:

(1) a public servant had a conflict of interest that is prohibited by this article; (2) the contract

arose from or concerned the subject matter of the conflict; and

(3) the Board determines that the conflict had an impact on the contract.

(b) *Scope.*

In taking action under this section, the Board of Estimates may void a contract:

(1) in whole or in part; and

(2) on the terms and conditions that the Board sets.

(Ord. 04-795.)

Defined terms:

Public servant §2-23

§ 9-12. Exceptions.

The Board of Estimates may not void any contract under this subtitle that provides for the issuance of a bond, note, or other evidence of public obligation.

(Ord. 04-795.)

§§ 9-13 to 9-15. {*Reserved*}

PART V. DISCIPLINARY ACTION

§ 9-16. Persons other than elected officials.

In addition to any other penalty imposed under this article, if the Ethics Board finds that a public servant, other than an elected official, has violated a provision of this article:

(1) the public servant may be removed or subjected to other disciplinary action by the appropriate authority; and

(2) if the public servant is subject to a Board or court order that directs compliance, the public servant may not be paid any salary or other compensation pending full compliance with the order.

(Ord. 04-795.)

Defined terms:

Compensation	§2-7	*Ethics Board*	§2-10
Elected official	§2-8	*Public servant*	§2-23

§ 9-17. Elected officials.

If the Ethics Board finds that an elected official has violated a provision of this article, the Board must report its findings to the Mayor and the City Council for appropriate action.

(Ord. 04-795.)

Defined terms:

Elected official	§2-8	*Ethics Board*	§2-10

§§ 9-18 to 9-20. {*Reserved*}

PART VI. CRIMINAL PENALTIES

§ 9-21. Referral for prosecution.

(a) *In general.*

If, while considering a complaint, the Ethics Board finds that there are reasonable grounds to believe that the respondent has committed a criminal offense, the Board must promptly refer the matter to the appropriate prosecuting authority.

(b) *Evidence.*

The Ethics Board must make available to the prosecuting authority all pertinent evidence under its control.

(Ord. 04-795.)

Defined terms:

Ethics Board	§2-10

§ 9-22. Violations of lobbying subtitle.

(a) *In general.*

Any person who knowingly violates a provision of Subtitle 8 {"Lobbying"} of this article, or fails to comply with an administrative sanction imposed under § 9-5 {"Lobbying violations"} of

this subtitle, is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 or imprisonment of not more than 12 months or both.

Editor's Note: Ordinance 18-198 (Bill 18-230) amended subsection (a), effective March 3, 2019, to include as an additional potential offense, "fail[ure] to comply with an administrative sanction under § 9-5".

(b) *Officers and partners.*

If the person is a business or other entity, each officer or partner of the entity who knowingly authorizes or participates in the violation is guilty of a misdemeanor and, on conviction, is subject to the penalty specified in subsection (a) of this section.

(Ord. 04-795; Ord. 18-198.)

Defined terms:

Business entity	§2-4	*Person*	§2-22

UNCODIFIED DIRECTIVES

Ordinance 04-795, which enacted this article, contained these uncodified provisions:

Section 3 {Catchlines and Comments} –

> [T]he catchlines preceding and the comments following the various sections and subsections in this Ordinance are for guidance only. They are not law and may not be considered to have been enacted as a part of this Ordinance.

Section 5 {Initial Training} –

> [E]ach official in office on the effective date of this Ordinance must complete the training course required by § 3-20 and file the affidavit required by § 3-21 within 6 months of the effective date of this
>
> Ordinance.

Section 6 {Codes of Conduct} –

(a) The Codes of Conduct adopted by the Mayor (Executive Order dated June 13,1995), the City Council (Resolution 95-1279), and the Comptroller (July 14, 1995), having been specifically drafted to supplement the now-repealed provisions of former City Code Article 8, are repealed.

(b) The Mayor, the City Council, the Comptroller, and all other agencies are encouraged to consult with the Ethics Board and develop, in accord with City Code Article 8, § 2-33(c), as enacted by this Ordinance, rules or regulations to supplement the statutory provisions governing conflicts of interest.

Section 7 {Initial Deadlines} –

> [T]o avoid any undue burden that might result from the changes made by this Ordinance in reporting periods and filing deadlines for financial disclosure statements and lobbyist activity reports, the Board of Ethics may advance or delay, as appropriate, the filing deadline for the first statement or report to be filed after the effective date of this Ordinance and may shorten or lengthen, as appropriate, the reporting period for that first statement or report.

Section 9 {Effective Date} –

> [T]his Ordinance takes effect on the later of (i) January 1, 2005, and (ii) the date on which this Ordinance is approved by the State Ethics Commission.

The State Ethics Commission approved the Ordinance on June 22, 2004. Accordingly, the new article became effective January 1, 2005.

R 01.01

REGULATIONS OF BALTIMORE CITY ETHICS BOARD

CHAPTER 01. DEFINITIONS; RULES OF CONSTRUCTION

Authority: City Code Article 8, § 3-6(a)

R 01.01. Terms defined in Ethics Code.

The definitions stated in Ethics Code Subtitle 2 {"Definitions; General Provisions"}, Part I {"Definitions"}, apply to these Regulations.
(Effective 11/09/05.)

R 01.02. Other terms defined.

A. *In general.*

In these Regulations, the following additional terms have the meanings indicated.

B. *Terms defined.*

(1) *Ethics Code; Code*.

"Ethics Code" or "Code" means the Baltimore City Public Ethics Law, as codified in City Code Article 8.
(Effective 11/09/05.)

R 01.03. Rules of construction.

The rules of construction stated in Ethics Code Subtitle 2 {"Definitions; General Provisions"}, Part II {"Rules of Construction"}, apply to these Regulations.
(Effective 11/09/05.)

R 02.00

CHAPTER 02. *{RESERVED}*

CHAPTER 03. {RESERVED}

CHAPTER 04. *{RESERVED}*

CHAPTER 05. COMPLAINTS

PART I. {RESERVED*}*

PART II. HEARING PROCEDURES

Authority: City Code Article 8, §§ 3-6(a) and 5-6(c)

R 05.21. Scope of Part.

This Part applies whenever:

(1) the Ethics Board proposes to take any final action against a person for a violation of the Ethics Code; or

(2) a person is aggrieved by a notice, order, decision, or other action of the Ethics Board.
(Effective 11/09/05.)

R 05.22. Opportunity for hearing.

A. *Proposed action for violation.*

(1) Before the Ethics Board takes any final action against a person for a violation of the Ethics Code, the Board must notify the person against whom the action is contemplated of the proposed action.

(2) The notice must:

(i) be in writing; and

(ii) state that a hearing will be provided if, within 10 days of the notice (or any longer period specified in the notice), the person files with the Board a written request for a hearing. B. *Other situations.*

(1) In all other situations, any person aggrieved by a notice, order, decision, or other action of the Ethics Board may request a hearing on the matter.

(2) The request must:

(i) be in writing;

(ii) state the grounds on which the person is contesting the notice, decision, order, or other action; and

(iii) unless a different time is specified by law or in these Regulations, be filed with the Board within 10 days of the notice, decision, order, or other action.

(Effective 11/09/05.)

R 01.01

R 05.23. Delegation of hearing authority.

A. *In general.*

Hearings may be conducted by:

(1) the Ethics Board; or

(2) a hearing officer designated by the Board. B. *Scope of delegation.*

The Ethics Board may delegate to a hearing officer the authority to issue one or more of the following:

(1) proposed findings of fact.

(2) proposed conclusions of law.

(3) proposed orders.

(Effective 11/09/05.)

R 05.24. Conduct of hearing.

A. *Notice.*

(1) The Ethics Board must provide all parties reasonable written notice of the hearing.

(2) The notice must state:

(i) the date, time, place, and nature of the hearing;

(ii) the right of a party to be represented, at the party's own expense, by an attorney or, if permitted by law, other representative;

(iii) the right of a party to call witnesses and submit documents or other evidence under R 05.25 of these Regulations; and

(iv) that failure to appear for the scheduled hearing may result in an adverse action against the party. B. *Hearings to be informal*.

Except as otherwise provided by law or these Regulations, all hearings must be conducted in an orderly but informal manner. *(Effective 11/09/05.)*

R 05.23

R 05.25. Evidence.

A. *In general.*

Except as otherwise provided by law or these Regulations, formal rules of evidence and trial procedures do not apply.

B. *Right to submit.*

On a genuine issue of fact, a party is entitled to:

(1) call witnesses;

(2) offer evidence, including rebuttal evidence;

(3) cross-examine any witness that another party or the Ethics Board calls; and

(4) present summation and argument. C. *Scope.*

The Ethics Board or hearing officer:

(1) may admit probative evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs and give probative effect to that evidence;

(2) may not exclude evidence solely on the basis that it is hearsay;

(3) must give effect to a privilege recognized by law;

(4) may receive documentary evidence in the form of copies or excerpts or through incorporation by reference;

(5) may take official notice of a fact that is judicially noticeable or that is general, technical, or scientific and within the specialized knowledge of the Ethics Board; and

(6) may exclude evidence that is:

(i) incompetent;

(ii) irrelevant;

(iii) immaterial; or

(iv) unduly repetitious. *(Effective 11/09/05.)*

R 05.26. Final decisions.

A. *Form and contents.*

A final decision must:

(1) be in writing; and

(2) contain separate statements of:

(i) the findings of fact;

(ii) the conclusions of law; and

(iii) the decision or order. B.

Distribution.

A copy of the final decision must be mailed or delivered to each party or that party's attorney of record. *(Effective 11/09/05.)*

CHAPTER 06. CONFLICTS OF INTEREST

PARTS I - II. *{RESERVED}*

PART III. RESTRICTIONS ON EMPLOYMENT AND INTERESTS

Authority: City Code Article 8, §§ 3-6(a) and 6-12

R 06.12.1. Specific employment and interests exempted by authority of Ethics Code § 6-12.

A. In general.

The Board finds that outside employment of public servants of the type described in this regulation would not create a conflict of interest or the appearance of a conflict of interest. Accordingly, under the authority of Ethics Code § 6-12 {"Exceptions – Board regulation"}, the Board excepts employment of this nature from the provisions of Ethics Code § 6-11 {"Prohibited employment, interests"}.

B. *Adjunct faculty.*

A public servant may accept employment as an adjunct faculty member with an accredited university or college that does business with the public servant's agency so long as the public servant:

(1) adheres to the requirements of Ethics Code § 6-6 {"Prohibited participation"} by disqualifying himself or herself from any matter involving his or her agency to which the college or university is a party, and

(2) otherwise conforms to all other relevant provisions of the Ethics Code as well as other applicable laws and policies, such as the City's personnel policies. C. *Industries, etc., required to be represented on boards.*

(1) In this Section C, "board" has the meaning stated in Ethics Code § 2-3 {"Board"}.

(2) The prohibitions in Ethics Code § 6-11 {"Prohibited employment, interests"} do not apply to members of a board who are appointed pursuant to a requirement that the member represent certain industries, persons, classes, entities, practitioners, or communities who are subject to the jurisdiction of, or assisted or potentially assisted by, the board, so long as the member:

(i) adheres to the requirements of Ethics Code § 6-6 {"Prohibited participation"} by disqualifying himself or herself from any matter described in that section, and

(ii) otherwise conforms to all other relevant provisions of the Ethics Code.

(Sections A and B adopted effective 11/13/12; Reg. No. and Section A amended, effective 04/03/19; Section C added effective 09/05/18.)

R 06.12.2. Employment and interests requiring express pre-approval by Board.

A. *In general.*

(1) Subject to the criteria set forth in Section B of this regulation, the Board may grant a public servant an exception to Ethics Code § 6-11 {"Prohibited employment, interests"} for employment not specifically exempted by law, rule, or regulation.

(2) In order to be considered for an exception under this section, the public servant must submit a written request to the Board detailing the nature of the public servant's duties with the City and the nature of the outside employment requested. B. *Criteria.*

(1) The Board may grant a public servant an exception under Section A of this regulation for outside employment if the Board finds that:

(i) the public servant's duties do not significantly impact on the outside employer or a contract or proposed contract between the outside employer and the public servant's agency;

(ii) the public servant is not directly supervised by a person who has duties that significantly impact on the outside employer or the contract or proposed contract;

(iii) the public servant does not supervise a person who has duties that significantly impact on the outside employer or the contract or proposed contract;

(iv) the public servant is not affiliated with the specific unit within the public servant's agency that exercises authority over the outside employer or is involved in contracts with the outside employer;

(v) the public servant has complied with relevant other provisions of the Ethics Code as well as other applicable laws and policies, such as the City's personnel policies;

(vi) the public servant's outside employment involves no substantive, non-ministerial duties significantly relating to the public servant's agency's authority over the outside employer;

(vii) the public servant's outside employment does not involve negotiating or carrying out a contract involving the outside employer and the public servant's agency, other than contracts involving broad reimbursement payments that are based on a generally applicable standard and that do not involve substantial negotiation or discretion;

(viii) the public servant's private compensation is not directly funded by a City contractor contracts; and

(ix) the public servant's specific employment circumstances do not otherwise raise a conflict of interest or appearance of conflict, as contemplated by the Ethics Code.

R 06.12.2

(2) The public servant bears the sole burden of persuasion to demonstrate that the criteria set forth in subsection (1) of this section are satisfied and that the proposed outside employment would not raise a conflict of interest or appearance of conflict as contemplated by the Ethics Code.

(3) Notwithstanding an exception granted under this regulation, the public servant must nonetheless adhere to the requirements of Ethics Code § 6-6 {"Prohibited participation"} by disqualifying himself or herself from any matter described in that section.

(Regulation adopted effective 04/03/19.)

PART IV. GIFTS

Authority: City Code Article 8, §§ 3-6(a), 6-26(b), 6-28, and 6-29

R 06.26.1. Official governmental or City-endorsed charitable solicitations – In general.

A. Definitions.

(1) *In general*.

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

(2) *"Controlled donor"*.

"Controlled donor" means any person described in Ethics Code § 6-26(a)(1), (2), (3), or (4).

(3) *"Fiscal sponsor"*.

(i) *In general.*

"Fiscal sponsor" means the person who is responsible for the custody, accounting, and distribution of donations.

(ii) *Exception.*

The fiscal sponsor may not be an individual employed by the sponsoring agency.

(4) *"Sponsoring agency"*.

"Sponsoring agency" means:

(i) the City agency conducting a solicitation under this Regulation; or

(ii) if more than one agency is involved, the City agency designated to coordinate the solicitation.

B. General standards for Ethics Board approval.

The prohibition in Ethics Code § 6-26(a) against the solicitation of gifts from controlled donors does not apply to a solicitation if:

(1) the solicitation is for the exclusive benefit of a governmental or charitable function, program, or activity;

(2) the program, function, or activity to be benefitted and the proposed solicitation campaign has been endorsed by the Board of Estimates or its designee(s);

(3) the solicitation is directed at a broad range of potential donors and does not specially target controlled donors;

R 06.26.1

(4) the campaign is designed and conducted so as to avoid any suggestion that contributors might receive special access or favored treatment from any City agency or official;

(5) the proposed solicitation has been approved in advance by the Ethics Board, on written request of the sponsoring agency; and

(6) the solicitation is conducted in accordance with the terms and conditions of the Ethics Board's approval.

C. Request for approval.

(1) The sponsoring agency must submit its written request for approval to the Ethics Board at least 45 days before any controlled donor is solicited. (The Ethics Board may waive the 45-day requirement in its discretion.)

(2) The request must contain the following information:

(i) the specific governmental or charitable function, program, or activity for which the solicitation will be made;

(ii) the specific purposes to which all receipts will be applied;

(iii) when and from whom the endorsement required by subsection B(2) of this Regulation were obtained, and a description of any conditions or limitations imposed on that endorsement;

(iv) when, how, and by whom the solicitation will be conducted;

(v) the categories of persons to be solicited;

(vi) measures to ensure that:

(A) the solicitation will be directed at a broad range of potential donors and does not specially target controlled donors; and

(B) the campaign will avoid any suggestion that contributors might receive special access or favored treatment from any City agency or official;

(vii) the identity of the individual who will be responsible for the custody, accounting, and final distribution of donations;

(viii) the aggregate value of the donations sought; and

(ix) any other information that the Ethics Board requests.

06.26.1

D. Report.

(1) The sponsoring agency must periodically report solicitation activities to the Ethics Board, as follows:

(i) A Final, Cumulative Report must be filed within 30 days after all solicitations have been made and anticipated donations received.

(ii) Interim Reports must be filed on the following schedule, depending on the aggregate value of donations sought by the campaign:

(A) for campaigns seeking $50,000 or more in donations, once every 3 months;

(B) for campaigns seeking between $5,000 and $50,000, once every 6 months; and

(C) for campaigns seeking less than $5,000, only the Final, Cumulative Report is required.

(2) The report must be filed in the form that the Ethics Board requires.

(3) The report must contain the following information:

(i) all changes in any of the information contained in the request to the Ethics Board or in the Board's approval;

(ii) the aggregate amount or value of donations received from all persons;

(iii) a list of all donors and the amount or value of their respective donations;

(iv) the identity of each controlled donor that was solicited, whether that person donated or not;

(v) an accounting of how all donations and other income have been expended; and(vii)

any other information that the Ethics Board requires.

(4) The report must be signed as accurate by the fiscal sponsor, and the data provided in the report must be in a form consistent with generally accepted standards in the practice of accounting. E. *Public record.*

All requests, approvals or denials, and reports filed under this Regulation are public records, available for public inspection and copying during regular office hours.

(Effective 03/01/10; Amendments to Sections C(2) and D(1), effective 01/01/15; Additions of Sections A(3) and D(4), effective 02/12/20.)

R 06.26.2

R 06.26.2. Official governmental or City-endorsed charitable solicitations – Workplace Campaigns.

The prohibition in Ethics Code § 6-26(a) and the required procedures in R 06.26.1 of these Regulations do not apply to a workplace charitable-giving campaign that:

(1) is primarily concerned with soliciting charitable donations from City employees;

(2) offers a broad choice of charities to which donations can be made; and

(3) is approved by the Board of Estimates and the Ethics Board.

(Effective 07/13/16.)

R 06.28. Gifts of "insignificant" or "significant" value.

A. "Insignificant value".

In Ethics Code § 6-28(2) {"Qualified exemptions"}, the qualified exemption for "gifts or awards that have insignificant monetary value" applies only to:

(1) a gift or award with a value of not more than $20; or

(2) a gift or award in a series of gifts and awards with a cumulative value of not more than $60, if given by or on behalf of the same person during the reporting period.

B. "Significant value".

In Ethics Code § 6-29(2) {"Exemption limitations"}, the limitation for "gift[s] of significant value" applies to:

(1) any gift with a value of more than $20; or

(2) a gift in a series of gifts with a cumulative value of more than $60, if given by or on behalf of the same person during the reporting period.

(Effective 10/11/11.)

R 06.28.5 Gifts exempted under Ethics Code § 6-28(5).

A. In general.

The Board finds that the acceptance of the gifts described in this rule would not be detrimental to the impartial conduct of City business. Accordingly, under the authority of Ethics Code § 6-28(5) {"Qualified exemptions[: By Board]"}, the Board exempts these gifts from the provisions of Ethics Code § 6-27 {"Acceptance prohibited"}.

B. Pharmaceutical samples.

Unsolicited pharmaceutical samples may be accepted from a pharmaceutical sales representative if:

(1) the samples are being given to or for the benefit of a City-owned or -operated health-care facility; and

(2) the samples are of a type and quantity generally given to similar public or private health-care facilities.

C. Invitations from public educational institutions.

Unsolicited tickets or free admissions to attend a specific charitable, cultural, or sporting event that is sponsored or conducted by an educational institution may be accepted by an elected official if:

(3) the educational institution is a federal, state, or local governmental entity; and

(4) the tickets or free admission are being offered by the educational institution that is sponsoring or conducting the event.

D. Invitations from State Officials.

Unsolicited tickets or free admissions to attend a specific charitable, cultural, or sporting event may be accepted by an elected official if the tickets or free admission are being offered by or on behalf of an instrumentality or unit of State government.

(Secs. A - C effective 04/20/12; Sec. D added effective 04/10/15.)

R 07.02

CHAPTER 07. FINANCIAL DISCLOSURE

PART I. GENERAL PROVISIONS

Authority: City Code Article 8, §§ 3-6(a), 7-2(c), and 7-3

R 07.02. Electronic filing.

A. Required.

Except as otherwise provided in Section B of this regulation, an individual required to file a financial disclosure statement under Ethics Code Subtitle 7 {"Financial Disclosure"} must file the statement using the Board's electronic filing system.

B. Exceptions.

(1) *Candidates for office*.

This regulation does not apply to a candidate for office who, as provided in Ethics Code § 7-13(c) {"Candidates...: Filing ... Place"}, initially files his or her statement with the Baltimore City Board of Elections.

(2) *Payment of scanning/processing fee.*

(i) *General.*

An individual may opt to submit the statement on a paper form provided by the Board as long as the submission is accompanied by payment of a $10 scanning/processing fee (in addition to any applicable late fee).

(ii) *Disability exemption.*

On submission of a verified application for disability exemption, using the form and containing the information that the Board requires, and approval of that application by the Board's Executive Director, an individual who has a disability that prevents him or her from using the electronic filing system is exempt from the scanning/processing fee when submitting a statement in paper form.

(Effective 02/20/15; Amended effective 04/10/15.)

R 07.03. Disclosure by official of proposed action that might create conflict.

A. How made.

The disclosure required by Ethics Code § 7-3 must be made in writing, stating the nature and circumstances of the employment or interests that raise a potential conflict of interest in connection with the proposed action by the official.

B. To whom made.

The disclosure must be made:

(1) to the Ethics Board;

(2) to the official's appointing authority; and

(3) if the official is acting as a member of a board or other multi-member body, to that board or other body.

(Effective 10/11/11.)

PART II. {*RESERVED}*

PART III. CONTENTS OF STATEMENTS

Authority: City Code Article 8, §§ 3-6(a) and 3-25

R 07.16. Modified requirements for board members.

A. In general.

At the request of a board, the members of that board who are not otherwise officials or employees required to file financial disclosure statements may file, instead of the statement otherwise required for officials and employees, a modified statement that discloses information limited to interests, gifts, compensated positions, and liabilities that may create a conflict between the member's personal interests and the member's duties on the board.

B. Form; Disclosures.

Statements filed under this regulation:

(1) must be filed on the form that the Ethics Board provides; and

(2) must disclose all information required by that form.

(Effective 08/08/06.)

R 08.08

CHAPTER 08. LOBBYING

PART I. {*RESERVED}*

PART II. REGISTRATION REQUIRED

Authority: City Code Article 8, § 3-6(a)

R 08.06 to 08.07 *{Reserved}*

R 08.08. Executive Lobbying.

R 08.08.01 to 08.08.02 *{Reserved}*

R 08.08.03. Procurement.

A. In general.

(1) *Background.*

Subject to certain exceptions [*see* Section B of this regulation], Ethics Code § 8-8(c)(1) requires registration as an executive lobbyist by any person who:

(i) communicates with any public servant "for the purpose of *influencing executive action on a procurement contract* that exceeds $50,000"; and

(ii) in furtherance of or in connection with all communications, and all related activities, for that or any other executive action, either:

(A) is compensated, in any amount, for his or her services; or

(B) whether or not compensated, expends $100 or more for gifts (including meals, beverage, or special events) to 1 or more public servants.

(2) *Purpose of this regulation.*

This regulation is intended to clarify certain distinctions between:

(i) communications and related activities undertaken to "influence" a procurement; and

(ii) those that might have some relationship to a procurement but do not "influence" or seek to "influence" that procurement.

B. Statutory Exemptions.

(1) *Exemption for in-house salesperson or agency.*

(i) Ethics Code § 8-8(c)(2) exempts from the procurement-lobbyist registration requirement a "bona fide salesperson or commercial selling agency employed or maintained by an employer for [procurement] purposes".

(ii) However, this exception only applies if, during the reporting period, the salesperson or agency "engages in no other acts ... that require registration".

(3) *General exemptions.*

(i) Ethics Code § 8-31 lists certain specific activities that are exempt from any requirement to register as a legislative or executive lobbyist.

(ii) These exemptions apply to procurement activities as well.

(4) *Qualified exemptions – Appearances on request.*

(i) Ethics Code § 8-32(a) lists two qualified exemptions from any requirement to register as a legislative or executive lobbyist:

(A) appearances by an individual before a City agency "at the specific request" of that agency; and

(B) appearances by an individual before a City agency "at the specific request of a[registered] lobbyist, if the [individual] notifies the [agency] that he or she is testifying at the request of the lobbyist".

(ii) Either of these exemptions can apply to procurement activities – e.g., an appearance before a procuring agency (including the Board of Estimates) during a protest or challenge, at the "specific request" of that body or at the "specific request" of a registered lobbyist who is also appearing before that body.

(iii) However, neither exemption applies to any person unless, during the reporting period, the person "engages in no other acts ... that require registration".

(5) *Qualified exemptions – Student activities.*

See Ethics Code § 8-32(b) for certain exemptions applicable to student activities.

(6) *Dispelling myths.*

The Ethics Code extends no *per se* exemption to lawyers.

C. Procurement-related activities that constitute lobbying.

Except as exempted under Section B of this regulation or as otherwise provided in Section D of this regulation, the following communications (whether oral or written) and other related activities by or on behalf of a vendor or contractor (including an affected subcontractor)

constitute activities "for the purpose of *influencing* executive action on a procurement contract":

R 08.08

(1) any communication by or on behalf of a potential vendor or contractor that is designed or intended to implicate or affect any of the following factors:

(i) the ultimate identification or choice of the vendor or contractor to be awarded the contract;

(ii) the definition or application of contract specifications (including any requirement for MBE, WBE, or other subcontractor involvement); or

(iii) the creation or modification of contract terms and conditions;

(2) participation by or on behalf of a vendor or contractor in a bid protest or challenge that is designed or intended to implicate or affect any of the factors described in item (1) of this Section C;

(3) any ex parte communication by or on behalf of a potential vendor or contractor to an City official or employee involved in the procurement process that is made at any time during the selection process or during any bid protest or challenge; and

(4) during the course of an awarded contract, any communication by or on behalf of the vendor or contractor that is designed or intended to significantly change the terms and conditions of that contract.

D. Procurement-related activities that do not constitute lobbying.

The following communications and other related activities do not constitute activities "for the purpose of *influencing* executive action on a procurement contract"– but only if the vendor or contractor (or its representative) engages in no other communication or act that requires registration:

(1) providing limited factual, technical, and objective information at the request of the procuring agency (e.g., providing price quotes for a specific product or service);

(2) requesting information on or clarification of the procurement process and its requirements (e.g., deadlines, form of documentation, and other procedural matters) or information on or clarification of collateral, but clearly separate regulatory matters – but only if that request and consequent communications are made in a manner and within the scope available to all potential vendors or contractors;

(3) participation in a formal bid protest or challenge by or on behalf of a person who has no direct or indirect financial interest in the contract or in the ultimate outcome of the protest or challenge;

(4) any formal bid protest or challenge made to the Board of Estimates by or on behalf of a potential vendor or contractor, as long as that protest or challenge is limited solely to technical legal issues;

(5) participation in a bid protest or challenge by or on behalf of the proposed vendor or contractor at the specific request of the procuring agency defending the protest or challenge; or

(6) during the course of an awarded contract, any communication by or on behalf of the vendor or contractor that is limited to contract implementation or separate regulatory matters.

(Effective 01/01/15 - ***subject, however, to the following applications*****:**

This Regulation and the applicable registration and reporting requirements of the Ethics Code apply to all procurement-lobbying activities occurring on or after January 1, 2013. Late fees will be waived for registrations for and reports on procurement-lobbying activities that occurred on or after January 1, 2013, but before the effective date of this Regulation, as long as the registrations and reports have been filed with the Board on or before April 30, 2015.)