

COMMISSIONERS OF LEONARDTOWN

ORDINANCE NO. 48

AN ORDINANCE ESTABLISHING A PUBLIC ETHICS LAW FOR THE  
TOWN OF LEONARDTOWN, ST. MARY'S COUNTY, MARYLAND.

ETHICS PROVISIONS

Section 1. Applicability

The provisions of this article apply to all Leonardtown officials and employees, with the exception of Section 4, Financial Disclosure, which will apply only to those officials and employees enumerated in Section 4-C.

Section 2. Ethics Commission

The attorney to the Commissioners of Leonardtown shall be designated as the Leonardtown Ethics Commission for all matters regarding these Ethics Provisions that pertain to any employees or elected officials of the Town designated in Section 4-C. The Commission shall have the following responsibilities:

- A. To devise, receive, and maintain all forms generated by this ordinance;
- B. To provide published advisory opinions to persons subject to this ordinance as to the applicability of the provisions of this ordinance to them;
- C. To process and make determinations as to complaints filed by any person alleging violations of this ordinance.

Section 3. Conflicts of Interest

The Leonardtown officials and employees who are subject to this ordinance shall not:

- A. Participate on behalf of Leonardtown in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse or dependent child, or a business entity with which they are affiliated.
- B. Hold or acquire an interest of either \$5,000.00 or 5%, whichever is greater, in a business entity that has or is negotiating a contract of \$5,000.00 or more with Leonardtown, or is regulated by their agency, except as exempted by the Commission where the interest is disclosed pursuant to Section 7 of this ordinance. "Interest in a business entity" is defined as an influential interest in the policy-making or decision-making of the business.
- C. Hold any outside employment relationship that would directly impair their impartiality or independence of judgement.
- D. Represent any party, regardless of whether a fee is paid, before any Leonardtown body.
- E. Solicit any gift or accept any gifts of greater than \$25.00 in value, from any person that has or is negotiating a contract with Leonardtown, or is regulated by their agency, except when these gifts would not present a conflict of interest as determined by the Commission.
- F. Use the prestige of their office for their own benefit or that of another.

G. Use confidential information acquired in their official Leonardtown position for their own benefit or that of another.

H. Within one (1) year following termination of Leonardtown service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a Town official or employee.

Section 4. Financial Disclosure

A. The Leonardtown officials and employees listed in paragraph C of this section shall file annually not later than January 31st of each calendar year during which they hold office, a statement with the Leonardtown Ethics Commission, disclosing any gifts received during the preceding calendar year from any person having a contract with Leonardtown or any person regulated by their agency. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt.

B. Candidates for elective offices listed in paragraph C of this section shall file statements consistent with the requirements of paragraph A of this section at the time that they file their certificate of candidacy.

C. Officials and employees required to file:

- I. President
- II. Commissioners
- III. Administrator
- IV. Town Attorney

D. All Leonardtown elected officials and candidates for elected office to positions subject to this section shall file a statement with the Leonardtown Ethics Commission disclosing any interest or employment, the holding of which would require disqualification from participation pursuant to paragraph A of this ordinance, with sufficient time before the action is taken to notify individuals of a potential conflict.

E. Disclosure statements filed pursuant to this section shall be maintained by the Leonardtown Ethics Commission and may be made available for public inspection upon application of the Ethics Commission.

Section 5. Lobbying Disclosure

A. Any person who personally appears before any Leonardtown official or employee with the intent to influence that person in performance of his official duties, and who, in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of \$100.00 on food, entertainment, or other gifts for such officials, shall file a registration statement with the Commission not later than January 15th of the calendar year, or within five (5) days after first making these appearances.

B. The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances.

C. Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment, or other gift provided to a Leonardtown official or employee. When a gift or series of gifts to a single official or employee exceeds \$100.00 in value, the official or employee shall also be identified.

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D. The registration and reports filed pursuant to this section shall be maintained by the Commission as public records available for public inspection and copying.

Section 6. Definitions

"Gift," as used in this ordinance, means the transfer of anything of economic value regardless of the form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the provisions of Article 33, Section 26-1 et seq., Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.

Section 7. Exemptions and Modifications

The Commission may grant exemptions and modifications to the provisions of Sections 3 and 4 of this ordinance if it determines that application of these provisions would:

- A. Constitute an unreasonable invasion of privacy;
- B. Significantly reduce the availability of qualified persons for public service; and
- C. Not be required to preserve the purposes of this ordinance.

Section 8. Enforcement

A. The Commission may issue a cease and desist order against any person found to be in violation of this ordinance and may seek enforcement of this order in the Circuit Court of St. Mary's County.

B. A Leonardtown official or employee found to have violated this ordinance may be subjected to disciplinary or other appropriate personnel action, including suspension of Leonardtown salary or other compensation.

C. Violation of this ordinance shall be a misdemeanor subject to a fine of up to \$250.00 or imprisonment of up to one (1) year, or both.

Section 9. Effective Date

This ordinance shall become effective on the twenty-eighth day of June, 1982.

SEAL:

Frederick J. McWilliams  
Frederick J. McWilliams, President

Benedict D. Duke  
Benedict D. Duke, Commissioner

Suzanne Henderson  
Suzanne Henderson, Commissioner

ATTEST:

Fayrene Mattingly  
Fayrene Mattingly, Commissioner

Elaine Sanger  
Elaine Sanger, Treasurer

Betty Russell  
Betty Russell, Commissioner

DATE: 6-28-82