

**ACKNOWLEDGEMENT OF UNDERSTANDING
of Prohibited Conduct and Responsibilities**

**THE ETHICS LAW APPLIES TO ALL COUNTY EMPLOYEES, ELECTED
OFFICIALS AND BOARD AND COMMISSION APPOINTEES**

The Prohibited Conduct and Interests provisions of the County Public Ethics Law, Chapter 39, apply to County employees,* elected officials, and board and commission appointees. You should read and become familiar with the following provisions, as a violation of any of these rules may result in disciplinary action. If you have any questions, please contact the County Ethics Commission or refer to our web site, http://www.ccgov.org/ethics_bd/index.cfm

**Excluding Employees and Elected Officials for the Offices of Sheriff, State's Attorney, Register of Wills, Clerk of the Court, the Health Dept., and the Dept. of Social Services, who are subject to Maryland State Ethics Law and Disclosure Requirements*

Part I: Definitions

"Official" means all county elected officials and Board and Commission appointees, whether or not compensated, except for those officials subject to Maryland State Ethics Law and Disclosure Requirements.

"Employees" includes all county employees, excluding elected officials, except for those employees subject to Maryland State Ethics Law and Disclosure Requirements.

"Qualified relative" means a spouse, parent, child, sibling, in-law, a dependent relative, or the spouse of a parent, child, sibling, in-law, or dependent relative.

"Conflict of interest" means an actual or potential financial benefit, as distinguished from the general interest of the county or public, related to or resulting from an official or employee's public duties and his/her personal, family, employer, business, or investment interests which s/he would reasonably be expected to know, or using one's position for the private gain of one's self or another.

"Doing business with" means having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$5,000 or more of county controlled funds, or being regulated by or otherwise subject to the authority of Cecil County, or being registered as a lobbyist with Cecil County.

For other definitions, please refer to the County Ethics Code, Ch. 39.

Part II: Prohibited Conduct

A. Participation Prohibitions:

Except as permitted by the Ethics Commission regulation or opinion, or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of a matter, an official or employee, in his/her capacity as a county official or employee, may not participate in:

- A matter in which, to the knowledge of the official or employee, the official, employee, or a qualified relative of the official or employee, has a financial interest.
- A matter in which any of the following is a party:
 - A business entity in which the official or employee or a qualified relative has a direct financial interest which the official or employee may reasonably be expected to know
 - A business entity for which the official or employee, or a qualified relative of the official or employee, is an officer, director, trustee, partner, or employee
 - A business entity with which the official or employee, or, to the knowledge of the official or employee, a qualified relative, is negotiating or has any arrangement concerning prospective employment
 - A business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative, if the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee
 - An entity doing business with the county in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, that the official or employee may be reasonably expected to know
 - A business entity that the official or employee knows is a creditor or obligee of the official, employee or his/her qualified relative, which is in a position to directly and substantially affect the interest of the official or employee or his/her qualified relative

Exceptions:

A person who is otherwise disqualified from participating may participate or act if the disqualification leaves a body with less than a quorum capable of acting, the disqualified official or employee is required by law to act, or the disqualified official or employee is the only person authorized to act; and the nature and circumstances of the conflict are disclosed.

B. Outside Employment and Financial Interest Restrictions

Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not be employed by or have a financial interest in any entity:

- Subject to the authority of the official or employee or the county agency, board, commission with which the official or employee is affiliated; or
- That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
- That would otherwise impair the impartiality or independence of judgment of the official or employee.

Exceptions:

These prohibitions do not apply if:

- An official or employee is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
- A member of a board or commission holds a financial interest or employment at the time of appointment or hire, provided the financial interest or employment is publicly disclosed to the county and the Ethics Commission;
- An official or employee's duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the Ethics Commission; or
- Employment is allowed by regulation of the Ethics Commission when the employment does not create a conflict of interest or the appearance of a conflict of interest, and employment or financial interest is disclosed.

C. Post-Employment Restrictions

Significant participation: A former official or employee may not assist or represent any party other than the county for compensation in a case, contract, or other specific matter involving the county if that matter is one in which the former official or employee significantly participated as an official or employee.

Elected Officials: A former member of the County Commissioners (County Council) may not assist or represent another party for compensation in a matter that is the subject of legislative action until the conclusion of the next regular session that begins after the elected official leaves office.

D. Other Restrictions

Use of prestige of office: An official or employee may not intentionally use the prestige of office or public position for his/her private gain or that of another.

Disclosure of Confidential Information: Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of his/her public position and that is not available to the public, for his/her economic benefit or that of another.

Contingent compensation: Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the county.

Participation in procurement: An individual or a person that employs an individual who assists a county agency or unit in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement, may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement. (The Ethics Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.)

Part III. Solicitation and Acceptance of Gifts

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

- An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
 - Is doing business with or seeking to do business with the county office, agency, board or commission with which the official or employee is affiliated;
 - Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - Is engaged in an activity regulated or controlled by the official or employee's governmental unit; or
 - Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

Exceptions – Allowable Gifts:

An official or employee may accept the following, provided:

- The gift would not tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - The gift is not of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee, or
 - The recipient official or employee does not believe or have reason to believe the gift is designed to impair his/her impartiality and independence of judgment:
1. Meals and beverages consumed in the presence of the donor or sponsoring entity;
 2. Ceremonial gifts or awards that have insignificant monetary value;
 3. Unsolicited gifts of nominal value that do not exceed \$20 in cost, or trivial items of informational value;
 4. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or employee at a meeting which is given in return for his/her participation in a panel or speaking engagement at the meeting;
 5. Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 6. A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the county and that the gift is purely personal and private in nature;
 7. Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of his/her household; or
 8. Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to official or employee's official position.

Part IV. Financial Disclosure Rules for Employees* and Board and Commission Appointees

*(*Excluding Employees for the Offices of Sheriff, State's Attorney, Register of Wills, Clerk of the Court, the Health Dept., and the Dept. of Social Services, who are subject to Maryland State Ethics Law and Disclosure Requirements.)*

Retroactive Annual Financial Disclosure:

All appointed employees and department heads and Public Safety positions Grade 4 & above and non-Public Safety positions Grade 114 & above whose duties include supervisory responsibilities or having input on agency policy, decision making, procurement, budgetary matters, and Board and Commission members File Form 2 for the prior calendar year by April 30th.

