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Policy

1. Purpose

To define the membership, roles, and responsibilities of the Board of Education of Carroll County's Ethics Panel, to establish minimum standards to avoid conflicts of interest, and to establish reporting and disclosure requirements for certain school system officials in compliance with the public ethics law.

2. Statement

The Board of Education of Carroll County (The "Board") recognizes that the success of a public school system is dependent upon citizens having the highest trust in their public officials and employees. Accordingly, citizens have a right to be assured that the impartiality and independent judgment of the public officials and employees will be maintained.

Confidence and trust are eroded when the conduct of public business is subject to improper influence and/or the appearance of improper influence. To guard against improper influence, the Board of Education of Carroll County requires certain school officials to disclose certain financial interests and sets minimum ethical standards of conduct for certain school system employees.

By their nature, some ethical issues and conflicts of interest are difficult to discern. The Board of Education of Carroll County encourages employees to be proactive in seeking assistance from their supervisors, the office of human resources, and the ethics panel to determine an appropriate course of action to resolve potential ethical issues. Employees acting in accordance with an ethics panel advisory opinion, with full disclosure of relevant information, will not be subject to disciplinary action if that opinion is later found to be in violation of this ethics policy.

It is the intention of the board that this policy be liberally construed to accomplish its purpose.

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3. Exceptions

None.

4. Guidelines

Section 1 – Ethics Panel

A. Administration – This policy shall be administered by the Board of Education of Carroll County's Ethics Panel.

1. The Panel shall consist of five members appointed by the Board of Education of Carroll County. A majority of the authorized membership of the Ethics Panel is a quorum, and the Ethics Panel may act only on the affirmative vote of at least a majority of its authorized membership.

2. The Ethics Panel shall consist of one (1) representative from the Chamber of Commerce; one (1) representative from one of the following parent groups, PTA, PTSA, PTO, or PTSO; two (2) members-at-large recommended by the Superintendent; and one (1) member from the Carroll County Bar Association.

3. Term of Office: Staggered Two-Year Terms
The representatives from the Carroll County Bar Association, the Chamber of Commerce, and one member-at-large shall be appointed to serve a two-year term effective February 1st of even numbered years. The representatives from the other two groups shall be appointed to serve a two-year term effective February 1st of odd numbered years.

4. Qualifications of a Panel member:

- a. At least eighteen (18) years of age;
- b. U. S. citizen;
- c. Is a resident of Carroll County;

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- d. Does not hold, or be a candidate for, any elected or appointed office;
- e. Is not an incumbent member of the Board of Education, employed by the Board of Education, employed by a business entity subject to the authority of the Board of Education, or the spouse or dependent of such persons;
- f. Is not a registered lobbyist for any business entity in the State that may create a conflict of interest;
- g. Does not hold any outside employment relationship that would impair their impartiality or independence of judgment;
- h. Within the first 12 months of appointment, either 1) consult with staff of the State Ethics Commission to discuss how they have implemented the ethics law or 2) completion of a training session offered by the state ethics commission for its employees. The training schedule for State Ethics Commission employees is available on their web site.
<https://ethics.maryland.gov/>

5. The Board of Education may remove a Panel member if, during the member's term, the member becomes disqualified for any of the reasons listed in 4 (above) or, in the sole opinion of the Board, circumstances exist that create a conflict of interest. Upon removal, the Board will seek to replace the Panel member with someone from the same community organization for the duration of the unexpired term.

6. The Board's attorney may assist the Panel in carrying out its responsibilities. In cases where the Ethics Panel concludes that assistance by the Board's attorney may create a conflict of interest or the appearance of a conflict of interest, and in cases where the Board's attorney disqualifies himself because of a possible conflict of interest, the Ethics Panel may request permission from the Board to retain a different attorney to provide legal advice to the Panel. The Board will pay any associated legal costs.

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7. Members of the Ethics Panel will receive no compensation for their services. They will, however, be reimbursed for reasonable and customary expenses incurred in the discharge of their official duties.

8. The Superintendent shall provide administrative support to the Ethics Panel.

9. The panel is authorized to develop and operate a set of procedures designed to facilitate the efficient accomplishment of their charge. Within three (3) business days of the adoption of such procedures by the panel, copies of the procedures shall be forwarded to the Board of Education and to the Superintendent. Such procedures shall be available to the public.

10. The members of the Panel shall be insulated by the defense of sovereign immunity as provided by the laws of the State of Maryland.

11. The Board shall provide, in accordance with Maryland law, inclusion for the Panel and each of its members comprehensive liability insurance coverage from any personal or joint civil liability action arising out of and in the course of the performance of their duties.

B. Responsibilities – The Panel shall have the following responsibilities:

1. To annually elect a chairperson from its members.
2. To develop, receive, and maintain all forms required by this policy.
3. To provide, by February 1, an annual report to the Board of Education outlining formal and informal actions taken by the panel during the previous calendar year. Such reports shall be available to the public; however, the identity of the individual(s) will be removed.
4. To review, by May 30, all annual financial disclosure forms submitted pursuant to this policy.

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5. To be the advisory body responsible for interpreting this policy and advising persons subject to it, in writing, as to its applications.
6. To be responsible for hearing and deciding any complaint filed regarding an alleged violation of the public ethics law, pertinent state regulations, or this policy by any person. The Panel may seek the advice of the Board of Education's attorney.
7. To be responsible for conducting an information program regarding the purposes and applications of this policy.

C. Advisory Opinions

1. Any Board member, employee, or other person subject to the provisions of this policy may request the Panel for an advisory opinion concerning the application of this policy.
2. The Panel shall respond promptly in writing to these requests providing interpretations of this policy within 60 days of the request based on the facts provided or reasonably available to it.
3. Copies of these interpretations with the identity of the individual deleted shall be made available to the public in accordance with applicable State laws regarding public records and Sections 3, 4, and 5 herein. The Board and the Superintendent shall be provided interpretations and subjects(') identity, when the opinion(s) is(are) issued.

D. Complaints – Any person may file a complaint with the Panel alleging a violation of any of the provisions of this policy. The Panel, on its own motion, may issue a complaint alleging a violation of any provision of this policy.

1. These complaints shall be submitted in writing and must contain a signature(s) of the individual(s) with knowledge of the complaint, and under oath.

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2. A copy of any complaint shall be served in writing to the Board of Education and the person against whom the complaint was made.
3. The Panel may refer the complaint to the Board of Education attorney or other legal counsel, if appropriate, for an investigation and review.
4. For complaints involving members of the Board of Education, the Ethics Panel shall hire an independent counsel to conduct the investigation. The independent counsel shall provide the Ethics Panel with a written report containing findings of fact and conclusion of law.
5. If after receiving an investigative report the Panel determines there are insufficient facts upon which to base a determination of a violation, it shall issue a written dismissal of the complaint.
6. If there is a reasonable basis for believing a violation has occurred, then the subject of the complaint shall be afforded an opportunity for a hearing conducted in accordance with the Board of Education's applicable rules of procedure for actions taken on the record.
7. The Panel may administer oaths and affirmations and may, on its own motion or upon request, issue subpoenas for the attendance of witnesses or the production of documents or other tangible items.
8. Any final determination resulting from the hearing shall include written findings of fact and conclusions of law. Upon a finding of violation, the Panel may recommend to the Board of Education any of the sanctions enumerated in Section 8 of this policy.
9. After a complaint is filed and until a final determination by the Board of Education, all actions taken by the Panel and the Board of Education regarding a complaint shall be treated confidentially to the extent possible consistent with the Ethics Panel's investigatory authority and subject to the provisions and exemptions set forth in the Maryland Public Information Act, Section 4-301, et seq., of the General Provisions Article to the Annotated

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Code of Maryland. The Ethics Panel may, subject to these provisions, reference its earlier opinions when rendering advisory opinions or in issuing written findings.

E. Documents and Records – All documents and other records of the Panel shall be kept in the central office of the Board of Education of Carroll County and shall be available for public inspection and copying subject to the provisions of Subsection “C” above.

Section 2 – Conflicts of Interest

A. In this section, qualified relative means a spouse, parent, child, sibling, or dependent.

B. Participation

1. Except as permitted by Board of Education regulation or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:

a. Any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest; or

b. Any matter in which any of the following is a party:

- 1) a business entity in which the official has a direct financial interest of which the official may reasonably be expected to know;
- 2) a business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;
- 3) a business entity with which the official or, to the knowledge of the official, a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;

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- 4) a business entity that is a party to an existing contract with the school official or which, to the knowledge of the official, a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or Board of Education duties of the official;
 - 5) an entity, doing business with the Board of Education or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or
 - 6) a business entity that:
 - a) the official knows is a creditor or obligee of the official or a qualified relative of the official with respect to a thing of economic value; and
 - b) as a creditor or obligee, is in a position to directly and substantially affect the interest of the official or qualified relative of the official.
2. An official who is disqualified from participating under paragraph (1) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:
- a. the disqualification leaves a body with less than a quorum capable of acting;
 - b. the disqualified official is required by law to act; or
 - c. the disqualified official is the only person authorized to act.

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

C. Employment and Financial Interests

1. Except as permitted by regulation of the Board of Education when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official may not:
 - a. be employed by or have a financial interest in an entity that is:
 - 1) subject to the authority of the school system or Board of Education; or
 - 2) negotiating or has entered a contract with the school system or Board of Education; or
 - b. hold any other employment relationship that would impair the impartiality or independence of judgment of the official.
2. This prohibition does not apply to:
 - a. an official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted in accordance with regulations adopted by the Board of Education; or
 - b. subject to other provisions of regulation and law, a member of the Board of Education in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment was disclosed on the financial disclosure statement filed with the

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certificate of candidacy to be a candidate to be a member of the Board.

D. Post-employment. A former official may not assist or represent any party other than the Board of Education or school system for compensation in a case, contract, or other specific matter involving the Board of Education or the school system if that matter is one in which the former official significantly participated as an official.

E. Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official may not assist or represent a party for contingent compensation in any matter before or involving the Board of Education or the school system.

F. Prestige of Office

1.
 - a. An official may not intentionally use the prestige of office or public position:
 - i. For the private gain of that official or the private gain of another; or
 - ii. To influence, except as part of the official duties of the official or as a usual and customary constituent service by a member of the Board without additional compensation, the award of a state or local contract to a specific person.
 - b. An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of particular regulated lobbyist or lobbying firm.
2. This subsection does not prohibit the performance of usual and customary constituent services by a member of the Board without additional compensation.
3. (i) An official, other than a member of the Board, may not use public resources or the title of the official to solicit a contribution as that term is defined in the Election Law Article.

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(ii) A member of the Board may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

G. Gifts.

1. An official may not solicit any gift.
2. An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.
3. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
 - a. is doing business with or seeking to do business with the school system;
 - b. is subject to the authority of the school system or Board of Education;
 - c. is a regulated lobbyist with respect to matters within the jurisdiction of the official; or
 - d. 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 school system duties of the official.
 - e. Is an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.
4. a. this paragraph does not apply to a gift:
 - 1) that would tend to impair the impartiality and independence of judgment of the official receiving the gift;
 - 2) of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or

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3) of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.

b. notwithstanding paragraph (3) of this subsection, an official may accept:

- 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 at a meeting which is given in return for the participation of the official in a panel or speaking engagement at the meeting;
- 5) gifts of tickets or free admission extended to members of the Board of Education to attend a charitable, cultural, or political event, if the purpose of the gift or admission is a courtesy or ceremony extended to the Board of Education;
- 6) a specific gift or class of gifts which the panel 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 school system or Board of Education and that the gift is purely personal and private in nature;
- 7) gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or

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- 8) an honorarium for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the school system or Board position of the official.

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

I. Nonretaliation. An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

SECTION 3 – Financial Disclosure for Members of the Board of Education and Candidates to be Members of the Board of Education

- A. This section applies to all members of the Board of Education and candidates to be members of the Board of Education.
- B. Except as provided in subsection D of this section, a member of the Board or candidate to be a member of the Board shall file the financial disclosure statement required under this subsection:
1. On a form provided by the panel;
 2. Under oath or affirmation; and
 3. With the panel or the office designated by the panel.
- C. Deadlines for filing statements.

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1. An incumbent official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
2. An official who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
3.
 - a. an individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.
 - b. the statement shall cover:
 - 1) the calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
 - 2) the portion of the current calendar year during which the individual held the office.

D. Candidates to be members of the Board of Education.

1. Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be a member of the Board of Education shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
2. A candidate to be a member of the Board of Education shall file a statement required under this section:
 - a. in the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

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- b. in the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
- c. in all other years for which a statement is required, on or before April 30.

3. A candidate to be a member of the Board of Education:

- a. may file the statement required under D.2.a of this chapter with the Board of Election Supervisors with the certificate of candidacy or with the panel prior to filing the certificate of candidacy; and
- b. shall file the statements required under D.2.b, and
- c. of this chapter with the panel or the office designated by the panel.

- 4. If a statement required to be filed by a candidate is overdue and not filed within 8 days after written notice of the failure to file is provided by the board of election supervisors, the candidate is deemed to have withdrawn the candidacy.
- 5. The Board of Election Supervisors may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.
- 6. Within 30 days of the receipt of a statement required under this section, the Board of Election Supervisors shall forward the statement to the panel, or the office designated by the panel.

E. Public Record

- 1. The panel or office designated by the panel shall maintain all financial disclosure statements filed under this section.

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2. The panel or office designated by the panel or Board shall make financial disclosure statements available during normal office hours, for examination and copying by the public subject to reasonable fees and administrative procedures established by the panel or the Board.
3. If an individual examines or copies a financial disclosure statement, the panel or the office designated by the panel shall record:
 - a. the name and home address of the individual reviewing or copying the statement; and
 - b. the name of the person whose financial disclosure statement was examined or copied.
4. Upon request by the individual whose financial disclosure statement was examined or copied, the panel or the office designated by the panel shall provide the individual with a copy of the name and home address of the person who reviewed the individual's financial disclosure statement.
5. For statements filed after January 1, 2019, the panel or the office designated by the panel may not provide public access to an individual's home address that the individual has designated as the individual's home address.
6. The Board or office designated by the Board shall not provide public access to information related to consideration received from:
 - a. The University of Maryland medical system;
 - b. A governmental entity of the state or a local government in the state; or
 - c. A quasi-governmental entity of the state or local government in the state.

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F. Retention requirements. The panel or the office designated by the panel shall retain financial disclosure statements for four (4) years from the date of receipt.

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

H. Contents of statement.

1. Interests in real property.

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

b. for each interest in real property, the schedule shall include:

- 1) the nature of the property and the location by street address, mailing address, or legal description of the property;
- 2) the nature and extent of the interest held, including any conditions and encumbrances on the interest;
- 3) the date when, the manner in which, and the identity of the person from whom the interest was acquired;
- 4) the nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

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

6) the identity of any other person with an interest in the property.

2. Interests in Corporations and Partnerships.

a. a statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the school system or Board of Education.

b. for each interest reported under this paragraph, the schedule shall include:

1) the name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

2) the nature and amount of the interest held, including any conditions and encumbrances on the interest;

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

4) with respect to any interest acquired during the reporting period:

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- a) the date when, the manner in which, and the identity of the person from whom the interest was acquired; and
- b) the nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- c. an individual may satisfy the requirement to report the amount of the interest held under item (b)(2) of this paragraph by reporting, instead of a dollar amount:
 - 1) for an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - 2) for an equity interest in a partnership, the percentage of equity interest held.
3. Interests in business entities doing business with the school system or Board of Education.
 - a. a statement filed under this section shall include a schedule of all interests in any business entity that does business with the school system or Board of Education, other than interests reported under paragraph 2 of this subsection.
 - b. for each interest reported under this paragraph, the schedule shall include:

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- 1) the name and address of the principal office of the business entity;
- 2) the nature and amount of the interest held, including any conditions to and encumbrances on the interest;
- 3) with respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
- 4) with respect to any interest acquired during the reporting period:
 - a) the date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - b) the nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

4. Gifts

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

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b. for each gift reported, the schedule shall include:

- 1) a description of 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.

5. Employment with or interests in entities doing business with the school system or Board of Education.

a. a statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the school system or Board of Education.

b. for each position reported under this paragraph, the schedule shall include:

- 1) the name and address of the principal office of the business entity;
- 2) the title and nature of the office, directorship, or salaried employment held and the date it commenced; and
- 3) The name of each school system or board unit with which the entity is involved as indicated by identifying one or more of the three categories of "doing business", as defined in this policy.

6. Indebtedness to entities doing business with the school system or Board.

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- a. a statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the school system or Board of Education owed at any time during the reporting period:

- 1) by the individual; or
- 2) by a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

- b. for each liability reported under this paragraph, the schedule shall include:

- 1) the identity of the person to whom the liability was owed and the date the liability was incurred;
- 2) the amount of the liability owed as of the end of the reporting period;
- 3) the terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
- 4) the security given, if any, for the liability.

7. Employment with the school system or Board of Education. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the school system or Board of Education in any capacity at any time during the reporting period.

8. Sources of Earned Income.

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- a. a statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income at any time during the reporting period.
 - b. a minor child's employment or business ownership need not be disclosed if the school system or Board of Education does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
 - c. For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the board, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
9. Relationship with University of Maryland medical system, state or local government, or quasi-governmental entity.
- a. An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:
 - i. The University of Maryland medical system;
 - ii. A governmental entity of the state or a local government in the state; or
 - iii. A quasi-governmental entity of the state or local government in the state.
 - b. For each financial or contractual relationship reported, the schedule shall include:
 - i. A description of the relationship;

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- ii. The subject matter of the relationship; and
- iii. The consideration.

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

- I. For the purposes of Section 4.G, 1, 2, and 3 of this chapter, the following interests are considered to be the interests of the individual making the statement:
 - 1. An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 - 2. An interest held, at any time during the applicable period, by:
 - a. A business entity in which the individual held a (10)% or greater interest;
 - b. A business entity described in item (a) of this subsection in which the business entity held a 25% or greater interest;
 - c. A business entity described in item (b) of this subsection in which the business entity held a 50% or greater interest; and
 - d. A business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.
 - 3. An interest held by a trust or an estate in which, at any time during the reporting period:

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- a. the individual held a reversionary interest or was a beneficiary;
or
- b. if a revocable trust, the individual was a settlor.

J.

1. The panel shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
2. The panel or Board of Education may take appropriate enforcement action to ensure compliance with this section.

SECTION 4 – Financial Disclosure for Employees and Appointed Officials

- A. This section only applies to the following appointed officials and employees:
 1. Superintendent of Schools;
 2. Assistant Superintendents;
 3. Directors;
 4. Supervisor of Budget;
 5. Supervisor of Finance;
 6. Central Office Cost Center Administrators;
 7. School Principals;
 8. Procurement Officials;
 9. Members of the Ethics Panel
- B. A statement filed under this section shall be filed with the panel or office designated by the panel under oath or affirmation.
- C. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is under the authority of the Board of Education or the school system, including

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- the name of the donor of the gift and the approximate retail value at the time of receipt.
- D. An official or employee shall disclose employment and interest that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
 - E. An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.
 - F. Relationship with University of Maryland medical system, state or local government, or quasi-governmental entity.
 - a. An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:
 - i. The University of Maryland medical system;
 - ii. A governmental entity of the state or a local government in the state; or
 - iii. A quasi-governmental entity of the state or local government in the state.
 - b. For each financial or contractual relationship reported, the schedule shall include:
 - c. A description of the relationship;
 - d. The subject matter of the relationship; and
 - e. The consideration.
 - G. The panel or office designated by the panel shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in section 4 E and F of this policy.

SECTION 5 – LOBBYING

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- A. A person shall file a lobbying registration statement with the panel or office designated by the panel if the person:
1. Personally appears before any school official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
 2. In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$250 on food, entertainment, or other gifts for officials and employees of the Board of Education or school system.
- B. A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within five days after first performing an act that requires registration in the calendar year.
- C. 1. The registration statement shall identify:
- a. the registrant;
 - b. any other person on whose behalf the registrant acts; and
 - c. the subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.
2. The registration statement shall cover a defined registration period not to exceed one calendar year.
- D. Within 30 days after the end of a calendar year during which a person was registered under this section, the person shall file a report with the panel or office designated by the panel disclosing:

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1. The value, date, and nature of any food, entertainment, or other gift provided to a school official or employee; and
2. If a gift or series of gifts to a single official or employee exceeds \$20 in value, the identity of the official or employee.

E. The panel or office designated by the panel shall maintain the registrations and reports filed under this section as public records available for public inspection and copying.

Section 6 – Exemptions and Modifications.

- A. The Ethics Panel or the Board of Education, as appropriate, may grant exemptions for employees and officials who are not members of the Board of Education and modifications to the provisions of Sections 4 and 5 of this policy if it is determined that application of those provisions would:
1. constitute an unreasonable invasion of privacy;
 2. significantly reduce the availability of qualified persons for public service; or
 3. not be required to preserve the purposes of this policy.

Section 7 – Sanctions.

A. Violation of the provisions of this policy by any school official or employee shall constitute grounds for discipline or personnel action or removal from office where provided by law, consistent with procedures set forth in Section, 5-901 et seq., of the General Provisions Article to the Annotated Code of Maryland or any of the applicable provisions set forth in the Education Article of the Annotated Code of Maryland.

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B. Persons, business entities, or organizations found in violation of the lobbying provisions of this policy shall be publicly identified and subject to other penalties as provided by law.

Note: This provision is to be used where there are existing criminal or civil provisions that might also be applicable to conduct covered by the ethics regulations or is for use if the Legislature provides further penalty authority under the Public Ethics Law.

5. Reports

Reports from the Ethics Panel will be filed as specified in this policy.

6. Delegation of Authority

It is the intention of the policy that the Superintendent of Schools enforces administrative regulations for all employees of Carroll County Public Schools consistent with COMAR Title 19a, Subsection 05, Board of Education Ethics Policy and the intent of this policy regulations.

7. References

This policy is authorized as set forth in COMAR 19a.05.01 et seq., and title 5 of the General Provisions Article of the Annotated Code of Maryland, which was enacted to assure the people of the impartiality and independent judgment of officials and employees, avoid improper influence or even the appearance of improper influence.

8. Definitions

The words used in this policy shall have their normal accepted meanings except as set forth below.

Board of Education: The Board of Education of Carroll County, referred to as either the Board of Education or the Board.

Business Entity: Any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association

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of firm, institution, trust, foundation, or other organization, whether or not operated for profit. "Business entity" does not include a governmental entity.

Compensation: Any money or thing of value, regardless of form, received or to be received by an individual covered by this policy from an employer for services rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.

Dependent: A child under the age of 18 who resides with the employee or a person who resides with the employee for whom the employee is responsible for at least 50 percent of their income.

Designated second home: in an individual owns one second home, the individual's second home. If an individual owns more than one second home, any one second home the individual identifies to the panel as the individual's designated second home.

Doing business with: 1. Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$5,000 or more of school system funds; 2. Being subject to the authority of the school system; or 3. Being registered as a lobbyist within the meaning of this policy.

Employee: an employee of the board or the school system. Employee includes the superintendent.

Ethics Panel: The Board of Education of Carroll County's Ethics Panel, referred to as either the Ethics Panel or the Panel.

Financial Interest: 1. Ownership of any interest as the result of which the owner has received within the past 3 years or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or 2. Ownership, or the ownership of

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securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity by an official or the spouse of an official.

Gift: The transfer of any service or thing of economic value regardless of form without adequate and lawful consideration, except for the solicitation or receipt of political campaign contributions regulated in accordance with the campaign finance provisions set forth in Title 13 of the election law article of the Annotated Code of Maryland.

Honoraria: A payment of money or anything of value for:

- a) speaking to, participating in, or attending a meeting, conference, or other function; or
- b) writing an article that has been or will be published.

Immediate family: spouse and dependent children.

Interest: a legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.

For purposes of the "financial disclosure" section of this policy, "interest" includes any interest held at any time during the reporting period.

"interest" does not include:

- (i) an interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
- (ii) an interest in a time or demand deposit in a financial institution;

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(lii) an interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;

(iv) a common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the internal revenue service to be a qualified trust under the internal revenue code;

(v) a college savings plan under the internal revenue code; or

(vi) a mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

Lobbying: (1) (i) communicating in the presence of an official with the intent to influence any official action of that official; and

(ii) spending over \$500 for food, entertainment, or other gifts during the calendar year in connection with the communication or intent to influence; or

(2) (i) engaging in activities having the express purpose of soliciting others to communicate with an official with the intent to influence that official; and

(ii) spending over \$500 in connection with the activities or intent to influence.

Lobbyist: a person required to register and report expenses related to lobbying under the "lobbying" section of this policy.

Member of the Board: a member of the Carroll County Board of Education.

Official: a member of the Board of Education, an employee of the school system or Board of Education, and the superintendent.

Person: includes an individual or business entity.

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Principal home: the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

Qualified relative: spouse, parent, child, or sibling.

Quasi-governmental entity: an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.

School system: the educational system under the authority of the Carroll County Board of Education.

Second home: a residential property that an individual occupies for some portion of the filing year and is not a rental property or a time share.