

## Chapter 12

### ETHICS

[HISTORY: Adopted by the Board of Commissioners of the Town of Thurmont 2-3-1983. Readopted as revised 1-8-1986 by Res. No. 85-6. Subsequent amendments noted where applicable.]

#### § 12-1. Applicability.

The provisions of this chapter apply to the following officials and employees of the Town of Thurmont: the President, members of the Board of Commissioners, employees of the Town of Thurmont and members of the Planning and Zoning Board of Appeals.

#### § 12-2. Ethics Commission.

There shall be a Thurmont Ethics Commission, which shall be composed of three members appointed by the President with the advice and consent of the Board of Commissioners. The Commission shall be advised by the Town Attorney and shall have the following responsibilities:

- A. To prepare, receive and maintain all forms required by this chapter.
- B. To provide written advisory opinions to persons subject to this chapter as to the applicability of the provisions of this chapter to them.
- C. To process and make determinations as to complaints filed by any person alleging violations of this chapter.
- D. To conduct public information programs regarding the purposes and application of this chapter.

#### § 12-3. Unlawful acts.

Persons holding positions described in § 12-1 shall not:

- A. Participate on behalf of the town in any matter which would, to his knowledge, have a direct financial impact on him, his spouse or dependent child or any business entity with which he is affiliated.
- B. Hold or acquire an interest of either \$5,000 or 10% or greater in a business entity that has or is negotiating a contract of \$5,000 or more with the town or which is regulated by his agency.
- C. Be employed by a business entity that has or is negotiating a contract of more than \$5,000 with the town or which is regulated by his agency.
- D. Hold any outside employment relationship that would impair his impartiality or independence of judgment.
- E. Represent any party, for a contingent fee, before any town body.

F. Within one year following termination of town employment or 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.

G. Solicit any gift or accept gifts of greater than \$25 in value from any person that has or is negotiating a contract with the town or is regulated by his agency.

H. Use the prestige of his office or position for his own benefit or that of another.

I. Use confidential information acquired in his official town position for his own benefit or that of another.

#### § 12-4. Financial disclosure.

A. All persons holding a position described in § 12-1 shall file annually, not later than January 31 of each calendar year during which they hold such position, a statement with the Ethics Commission disclosing any gifts received during the preceding calendar year from any person having a contract with the town 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. Such persons shall also file a statement with the Ethics Commission disclosing any interest or employment, the holding of which would require disqualification from participation to § 12-3A of this chapter. Such statement shall be filed promptly after any circumstance requiring disqualification under § 12-3A has arisen.

C. All candidates for election to the office of President or to the Board of Commissioners shall file statements consistent with the requirements of subsections A and B of this section within seven days after their becoming candidates for such office.

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

#### § 12-5. Lobby disclosure.

A. Any person who personally appears before any town official or employee with the intent to influence that person in the 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 on food, entertainment or other gifts for such officials or employees shall file a registration statement with the Ethics Commission not later than January 15 of the calendar year or within five days after first making such appearance.

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 such appearances.

C. Registrants under this section shall file a report within 30 days after the end of any calendar year during which they were registered disclosing the value, date and nature of food, entertainment or other gift provided to any town official or employee. Where a gift or series of gifts to a single official or employee exceeds \$100 in value, the official or employee shall also be identified.

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

#### § 12-6. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUSINESS ENTITY -- Includes any entity, regardless of form.

GIFT -- Includes the transfer of any thing or service of value for which the recipient has not furnished identifiable and adequate consideration.

§ 12-7. Exemptions and modifications.

A. The Ethics Commission may grant exemptions and modifications to the provisions of §§ 12-3 and 12-4 of this chapter if it makes specific written findings that the application of those provisions would:

- (1) Constitute an unreasonable invasion of privacy.
- (2) Significantly reduce the availability of qualified persons for public service.
- (3) Not be required to preserve the purposes of this chapter.

B. The actions of the Ethics Commission in granting exemptions and modifications hereunder shall be in writing and shall be maintained as public records available for public inspection and copying.

§ 12-8. Enforcement.

A. The Ethics Commission may issue a cease and desist order against any person found to be in violation of this chapter and may seek enforcement of such order in the Circuit Court for Frederick County.

B. A town official or employee found to have violated the provisions of this chapter may be subject to disciplinary or other appropriate personnel action, including suspension of salary or other compensation.

C. Violation of any provisions of §§ 12-3, 12-4 or 12-5 of this chapter shall be deemed a misdemeanor, subject to a fine not to exceed \$500 or imprisonment not to exceed 90 days, or both.