



Book: GCPS Policies

Section: B – School Board Governance and Operations

Title: Ethics Policy

Number: BC (formerly 175)

Status: Under Review

Legal: **Article, §§15-206 and 15-811 - 15-815 of the Annotated Code of MD**

Adopted: 9/11/2012

Last Revised: 9/11/2012

Last Reviewed: 2/10/2015

Section 1. Applicability and definitions.

(a) [This chapter applies to members of the Board of Education, candidates to be members of the Board of Education, school officials, and employees of the Garrett County school system.

(b) (1) In this chapter, the following terms have the meanings indicated.

(2) "Gift":

(i) Means the transfer of any service or thing of economic value regardless of form without adequate and lawful consideration; and

(ii) Does not include a political campaign contribution regulated under Elections Article, Annotated Code Maryland.

(3) "Official" includes a member of the Board of Education, an employee of the school system or Board of Education, and the Superintendent.]

(a) This policy applies to members of the Board of Education, candidates to be

members of the Board of Education, school officials, and employees of the Garrett County Public Schools.

(b) In this policy, the following terms have the meanings indicated.

(1) “Board” or “Board of Education” shall mean the Board of Education of Garrett County.

(2) “Business entity” shall mean:

- a. A corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.
- b. Business entity does not include a governmental entity.

(3) “Compensation” shall mean:

- a. Any money or thing of value, regardless of form, received or to be received by any individual covered by this policy from an employer for service rendered.
- b. For the purposes of Section VI of this policy, if lobbying is only a portion of a person’s employment, “compensation” shall mean a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.

(4) “Doing business with” shall mean:

- a. Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$100.00 or

more of school system funds; or

b. Being registered as a lobbyist under Section VI of this policy.

(5) “Employee” shall mean an employee of the Board of Education and Garrett County Public Schools.

(6) “Financial interest” shall mean:

a. Ownership of any interest as the result of which the owner has received within the past 3 (three) years or is presently receiving, or in the future is entitled to receive, more than \$1,000.00 per year;

or

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

(7) “Gift” shall mean:

a. The transfer of any service or thing of economic value, regardless of form, without adequate and lawful consideration; and

b. Does not include political campaign contributions regulated under Elections Article, Annotated Code Maryland, or another provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

(8) “Good Faith” shall mean to proceed in a manner which is fair, reasonable, and just.

(9) “Immediate family” shall mean a spouse and dependent children.

(10) “Interest” shall mean:

- a. 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.
- b. For the purposes of this policy, “interest” shall include any interest held at any time during the reporting period.
- c. “Interest” shall not include:
 - i. An interest held in the capacity of a personal agent, custodian, fiduciary, or personal representative, 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;
 - iii. 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 fund which forms part of a pension or profit sharing plan which has more than twenty-five (25) participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; or
 - v. A college savings plan under the Internal Revenue Code.

- (11) “Lobbying” shall mean:
- a. Communicating in the presence of an official with the intent to influence any official action of that official; and
 - b. Spending over \$500.00 for food, entertainment or other gifts during the calendar year in connection with the communication or intent to influence.
- (12) “Lobbyist” shall mean a person required to register and report expenses related to lobbying under Section VI of this policy.
- (13) “Member of the Board” shall mean a member of the Garrett County Board of Education.
- (14) “Official” shall include a member of the Board of Education, an employee of the school system or Board of Education, and the Superintendent.
- (15) “Panel” shall mean Garrett County Public Schools’ Ethics Advisory Panel established under Section II of this policy.
- (16) “Person” shall include an individual or business entity.
- (17) “Qualified relative” shall mean a spouse, parent, child, or sibling.
- (18) “Real Property shall mean land, and generally whatever is erected or growing upon or affixed to land.
- (19) “School system” shall mean the educational system under the authority of the Garrett County Board of Education.

Section 2. Ethics panel.

[(a) There is a Garrett County School System Ethics Panel that consists of five (5) members

appointed by the Chairman of the Board of Education with the concurrence of the other members of the Board. The panel will be composed of the following committee appointed by the Board of Education and shall serve until replaced:

- One appointed member of the School Board as a nonvoting member
- A member of the Advisory Committee for Education
- One member of the Business Community
- The Finance Coordinator as a nonvoting member — Superintendent Designee
- One representative from the Garrett County Education Association, Garrett County Federation of Teachers or Garrett County Administrators and Supervisors Association

Any member of the committee who is the complaint at hand will not serve on the committee. The Superintendent will appoint a replacement on behalf of that group.

(b) The Ethics Panel shall:

- (1) Devise, receive, and maintain all forms required by this chapter;
- (2) Provide advisory opinions to persons subject to this chapter regarding the applicability of these provisions to them;
- (3) Process and make determinations regarding complaints alleging violations of this chapter;
- (4) Refer findings regarding complaints and other enforcement matters to the Board of Education for action; and
- (5) Conduct an information program regarding the purposes and application of this chapter.]

(a) Membership

- (1) There is a Garrett County Public Schools' Ethics Advisory Panel ("Panel") that consists of five (5) members recommended by the Superintendent and appointed by the Board of Education. The Panel serves in an advisory capacity to the Board of Education.

(2) Members of the Panel shall:

- a. Be residents of Garrett County; and
- b. Not be members of the Board of Education, subject to its control, an employee, employed by a business entity subject to the authority of the Board of Education, or the spouse of such members.

(3) Whenever possible, one (1) of the voting members should be an attorney licensed to practice law in the State of Maryland or law school professor.

(4) A member of the Panel shall be replaced by death, resignation, and/or a majority vote by the members of the Board of Education.

(5) Term of Membership

- a. Members shall serve for overlapping terms of five (5) years or until their successors are appointed. A member whose term is expiring may apply for reappointment and be considered along with other interested candidates. A vacancy for an unexpired term shall be filled in the same manner as the original appointment.
- b. The terms of the initial appointees to the Panel shall be staggered. One member shall be appointed for one (1) year; one member for two (2) years; one member for three (3) years; one member for four (4) years; and one member for five (5) years.

(b) Liability, Compensation, and Legal Representation

(1) The members will be insulated from any personal, civil liability for their individual or joint actions while performing their duties as Panel members provided all acts and duties are performed in "good faith" in arriving at any Panel decision.

- (2) Members of the Panel shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget.
 - (3) The Panel shall be assisted by the Board of Education Attorney for direct on proper procedure under this policy.
- (c) Responsibilities of the Ethics Advisory Panel
- (1) The Ethics Advisory Panel shall:
 - a. Devise, receive, and maintain all forms required by this policy;
 - b. Provide advisory opinions to persons subject to this policy regarding the applicability of these provisions to them. Copies of these advisory opinions shall be made available to the public in accordance with applicable state law regarding public records. However, the identity of the subject or other information that might reveal the identity of the subject will be redacted;
 - c. Review, process, make determinations, and, if necessary, conduct a hearing of any complaint filed regarding an alleged violation of this policy by any person;
 - d. Refer findings regarding complaints and other enforcement matters to the Board of Education;
 - e. Conduct, with the procedural guidance of the Board of Education Attorney, an information program regarding the purposes and application of this policy; and
 - f. Select the Panel member who serves as the chair of the Panel.

(d) Rules of Procedure

- (1) A majority vote of the Panel consists of three (3) or more votes.
- (2) A quorum consists of three (3) members present. Any action taken by the Panel requires at least three (3) votes.
- (3) The Panel shall adopt rules for the transaction of its business.
- (4) The Panel shall keep on file the minutes of its proceedings.
- (5) All Panel actions and decisions shall be in writing.
- (6) All documents related to the official duties of the Panel will be kept in the custody of the Board of Education Attorney.

(e) Processing of Complaints—Step-by-Step Process

- (1) A person, who in good faith believes that an individual has violated the requirements of the ethics policy, is to submit an allegation of a violation of the ethics policy, in writing and under oath, to any member of the Panel. ([Ethics Complaint Report Form – Attachment C](#)) Such an allegation will be referred to as an ethics complaint. The Panel will not consider an anonymous ethics complaint.
- (2) Upon receipt of a written ethics complaint, the Panel member is to provide a copy to the Board of Education Attorney, who will arrange for a copy to be provided to all members of the Panel and to the Superintendent of Schools.
- (3) The person who files an ethics complaint will be referred to as the complainant and the person who is the subject of the ethics complaint will be referred to as the respondent
- (4) After a complaint is filed:

- a. The proceedings, meetings, and activities of the Panel and its representatives relating to the complaint are strictly confidential and shall not be disclosed unless such disclosure is specifically authorized by this policy.
- b. Unless specifically authorized by this policy, the proceedings, meetings, and activities of the Panel and information relating to the complaint, including the identity of the complainant and respondent, are not to be disclosed by the:
 - i. Members of the Ethics Advisory Panel;
 - ii. Representatives of the Ethics Advisory Panel;
 - iii. Superintendent of Schools;
 - iv. Complainant or the complainant's legal counsel;
 - v. Respondent or the respondent's legal counsel; or
 - vi. Any other person who may be aware that an ethics complaint has been filed with the Panel.
- c. The Panel may release any information at any time if the respondent agrees, in writing, to the release. In the event the Panel grants such a request, the Panel will provide the complainant and respondent with written notification of the information that will be released.
- d. The restrictions regarding confidentiality apply unless:
 - i. The matter is referred for prosecution; or
 - ii. The Panel finds a violation of the ethics policy.

- (5) The chair of the Panel is to provide the complainant with a letter acknowledging receipt of the ethics complaint. The letter is to state that the information relating to the complaint, including the identity of the complainant and respondent, may not be disclosed by the complainant or the complainant's legal counsel. The complainant will also be informed that the respondent will be provided with a copy of the complaint submitted by the complainant. The complainant is to be provided with a copy of the Board of Education's ethics policy and administrative regulation.
- (6) The chair of the Panel is to provide the respondent with a letter informing the respondent that an ethics complaint has been filed. The letter to the respondent is to state that the information relating to the complaint, including the identity of the complainant or the respondent, may not be disclosed by the respondent, except to legal counsel to the respondent. The respondent is to be provided with a copy of the complaint submitted by the complainant along with a copy of the Board of Education's ethics policy and administrative regulation. The respondent, at his or her option and expense, may elect to retain legal counsel.
- (7) The members of the Panel, in consultation with the Board of Education Attorney regarding procedure, are to review the ethics complaint and determine the following:
- a. Whether the Panel has jurisdiction to consider the ethics complaint; or
 - b. Whether a review should be conducted to gather information to assist the Panel in making a decision as to whether the ethics policy has been violated;

- c. Whether there is sufficient information for the Panel to allow it to issue a written determination without conducting a review;
- d. Whether violations alleged were inadvertent, technical, or minor, or have been cured, and, after consideration of all of the circumstances then known, further proceedings would not serve the purposes of this policy;
- e. Whether for other reasons, after consideration of all the circumstances, further proceedings would not serve the purposes of this policy; and/or
- f. Whether the ethics complaint should be referred to another governmental agency for appropriate action.

(8) In the event an ethics complaint is filed against the Superintendent of Schools, a member of the Board of Education, or the Board Attorney, the services of outside counsel are to be retained to represent the Board of Education and the Panel with regard to such an ethics complaint.

(9) In the event the Panel determines that a review of the ethics complaint is necessary, it shall determine the resources that will be needed to conduct the review. The Panel may consult the Board of Education Attorney for procedural guidance.

(10) The Board of Education Attorney is authorized to take the following action:

- a. Upon the receipt of an ethics complaint by the Panel, inform the Superintendent of Schools and the members of the Board of Education that the Panel has received a complaint.

- b. Upon the determination of the Panel that a review of the ethics complaint is necessary, inform the Superintendent of Schools and the members of the Board of Education of the Panel's determination.
- c. Consult with the Superintendent of Schools with regard to resources that are needed by the Panel to conduct its review.
- d. Depending upon the nature of an ethics complaint, contact other governmental agencies regarding the ethics complaint.
- e. Upon the determination of the Panel that it lacks jurisdiction or that the ethics complaint should be dismissed, inform the Superintendent of Schools and the members of the Board of Education of the Panel's determination.

(11) In the event the Panel determines that it lacks jurisdiction or that the ethics complaint should be dismissed, the chair of the Panel is to issue a separate letter to the complainant and to the respondent informing each person of the Panel's decision. If the Panel issues a determination that it lacks jurisdiction or that the ethics complaint is to be dismissed, such a determination is a final decision and the Panel's file is to be closed.

(12) If there is a reasonable basis for believing a violation has occurred, then the subject of the complaint or the person likely to be impacted by the result of the complaint shall be afforded an opportunity for a hearing before the Panel.

(13) A respondent may propose a settlement or cure to the Panel prior to a hearing. If the Panel determines that the proposed settlement or cure is consistent with the

purposes of this regulation, the Panel shall recommend that the Board of Education accept the proposed settlement or cure.

- (f) Hearings (For purposes of the Panel hearings, the Panel will act as the hearing examiner and conduct the hearing. For purposes of the hearing, a member of the Panel will act as hearing chairperson to conduct the hearing and provide for its efficient administration. The Board of Education Attorney will assist the Panel on procedural matters, including rule on motions, objections, and issues of law.)
- (1) All evidence will be presented on the record and a written transcript of the hearing will be produced.
 - (2) All testimony will be taken under oath and all parties will be provided with the right to cross-examine witnesses.
 - (3) The Panel will have the right to request the appearance of any employee of the Board of Education and Garrett County Public Schools at any meeting or hearing. The Panel will have the right to inspect and/or have copies produced of any relevant document, paper, or other tangible object in the possession of Garrett County Public Schools and/or Board of Education.
 - (4) The Panel does not have the right to issue subpoenas. Upon the finding of a violation as a result of a complaint, the Panel is to provide a copy of the record and written transcript to the Board of Education. The Panel shall report its findings and recommendation for action to the Board of Education which, if it concurs with the Panel, shall take enforcement action in accordance with this policy.
- (g) Hearings—Issuance of Final Determination by the Panel

- (1) Any final determination resulting from the hearing will include a statement of alleged violation, written findings of fact, a conclusion of law, and recommendations.
- (2) The recommendation to the Board of Education may include:
- a. That the evidence was inconclusive and the Panel was unable to reach a final determination.
 - b. That the complaint be dismissed.
 - c. That a determination was reached that a violation of the Ethics Code had occurred.
 - d. That certain corrective action be taken.
 - e. That disciplinary or other appropriate personnel action or termination be taken.

Section 3. Conflicts of interest.

(a) In this section, "qualified relative" means a spouse, parent, child, or sibling.

(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:

- (i) Any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest; or
- (ii) Any matter in which *any* of the following is a party:

(A) A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know;

(B) A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;

(C) 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;

(D) 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;

(E) 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

(F) A business entity that:

1. 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

2. 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

(i) The disqualification leaves a body with less than a quorum capable of acting;

(ii) The disqualified official is required by law to act; or

(iii) The disqualified official is the only person authorized to act.

(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:

(i) Be employed by or have a financial interest in an entity that is:

(A) Subject to the authority of the school system or Board of Education; or

(B) Negotiating or has entered a contract with the school system or Board of Education; or

(ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official.

(2) This prohibition does not apply to:

(i) 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

(ii) 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:

(A) Was disclosed on the financial disclosure statement filed with the 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) An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.

(2) This subsection does not prohibit the performance of usual and customary constituent services by a member of the Board of Education without additional compensation.

(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:

(i) Is doing business with or seeking to do business with the school system or Board unit with which the official is affiliated;

(ii) Is subject to the authority of the school system or Board of Education;

(iii) Is a regulated lobbyist with respect to matters within the jurisdiction of the official; or

(iv) Has a financial interest 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.

(4) (i) This paragraph does not apply to a gift:

(A) That would tend to impair the impartiality and independence of judgment of the official receiving the gift;

(B) Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or

(C) 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.

(ii) Notwithstanding paragraph (3) of this subsection, an official may accept:

(A) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(B) Ceremonial gifts or awards that have insignificant monetary value;

(C) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;

(D) 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;

(E) 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;

(F) 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;

(G) Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or

(H) 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 may not disclose or use confidential information that the official acquired by reason of the official's 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) Procurement.

(1) An individual or person that employs an individual who assists a school system or Board of Education 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.

(2) The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.

Section 4. Financial disclosure — 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.

(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) (i) 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.

(ii) The statement shall cover:

(A) 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

(B) 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:

(i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

(ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and

(iii) 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:

(i) May file the statement required under § 4(d)(2)(i) 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

(ii) Shall file the statements required under § 4d)(2)(ii) and (iii) of this chapter with the Panel or the office designated by the Panel.

(4) If a candidate fails to file a statement required by this section after written notice is provided by the Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, 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.

(d) Public record.

(1) The Panel or office designated by the Panel shall maintain all financial disclosure statements filed under this section.

(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:

(i) The name and home address of the individual reviewing or copying the statement; and

(ii) 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.

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

(f) Contents of statement.

(1) Interests in real property.

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

(ii) For each interest in real property, the schedule shall include:

(A) The nature of the property and the location by street address, mailing address, or legal description of the property;

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

(C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

(D) 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;

(E) 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

(F) The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

(i) 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.

(ii) For each interest reported under this paragraph, the schedule shall include:

(A) The name and address of the principal *office* of the corporation, partnership, limited liability partnership, or limited liability corporation;

(B) The nature and amount of the interest held, including any conditions and encumbrances on the interest;

(C) 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

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. 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.

(iii) An individual may satisfy the requirement to report the amount of the interest held under item (ii)(B) of this paragraph by reporting, instead of a dollar amount:

(A) 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

(B) 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.

(i) 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.

(ii) For each interest reported under this paragraph, the schedule shall include:

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

(B) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;

(C) 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

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
2. 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.

(i) 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.

(ii) For each gift reported, the schedule shall include:

(A) A description of the nature and value of the gift; and

(B) 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.

(i) 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.

(ii) For each position reported under this paragraph, the schedule shall include:

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

(B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(C) The name of each school system or Board unit with which the entity is involved.

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

(i) 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:

(A) By the individual; or

(B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(ii) For each liability reported under this paragraph, the schedule shall include:

(A) The identity of the person to whom the liability was owed and the date the liability was incurred;

(B) The amount of the liability owed as of the end of the reporting period;

(C) 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

(D) 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.

(i) 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.

(ii) 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.

(9) 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.

(g) For the purposes of §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 by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

(i) The individual held a reversionary interest or was a beneficiary; or

(ii) If a revocable trust, the individual was a settler.

(h) (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 5. Financial disclosure — Employees and appointed officials.

(a) This section only applies to the following appointed officials and employees.

- Superintendent
- Assistant Superintendent
- All Directors, Supervisors and Coordinators
- All School Principals and Assistant Principals

(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 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) 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 §4(e) and (f) of this chapter.

Section 6. Lobbying.

(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 \$100 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 (5) days after first performing an act that requires registration in the calendar year.

(c) (1) The registration statement shall identify:

(i) The registrant;

(ii) Any other person on whose behalf the registrant acts; and

(iii) 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:

(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 \$100 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 7. Exemptions and modifications.

The Ethics Panel or the Board of Education, as appropriate, may grant exemptions and modifications to the provisions of § 3 and 5 of this chapter to employees and appointed officials who are not members of the Board of Education when the Panel or Board of Education determines that application of those provisions is not required to preserve the purposes of this chapter and would:

- (a) Constitute an unreasonable invasion of privacy; and
- (b) Significantly reduce the availability of qualified persons for public service.

Section 8. Sanctions.

(a) [An official who violates this chapter is subject to discipline, personnel action, or removal from office, as provided by law and consistent with procedures set forth in The Public School Laws and Bylaws of Maryland and Garrett County Board of Education policies and procedures.] Violation by any official or employee of the provisions of these regulations shall constitute grounds for discipline or personnel action, or removal from office where provided by law, or the policies of the Garrett County Board of Education.

(b) [A person who violates this chapter is subject to the provisions or sanctions in The Public School Laws and Bylaws of Maryland and Garrett County Board of Education policies and procedures]. Persons or business entities found in violation of the lobbying provisions of these regulations shall be publicly identified and subject to other penalties as provided by law. The Board of Education may impose such sanctions as it deems appropriate.

(c) A finding of a violation of this chapter by the Board is public information.

Attachments:

- A. [Financial Disclosure Statement for Board Members and Candidates to be Members of the Board of Education – Attachment A](#)
- B. [Ethics Regulations and Financial Disclosure Compliance Statement for Administrators – Attachment B.](#)
- C. [Ethics Complaint Report Form – Attachment C](#)