

BALTIMORE CITY ETHICS BOARD
626 City Hall
100 N. Holliday Street
Baltimore, Maryland 21202
Phone: 410-396-4730 Fax: 410-396-8483
<http://ethics.baltimorecity.gov>

**CONFLICTS AFFIDAVIT –
DIRECTIONS**

I. SCOPE OF CONFLICTS LAW GENERALLY

The Conflicts of Interest provisions of the City Ethics Law apply to *all* City officials and employees, including volunteer members of boards and commissions, regardless of rank or years of service.

Every official and employee should become familiar with these provisions, as a violation can result in disciplinary action through and including termination from employment.

II. WHO MUST FILE AFFIDAVIT

By law, every *official* (see below) is required to file with the Ethics Board, within 6 months of his or her appointment, an affidavit that she or he (i) has read and understands the statutory provisions governing conflicts of interest, (ii) is not then in violation of them, and (iii) obligates him- or herself to comply with them in all future activities.

For this purpose, *official* is defined {Article 8, § 2-21 and §§ 2-2, 2-3, and 2-8} to include any of the following:

- (1) Any local elected official.
- (2) The head of any department or any bureau or division within a department.
- (3) The Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, and Executive Director or Executive Secretary of any department, board, commission, council, authority, committee, office, or other unit of City government.
- (4) The Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, and Executive Director or Executive Secretary of any of the following:
 - (i) Baltimore City Parking Authority;
 - (ii) Baltimore Development Corporation;
 - (iii) Baltimore Police Department;
 - (iv) Civilian Review Board of Baltimore City;
 - (v) Board of Liquor License Commissioners for Baltimore City;

- (vi) Enoch Pratt Free Library of Baltimore City;
 - (vii) Housing Authority of Baltimore City;
 - (viii) Local Development Council, South Baltimore Video Lottery Terminal, and
 - (ix) Pimlico Community Development Authority.
- (5) Any other individual in a unit of City government who, whether acting alone or as a member of a board acting jointly with other board members:
- (i) has authority comparable to that of the head of a department or the head of a bureau or division;
 - (ii) has decision-making authority in making City policy;
 - (iii) has decision-making authority in the exercise of quasi-judicial, regulatory, licensing, inspecting, or auditing functions; or
 - (iv) acts as a principal advisor to one who has authority of the type listed.

III. WHEN AND WHERE TO FILE

The Affidavit must be filed, within 6 months of appointment, with:

Baltimore City Ethics Board
626 City Hall
100 North Holliday Street
Baltimore, Maryland 21202
410-396-4730

The Board will send a copy to your Appointing Authority for filing with your personnel records.

IV. FORMS AND INFORMATION

Additional forms and instructions for this Conflicts Affidavit are available on the Board's Website, <http://ethics.baltimorecity.gov>. For those without Internet access, they also may be obtained from the Board, at 626 City Hall (410-396-4730).

Any questions about the scope or applicability of the Conflicts of Interest provisions (or any other provisions of the Ethics Code) should be directed to the Ethics Board.

V. NOTARIZATION

As indicated on the Conflicts Affidavit, it must be notarized.

VI. SUMMARY OF CONFLICTS LAW

Note: The following is a *general summary only*, designed to assist you in your review of the law. The full text of the relevant statutes is attached to these Directions.

1. *Restrictions on Participation* {§ 6-6} – A public servant (that is, any City official or employee) may not participate in – and must disqualify him- or herself from – any matter in which any of the following has an interest:
 - (a) the public servant,
 - (b) a close relative (that is, a spouse, parent, child, or sibling) of the public servant, or
 - (c) an entity (or parent or subsidiary of an entity) in which the public servant or close relative:
 - (i) has a financial interest,
 - (ii) is a partner, officer, director, trustee, employee, or agent, or
 - (iii) has an existing or proposed employment, contractual, or debtor relationship.
2. *Prohibited Employment or Interest* {§ 6-11} – A public servant may not:
 - (a) be employed by or have a financial interest in any entity that is subject to the authority of (for example, licensed or otherwise regulated by) the public servant’s agency,
 - (b) be employed by or have a financial interest in any entity that has or is negotiating a contract (or a subcontract on a contract) with the City or an agency of the City, if:
 - (i) the contract is with, for the benefit of, or to be administered by the public servant’s agency, or
 - (ii) the public servant’s duties include matters substantially relating to or affecting the subject matter of the contract and the contract binds or purports to bind the City to pay more than \$1,000, or
 - (c) hold any other employment relationship that would impair the public servant’s impartiality and independent judgment.
3. *Prestige of Office* {§ 6-36} – A public servant may not intentionally use the prestige of his or her office or position for his or her private gain or that of another.
4. *Contingent Compensation* {§ 6-21} – A public servant may not assist or represent someone for contingent compensation in any matter before or involving a City agency.
5. *Confidential Information* {§ 6-37} – A public servant may not disclose or use, for her or his own benefit or that of another, any confidential information acquired by reason of the public servant’s position.

6. *Post-Employment Restriction* {§ 6-22} –

- (a) A former public servant may not assist or represent someone for compensation, other than the City, in any case, contract, or other specific matter that involves the City, if the matter is one in which the former public servant significantly participated while with the City.
- (b) In addition, a former member of the City Council may not assist another for compensation in any matter that is the subject of legislative action until the later of: (i) the end of the Councilmanic year in which in which the member left office, or (ii) 6 months from the date on which the member left office.

7. *Participation in Procurement* {§ 6-38} – A person or entity that assists the City in preparing procurement specifications, documents, etc., may not be employed by or assist a bidder in that procurement.

8. *Employment of Relative* {§ 6-39} – An elected official may not use public funds to employ his or her relative or the relative of another elected official. For this purpose, “relative” means any spouse, parent or stepparent, sibling or step sibling, child, stepchild, foster child, or ward, mother-in-law or father-in-law, son-in-law or daughter-in-law, grandparent, or grandchild.

9. *Gifts* {§§ 6-26 and 6-27} – Subject to certain qualified exceptions, a public servant may not, directly or indirectly, for his or her own benefit or for the benefit of another, solicit any gift or knowingly accept any gift, even if unsolicited, from any person that the public servant knows or has reason to know:

- (a) does or seeks to do business of any kind with:
 - (i) the public servant’s agency,
 - (ii) with another person in connection with that other person’s contract with the public servant’s agency,
- (b) engages or seeks to engage in an activity that is regulated or controlled by the public servant’s agency,
- (c) is or, within the past 12 months, has been a lobbyist with respect to matters within the jurisdiction of the public servant’s agency,
- (d) has a financial interest that might be significantly affected by the public servant’s actions, or
- (e) is an owner, partner, officer, director, trustee, employee, or agent of any person described in items (a) through (d).

Note: For this purpose, “gift” includes a donation to support a charitable or governmental function.

STATUTORY TEXT
OF
CONFLICTS PROVISIONS
{Baltimore City Code Article 8}

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I. APPLICABLE DEFINITIONS

NOTE: Defined terms are printed throughout in *bold-italics*.

“Agency” {§ 2-2}.

(a) *In general.*

“Agency” means any department, ***board***, commission, council, authority, committee, office, or other unit of City government.

(b) *Inclusions.*

“Agency” also ***includes***:

- (1) Baltimore City Parking Authority;
- (2) Baltimore Development Corporation;
- (3) Baltimore Police Department;
- (4) Board of Liquor License Commissioners for Baltimore City;
- (5) Enoch Pratt Free Library of Baltimore City;
- (6) Housing Authority of Baltimore City;
- (7) Local Development Council, South Baltimore Video Lottery Terminal;
- (8) Pimlico Community Development Authority; and
- (9) any individual not embraced in a unit of City government who exercises authority comparable to that of the head of a unit of City government.

“Board” {§ 2-3}.

(a) *In general.*

“Board” means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, all of whom are appointed and serve on a part-time basis.

(b) *Inclusions.*

“Board” also ***includes***:

- (1) Board of Commissioners of the Housing Authority of Baltimore City;

- (2) Board of Directors of the Baltimore City Parking Authority;
- (3) Board of Directors of the Baltimore Development Corporation;
- (4) Board of Liquor License Commissioners for Baltimore City;
- (5) Civilian Review Board of Baltimore City;
- (6) Local Development Council, South Baltimore Video Lottery Terminal; and
- (7) Pimlico Community Development Authority.

“Business entity” {§ 2-4}.

“Business entity” means any ***person*** engaged in business or other organized activity, whether for-profit or not-for-profit and regardless of form.

“Child” {§ 2-6}.

“Child” means a biological child, adopted child, stepchild, ward, or foster child, regardless of age.

“Compensation” {§ 2-7}.

“Compensation” means any money or thing of value, regardless of form, received or to be received by a ***person*** for services rendered.

“Disqualifying relative” {§ 6-1(b)}.

“Disqualifying relative”, as applied to an individual, means that individual’s spouse, parent, ***child***, or sibling.

“Elected official” {§ 2-8}.

“Elected official” means:

- (1) the Mayor;
- (2) the City Comptroller;
- (3) the President of the City Council; and
- (4) any member of the City Council.

“Employee” {§ 2-9}.

(a) *In general.*

“Employee” means any employee of the City who is not an *official*.

(b) *Inclusions.*

“Employee” also *includes* an employee of any *agency* or *board* included within the scope of § 2-2 {“Agency”} or § 2-3 {“Board”} of this subtitle.

“Financial interest” {§ 2-16}.

“Financial interest” means ownership of:

- (1) more than 3% of a *business entity*;
- (2) securities of any kind that represent or are convertible into ownership of more than 3% of a *business entity*; or
- (3) any *interest* as the result of which the owner:
 - (i) received more than \$1,000 in any 1 of the preceding 3 calendar years; or
 - (ii) is entitled to receive more than \$1,000 in the current or any subsequent calendar year.

“Gift” {§ 2-17}.

(a) *In general.*

“Gift” means, except as specified in subsection (b) of this section, the transfer of any thing or any service of economic value, regardless of the form, without adequate, identifiable, and lawful consideration.

(b) *Exclusions.*

“Gift” does not include the solicitation, acceptance, receipt, or disposition of a political contribution that is regulated under State Code Article 33, Title 13 {“Campaign Finance”} or under any other state law that regulates the conduct of elections or the receipt of political contributions.

“Includes”; “including” {§ 2-18}.

“Includes” or “including” means by way of illustration and not by way of limitation.

“Interest” {§ 2-19}.

(a) *In general.*

“Interest” means, except as specified in subsection (b) of this section, any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held wholly or partly, jointly or severally, or directly or indirectly.

(b) *Exclusions.*

“Interest” does not include:

- (1) an interest held in the capacity of a personal representative, agent, custodian, fiduciary, or trustee, unless the holder has an equitable interest in the subject matter;
- (2) an interest in a time or demand deposit in a financial institution;
- (3) 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 some other specified period; or
- (4) a common trust fund or a trust that forms part of a pension or a profit-sharing plan that:
 - (i) has more than 25 participants; and
 - (ii) is determined by the Internal Revenue Service to be a qualified trust under § 401 or § 501 of the Internal Revenue Code.

“Lobbyist” {§ 2-20}.

“Lobbyist” means any *person* required to register with the Ethics Board under Subtitle 8 {“Lobbying”} of this article.

“May” {§ 2-36(c)}.

“May” is permissive.

“May not” / “No ... may” {§ 2-36(b)}.

“Must not”, “may not”, and “no ... may” are each mandatory negative terms used to establish a prohibition.

“Must” {§ 2-36(a)}.

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

“Official” {§ 2-21}.

(a) *In general.*

“Official” means:

- (1) an *elected official*;
- (2) the head of any department;
- (3) the head of any bureau or division within a department; and
- (4) any other individual in a unit of City government who, whether acting alone or as a member of a *board* acting jointly with other board members:
 - (i) has authority comparable to that of the head of a department or the head of a bureau or division;
 - (ii) has decision-making authority in making City policy;
 - (iii) has decision-making authority in the exercise of quasi-judicial, regulatory, licensing, inspecting, or auditing functions; or
 - (iv) acts as a principal advisor to one who has authority of the type listed.

(b) *Inclusions.*

“Official” also *includes* the Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, and Executive Director or Executive Secretary of any *agency* or *board* included within the scope of § 2-2 {“Agency”} or § 2-3 {“Board”} of this subtitle.

“Person” {§ 2-22}.

“Person” means:

- (1) an individual;
- (2) a partnership, firm, association, corporation, or other entity of any kind;
- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; and
- (4) except as used in Subtitle 9 {“Enforcement”} of this article for the imposition of criminal penalties, a governmental entity or an instrumentality or unit of a governmental entity.

“Public servant” {§ 2-23}.

“Public servant” means any *official* or *employee*.

II. RESTRICTIONS ON PARTICIPATION

§ 6-6. Prohibited participation.

(a) “*Business entity*” *limited*.

In this section, “business entity” does not include Baltimore City or any instrumentality, unit, or agency of Baltimore City.

(b) *When participation prohibited*.

Except as otherwise provided in this Part II, a *public servant* may not participate in and must disqualify himself or herself from any matter if:

- (1) the *public servant* has an *interest* in the matter of which the *public servant* might reasonably be expected to know;
- (2) to the *public servant*'s knowledge, a *disqualifying relative* has an *interest* in the matter; or
- (3) any of the following is a party to the matter:

(i) any *business entity* in which:

- (A) the *public servant* has a *financial interest* of which the *public servant* might reasonably be expected to know; or
- (B) to the *public servant*'s knowledge, a *disqualifying relative* has a *financial interest*;

(ii) any *business entity* in which:

- (A) the *public servant* is a partner, officer, director, trustee, employee, or agent; or
- (B) to the *public servant*'s knowledge, a *disqualifying relative* is a partner, officer, director, trustee, employee, or agent;

(iii) any *business entity* with which:

- (A) the *public servant* has applied for a position, is negotiating employment, or has arranged prospective employment; or
- (B) to the *public servant*'s knowledge, a *disqualifying relative* has applied for a position, is negotiating employment, or has arranged prospective employment;

(iv) any *business entity* that is a party to a contract with:

- (A) the *public servant*, if the contract could reasonably be expected to result in a conflict between the private interests of the *public servant* and the *public servant*'s official City duties; or
- (B) to the *public servant*'s knowledge, a *disqualifying relative*, if the contract could reasonably be expected to result in a conflict between the private interests of the *public servant* or *disqualifying relative* and the *public servant*'s official City duties;

(v) any *business entity* in which a *financial interest* is held by another *business entity* in which the *public servant* has a *financial interest*, if the *public servant* might reasonably be expected to know of both *financial interests*;

(vi) any *business entity* in which a *financial interest* is held by another *business entity* in which a *disqualifying relative* has a *financial interest*, if the *public servant* knows of both *financial interests*;

(vii) any *business entity* that has a *financial interest* in another *business entity* in which the *public servant* also has a *financial interest*, if the *public servant* might reasonably be expected to know of both *financial interests*;

(viii) any *business entity* that has a *financial interest* in another *business entity* in which a *disqualifying relative* also has a *financial interest*, if the *public servant* knows of both *financial interests*; or

(ix) any *business entity* that, to the *public servant*'s knowledge, is a creditor or obligee of the *public servant* or a *disqualifying relative* and that, as a creditor or obligee, is in a position to affect directly and substantially the *interest* of the *public servant* or *disqualifying relative*.

§ 6-7. Exceptions.

(a) *Actions authorized by Board or article.*

The prohibitions in § 6-6 {"Prohibited participation"} of this subtitle do not apply to the extent that participation in a matter is expressly allowed:

- (1) by a rule or regulation of the Ethics Board;
- (2) by an advisory opinion of the Ethics Board; or
- (3) by another provision of this article.

(b) *Ministerial activities.*

The prohibitions in § 6-6 {"Prohibited participation"} of this subtitle do not prohibit the exercise of a ministerial duty that does not affect the disposition of or any decision relating to the matter involved.

§ 6-8. Participation notwithstanding conflict.

(a) *In general.*

Subject to subsection (b) of this section, a **public servant** who otherwise would be disqualified under § 6-6 {"Prohibited participation"} of this subtitle **may** nonetheless participate in a matter if:

- (1) his or her disqualification would leave a **board** or other body with less than a quorum capable of acting;
- (2) the **public servant** is required by law to act; or
- (3) the **public servant** is the only individual authorized to act.

(b) *Conditions of participation.*

- (1) A **public servant** who seeks to participate in a matter under the authority of this section **must** comply with the requirements of this subsection.
- (2) If acting as a member of a **board** or other body, the **public servant must**, before participating, publicly disclose to that **board** or other body the nature and circumstances of the conflict.
- (3) in all cases, the **public servant must**, as soon as possible after participating, file with the Ethics Board and the **public servant's** appointing authority a written notice of the nature and circumstances of the conflict and the participation.

§ 6-9. Service with entity on City's behalf.

The prohibitions in § 6-6 {"Prohibited participation"} of this subtitle do not apply to the service of a **public servant** as a trustee or director of a **business entity** doing **business with** or subject to regulation by **the City** as long as:

- (1) the City has an economic or programmatic interest in the entity; and
- (2) the **public servant**:
 - (i) serves on the entity as part of his or her official duties, at the direction of his or her **agency**;
 - (ii) receives no fee, salary, or other remuneration for his or her service; and
 - (iii) does not participate in any matter in which the **public servant** or any **disqualifying relative** has a **financial interest**.

III. RESTRICTIONS ON EMPLOYMENT AND INTERESTS

§ 6-11. Prohibited interests.

Except as otherwise provided in this Part III, a *public servant may not*:

- (1) be employed by or have a *financial interest* in any *person* that is subject to the authority of that *public servant* or of the City *agency* with which the *public servant* is affiliated;
- (2) be employed by or have a *financial interest* in any *person* that is negotiating or has entered into:
 - (i) a contract with the City or an *agency* of the City, if:
 - (A) the contract is with, for the benefit of, or to be administered by the *agency* with which the *public servant* is affiliated;
 - (B) the *public servant's* duties for the City include matters substantially relating to or affecting the subject matter of the contract and the contract binds or purports to bind the City to pay more than \$1,000; or
 - (C) for any other contract, the *public servant* fails to timely disclose to the Ethics Board and the procuring *agencies*, as required by rule or regulation of the Ethics Board, his or her employment by or *financial interest* in the *person* who is negotiating or has entered into the contract; or
 - (ii) a subcontract on a contract described in this item (2); or
- (3) hold any other employment relationship that would impair the impartiality and independent judgment of the *public servant*.

§ 6-12. Exceptions – Board regulation.

The prohibitions in § 6-11 {"Prohibited interests"} of this subtitle do not apply to an employment or *financial interest* that is allowed by a rule or regulation of the Ethics Board if:

- (1) in the case of employment, the employment does not create a conflict of interest or the appearance of a conflict of interest; and
- (2) in the case of a *financial interest*, the interest is disclosed in the manner required by the rule or regulation.

§ 6-13. Exceptions – Industry representatives.

The prohibitions in § 6-11 {"Prohibited interests"} of this subtitle do not apply to an individual who is appointed to a regulatory or licensing unit pursuant to a requirement that *persons* subject to the jurisdiction of the unit be represented in appointments to it.

§ 6-14. Exceptions – New board members.

- (a) *In general.*

The prohibitions in § 6-11 {"Prohibited interests"} of this subtitle do not apply to a *board member* who holds the employment or *financial interest* at the time of his or her appointment, if that employment or *financial interest* is publicly disclosed to the appointing authority, the Ethics Board, and, if applicable, the City Council before confirmation.

- (b) *Disclosure by affidavit.*

The disclosure *must* be made by an affidavit, under penalties of perjury, in the form that the Ethics Board requires.

§ 6-15. Exceptions – Service on City's behalf.

The prohibitions in § 6-11 {"Prohibited interests"} of this subtitle do not apply to the service of a *public servant* as a trustee or director of a *business entity* in accord with and subject to the limitations specified in § 6-9 {"Service ... on City's behalf"} of this subtitle.

§ 6-16. Extraordinary exemptions.

- (a) *In general.*

Subject to subsection (b) of this section, the Ethics Board *may* exempt a *public servant* from the prohibitions of § 6-11 {"Prohibited interests"} of this subtitle or modify the applicability of those prohibitions to a *public servant* if the Board determines that failure to grant the exemption or modification would limit the City's ability to:

- (1) recruit and hire highly qualified or uniquely qualified professionals for public service; or
- (2) assure the availability of competent services to the public.

as established by at least 2 competent real estate appraisers selected by the City; and

- (ii) all records of the City relating to the transaction are open to public inspection at all times during regular business hours.

(b) *Criteria for granting.*

- (1) The Ethics Board *may* grant an exemption or modification under this section only:
 - (i) in extraordinary circumstances;
 - (ii) at the request of the City *agency* involved; and
 - (iii) with the Mayor’s approval of that request.
- (2) The Ethics Board *must* apply this section as consistently as possible under similar facts and circumstances.

§ 6-21. Contingent compensation.

A *public servant may not* assist or represent a party for contingent *compensation* in any matter before or involving any City *agency*.

§ 6-22. Post-employment restrictions.

(a) *In general.*

After leaving office or terminating employment, a former *public servant may not* assist or represent a party, other than the City, in a case, contract, or other specific matter for *compensation* if:

- (1) the matter involves City government; and
- (2) the former *public servant* significantly participated in the same matter as a *public servant*.

(b) *Additional restrictions on former Councilmembers.*

- (1) Except as provided in paragraph (2) of this subsection, a former member of the City Council may not assist or represent another party for *compensation* in any matter that is the subject of legislative action until the later of:
 - (i) the end of the Councilmanic year in which the member left office; or
 - (ii) 6 months from the date on which the member left office.
- (2) Paragraph (1) of this subsection does not apply to a former member’s representation of a municipal corporation, county, or State governmental entity.

§ 6-17. Permitted transactions.

The prohibitions of § 6-11 {“Prohibited interests”} of this subtitle do not prevent:

- (1) an *elected official* from appearing, without *compensation*, before any City *agency* or legislative body on behalf of constituents or in the performance of any public, official, or civic obligation or duty;
- (2) a *public servant* from accepting or receiving any benefit or facility that is provided for or made available to citizens or residents under any housing or other general welfare legislation or in the exercise of the police power, but only if the *public servant* does not exercise any responsibility or authority with respect to authorizing that benefit or facility for himself or herself; or
- (3) a *public servant* from entering into a contract with the City for the City’s acquisition of real property, if:
 - (i) the amount to be paid for the property does not exceed the property’s value,

IV. GIFTS

§ 6-26. Solicitation prohibited.

(a) *In general.*

Except as permitted under subsection (b) of this section, a **public servant may not** solicit or facilitate the solicitation of a **gift**, whether on the **public servant's** own behalf or on behalf of another **person**, from any **person** that the public servant knows or has reason to know:

- (1) does or seeks to do business of any kind, regardless of amount:
 - (i) with the **public servant's agency**; or
 - (ii) with another **person** in connection with or in furtherance of a contract that is being negotiated or has been entered into by the other **person** with the **public servant's agency**;
- (2) engages or seeks to engage in an activity that is regulated or controlled by the **public servant's agency**;
- (3) is or, within the preceding 12 months, has been a **lobbyist** with respect to matters within the jurisdiction of the **public servant**;
- (4) has a **financial interest** that might be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the **public servant's** official duties; or
- (5) is an owner, partner, officer, director, trustee, employee, or agent of any **person** described in items (1) through (4) of this subsection.

(b) *Exception.*

The prohibition in subsection (a) of this section does not apply to a solicitation if:

- (1) it is for the benefit of an official governmental program or activity or a City-endorsed charitable function or activity; and
- (2) it either:
 - (i) is expressly allowed by a rule or regulation of the Ethics Board; or

- (ii) otherwise has been approved in advance by the Ethics Board, on the written request of the **public servant** and his or her **agency**.

§ 6-27. Acceptance prohibited.

Except as otherwise provided in this Part IV, a **public servant may not** knowingly accept any **gift**, directly or indirectly, from any **person** that the **public servant** knows or has reason to know:

- (1) does or seeks to do business of any kind, regardless of amount:
 - (i) with the **public servant's agency**; or
 - (ii) with another **person** in connection with or in furtherance of a contract that is being negotiated or has been entered into by the other **person** with the **public servant's agency**;
- (2) engages or seeks to engage in an activity that is regulated or controlled by the **public servant's agency**;
- (3) is or, within the preceding 12 months, has been a **lobbyist** with respect to matters within the jurisdiction of the **public servant**;
- (4) has a **financial interest** that might be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the **public servant's** official duties; or
- (5) is an owner, partner, officer, director, trustee, employee, or agent of any **person** described in items (1) through (4) of this section.

§ 6-28. Qualified exemptions.

Subject to § 6-29 {"Exemption limitations"} of this subtitle, the prohibitions in § 6-27 {"Acceptance prohibited"} of this subtitle do not apply to the unsolicited receipt of:

- (1) food or beverages received and consumed by the recipient in the presence of the donor or sponsoring entity;

- (2) *gifts* or awards that have *insignificant monetary value*, as defined by rule or regulation of the Board;

{**Note:** Board Regulations define “insignificant value” as: “(1) a gift or award with a value of not more than \$20; or (2) a gift or award in a series of gifts and awards with a cumulative value of not more than \$60, if given by or on behalf of the same person during the reporting period.”}

- (3) in return for a speaking engagement or participation on a panel at a meeting, reasonable expenses, actually incurred and verifiable, for food, travel, lodging, child or dependent care, and scheduled entertainment of the *public servant*, but only if:
- (i) the expenses are associated with the meeting; and
 - (ii) to the extent the expenses are anticipated to exceed \$500, the *public servant* has notified the Ethics Board before attending the meeting;
- (4) tickets or free admission given to an *elected official* to attend a specific charitable, cultural, or political event, if given by the *person* sponsoring or conducting the event as a courtesy or ceremony to the office;
- (5) a specific *gift* or class of *gifts* that the Ethics Board exempts on a written finding that acceptance of the *gift* or class of *gifts* would not be detrimental to the impartial conduct of City business; or
- (6) *gifts* from a spouse, parent, *child*, or sibling.

§ 6-29. Exemption limitations.

The exemptions specified in § 6-28 {“Qualified exemptions”} of this subtitle do not apply to any *gift* if:

- (1) the *gift* would tend to impair the recipient’s impartiality and independent judgment; or
- (2) for a *gift* of *significant value*, as defined by rule or regulation of the Board:
 - (i) the *gift* would give the appearance of impairing the recipient’s impartiality and independent judgment; or
 - (ii) the recipient believes or has reason to believe that the *gift* is designed to impair his or her impartiality and independent judgment.

{**Note:** Board Regulations define “significant value” as: “(1) any gift with a value of more than \$20; or (2) a gift in a series of gifts with a cumulative value of more than \$60, if given by or on behalf of the same person during the reporting period.”}

§ 6-30. {Vacant}

§ 6-31. Additional exemptions by Board.

By rule or regulation, the Ethics Board *may* establish further exemptions from or modifications of this Part IV, as the Board considers necessary.

V. MISCELLANEOUS

§ 6-36. Prestige of office.

(a) *In general.*

A **public servant may not** intentionally use the prestige of his or her office or position for his or her own private gain or that of another.

(b) *Constituent services.*

The performance of usual and customary constituent services, without additional **compensation**, is not prohibited by this section.

§ 6-37. Disclosing confidential information.

Except in the discharge of an official duty, a **public servant may not** disclose or use, for his or her own economic benefit or that of another, confidential information that the **public servant** acquired by reason of his or her public position and that is not available to the public.

§ 6-38. Participation in procurement.

(a) *Scope of section.*

This section applies to:

- (1) any individual who, for a proposed City procurement, assists a City **agency** in the drafting, development, or issuance of specifications, an invitation for bids, a request for proposals, a request for qualifications, or any other document related to the procurement; and

- (2) any **person** who employs that individual.

(b) *Prohibited conduct.*

A **person** described in subsection (a) of this section **may not**:

- (1) submit a response for that procurement; or
- (2) directly or indirectly, assist or represent another **person** in submitting a response for that procurement.

(c) *Exemptions.*

For purposes of this section, the following transactions do not constitute assisting in the drafting of specifications, an invitation for bids, a request for proposals, or a request for qualifications:

- (1) providing descriptive literature, such as catalogue sheets, brochures, technical data sheets, or standard specification “samples”, whether solicited by the City **agency** or unsolicited;
- (2) submitting written comments on a specification prepared by an **agency** or on a solicitation for a bid or proposal, if comments have been solicited from 2 or more **persons** as part of a request for information or a prebid or preproposal process; or
- (3) providing specifications for a sole-source or selected-source procurement authorized by law.

§ 6-39. Employing relatives by elected officials.

(a) *“Relative” defined.*

In this section, “relative” means:

- (1) spouse;
- (2) parent or stepparent;
- (3) sibling or step sibling;
- (4) **child**, stepchild, foster child, or ward;
- (5) mother-in-law or father-in-law;
- (6) son-in-law or daughter-in-law;
- (7) grandparent; or
- (8) grandchild.

(b) *Prohibited employment.*

No elected official may use public funds to employ a relative of that **elected official** or of any other **elected official**.

BALTIMORE CITY ETHICS BOARD
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Baltimore, Maryland 21202
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**IMPORTANT:
CAREFULLY READ
ACCOMPANYING DIRECTIONS**

CONFLICTS AFFIDAVIT

PART A. IDENTITY OF OFFICIAL

Last Name _____

First and Middle Names _____

Agency (Dep't, Division, Bureau, Board, etc.) _____

Position with Agency _____

Office Address _____

Office Telephone (____) _____

Date Appointed to Position: _____

Date of Training Course: _____

Date of this Affidavit: _____

PART B. RECEIPT BY ETHICS BOARD

NOTE: To be completed only by Ethics Board.

Affidavit received for filing on _____, 20__.

For Board of Ethics

Copy sent to Appointing Authority on _____, 20__.

For Board of Ethics

PART C. AFFIDAVIT

I, _____, solemnly affirm under the penalties of perjury:

1. I have received, read, and understand the statutory provisions governing conflicts of interest.
2. I am not now in violation of any of those provisions.
3. I obligate myself to comply with those provisions (as amended from time to time) in all future activities.
4. I recognize that, if any question arises about the application of those provisions to me, the Ethics Board and its staff are available to provide me with advice and guidance.

(Signature)

PART D. NOTARIZATION

STATE OF MARYLAND

CITY/COUNTY OF _____

I CERTIFY that, on this ____ day of _____, 20__, before me, a Notary Public in and for the City/County of _____, personally appeared _____, who acknowledged that the preceding Affidavit was his/her act.

AS WITNESS, my hand and Notarial Seal:

(Notary Public)

My Commission Expires: _____