

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

**NEW BOARD APPOINTEE EXEMPTION AFFIDAVIT –
DIRECTIONS**

I. PURPOSE OF EXEMPTION AFFIDAVIT

The attached form is for use by individuals who are nominated to a City board or commission and who seek a conflict-of-interest exemption. If an exemption is not applicable or is not needed, you need not file this form.

II. RELEVANT STATUTES

Article 8, § 6-11(a), contains a general prohibition against outside employment or interests that might conflict with one's official duties. Specifically:

[A] public servant *{i.e., any City official or employee}* may not:

- (1) be employed by or have a financial interest in any person *{or entity}* that is subject to the authority of *{e.g., licensed or otherwise regulated by}* that public servant or ... 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 agency with which the public servant is affiliated; or
 - (ii) a subcontract on a contract that is being negotiated or has been entered into with that City agency; or
- (3) hold any other employment relationship that would impair the impartiality and independent judgment of the public servant.

Article 8, § 6-14, however, recognizes a limited exception for newly appointed members of boards and commissions. Specifically:

(a) *In general.*

The prohibitions in § 6-11 {"Prohibited interests"} of this subtitle do not apply to a board *{or commission}* 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.

III. EFFECT OF EXEMPTION.

The exemption applies *only* to the specific prohibitions of Article 8, § 6-11 and *only* to the interest or employment disclosed. It does *not* apply to entirely *new types* of activities that might later arise out of that interest or employment. And it does *not* exempt a board or commission member from any other provisions of the Ethics Code.

For example, Article 8, § 6-6 {“Restrictions on participation”} provides that a public servant 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.

That “recusal” requirement fully applies, even if the participation conflict arises from an exempted employment or interest.

IV. WHEN AND WHERE TO FILE

The Exemption Affidavit must be endorsed on behalf of your **appointing authority** (usually, the Mayor), acknowledging receipt of a copy, and the original must be filed, before the appointment is confirmed, with:

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

For appointments subject to Council confirmation, your appointing authority will file a copy of the Exemption Affidavit with the **City Council’s Executive Nominations Committee**.

IV. FORMS AND INFORMATION

Additional forms and instructions for this Exemption Affidavit are available for on our 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 Exemption Affidavit or of any other provisions of the Ethics Code should be directed to the Ethics Board.

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1.

**IMPORTANT:
CAREFULLY READ
ACCOMPANYING DIRECTIONS**

NEW BOARD APPOINTEE EXEMPTION AFFIDAVIT

PART A. IDENTITY OF APPOINTEE

Last Name _____

First and Middle Names _____

Address _____

Telephone (____) _____ Email Address: _____

PART B. APPOINTMENT

Name of Board or Commission _____

Appointing Authority _____

Date of Appointment: _____

For Term Ending: _____

Date of this Affidavit: _____

PART C. RECEIPTS BY APPOINTING AUTHORITY AND ETHICS BOARD

To be completed only by Appointing Authority.

Copy of Affidavit received _____, 20__.

For Appointing Authority

To be completed only by Ethics Board.

Affidavit received for filing on _____, 20__.

For Board of Ethics

PART D. INTERESTS FOR WHICH EXEMPTION SOUGHT

NOTE: For more than one entity, make additional copies of this Part D.

Name of Entity _____

Address of Entity _____

Telephone (____) _____

Financial Interest in Entity:

___ None

___ Under \$1,000 ___ \$1,000 to \$5,000 ___ \$5,000 to \$10,000 ___ \$10,000 or More

Employment by Entity:

___ None

Position or Job Title _____

Reasons Why Interest in or Employment by Entity Might be a Conflict. (For example, is the entity regulated by the agency in which you would be serving, or does it sell goods or service to that agency?)

PART E. SIGNATURE AND AFFIRMATION

I, _____, solemnly affirm under the penalties of perjury that the contents of this Statement and of all accompanying Schedules are true to the best of my knowledge, information, and belief.

(Signature)

PART F. 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: _____