



BALTIMORE CITY ETHICS BOARD

635 City Hall
100 N. Holliday Street
Baltimore, Maryland 21202
(410) 396-7986
ethics@baltimorecity.gov

BOARD OR COMMISSION MEMBER'S PRE-APPOINTMENT DISCLOSURE

DIRECTIONS

I. PURPOSE OF DISCLOSURE

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 no exemption is sought, you need not file this form.

II. STATUTORY BACKGROUND

Article 8, § 6-11(a), contains a general prohibition against outside employment or interests that might conflict with one's official duties. That section provides that a City employee or official (a "public servant" *may not* –

- a. *be employed by or have a financial interest in* any entity that is subject to the authority of the public servant's agency (e.g., licensed or otherwise regulated by that agency); or
- b. *be employed by or have a financial interest in* any entity that has or is negotiating:
 - i. a contract with, for the benefit of, or administered by the public servant's agency, or
 - ii. a subcontract on a contract described in item i; or
- c. *hold any other employment relationship* that would impair the public servant's impartiality and independent judgment.

[For this purpose, "financial interest" is defined by Article 8, § 2-16, as –

"[the] 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."}]

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

“§ 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 *{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 applicable 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

Before filing the Disclosure, the completed original must be endorsed on behalf of your Appointing Authority (usually, the Mayor or the Mayor’s designee), acknowledging receipt of a copy. Therefore, you must submit the original, ***before the appointment is final or, if applicable, before Council confirmation***, to:

Mayor’s Office – Legislative Liaison
250 City Hall
100 North Holliday Street
Baltimore, Maryland 21202
410-396-4735

The Mayor’s Legislative Liaison will forward the endorsed form to the Ethics Board, and, when appropriate, to the Appointing Authority or the City Council’s Executive Nominations Committee.

V. FORMS AND INFORMATION

Additional forms and instructions for this Disclosure are available on the Ethics Board's Website, <http://ethics.baltimorecity.gov>. For those without Internet access, they also may be obtained from the Board's Office, 635 City Hall (410-396-7986).

Any questions about the scope or applicability of the Disclosure or of any other provisions of the Ethics Code should be directed to the Ethics Board at:

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**IMPORTANT:
CAREFULLY READ ACCOMPANYING DIRECTIONS**

PRE-APPOINTMENT DISCLOSURE AND AFFIDAVIT

*****Applicants: Please fill out only Parts A, B, D, and E.***

PART A. IDENTITY OF APPOINTEE

Full Legal Name: _____

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

Endorsement by Appointing Authority.

Copy of Disclosure received _____, 20____.

For Appointing Authority

Filing with Ethics Board.

Disclosure 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 Employment or Financial Interest Might Be a Conflict. (For example, is the entity regulated by the board or commission on which you would be serving, or does it sell goods or services 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.

(Print Name)

(Signature) (Date)