

PART 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.

EDITOR’S NOTE: This subsection was added by Ordinance 13-102 (Bill 12-163). Bill 12-163 passed the City Council on February 4, 2013. Pursuant to City Charter Art. IV, § 5(c), that bill automatically became law on March 11, 2013, without the Mayor’s signature.

(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.

(Ord. 04-795; Ord. 10-267; Ord. 13-102.)

EDITOR’S NOTE

Section 8 of Ordinance 04-795 provides that the preceding § 6-6 “do[es] not prohibit the continued employment of a relative of a public servant if:

- (1) the employment was entered into prior to the enactment of this Ordinance; and
- (2) immediately prior to the enactment of this Ordinance, the employment and the public servant’s participation in the employment conformed to all then-applicable laws, rules, and other standards of conduct.”

Ord. 04-795 was enacted on July 8, 2004.

Defined terms:

<i>Business entity</i>	§2-4, §6-6(a)	<i>May not</i>	<i>cf.</i> §2-36
<i>Disqualifying relative</i>	§6-1	<i>Must</i>	<i>cf.</i> §2-36
<i>Financial interest</i>	§2-16	<i>Public servant</i>	§2-23
<i>Interest</i>	§2-19		

§ 6-6.1. Restrictions for former lobbyists.

(a) *In general.*

Except as otherwise provided in subsection (b) of this section, a former lobbyist who is or becomes subject to regulation under this subtitle as an official may not participate in a case, contract, or other specific matter as an official for 1 calendar year after the termination of the former lobbyist’s registration if the former lobbyist previously assisted or represented another party for compensation in that case, contract, or other specific matter.

(b) *Board members.*

This section does not apply to a former lobbyist who is an official only as a member of a board. (Ord. 19-239.)

Defined terms:

<i>Board</i>	§2-3	<i>Lobbyist</i>	§2-20
<i>Compensation</i>	§2-7	<i>Official</i>	§2-21

§ 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.

(Ord. 04-795.)

Defined terms:

<i>Ethics Board</i>	§2-10
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§ 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.

(Ord. 04-795.)

Defined terms:

<i>Board</i>	§2-3	<i>Must</i>	<i>cf.</i> §2-36
<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23
<i>May</i>	<i>cf.</i> §2-36		

§ 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.

(Ord. 04-795.)

Defined terms:

<i>Agency</i>	§2-2	<i>Disqualifying relative</i>	§6-1
<i>Business entity</i>	§2-4	<i>Financial interest</i>	§2-16
<i>Business with City</i>	§2-5	<i>Public servant</i>	§2-23

§ 6-10. {Reserved}