

ETHICS TRAINING

Baltimore City Public Ethics Law City Code, Article 8

10/2021



Overview

- Purpose of Ethics Law and Ethics Board
- Conflicts of Interest – Recusal Required
- Conflicts of Interest – Secondary Employment and Financial Interests
- Conflicts of Interest – Gifts
- Other Ethics Law Requirements
- Ethics Complaint and Enforcement Process



**Promotes public trust in
government by ensuring:**

Fairness
Impartiality
Independence



Goals of Ethics Law

To guard against improper influence or even the appearance of improper influence, by requiring:

01

**Minimum
Standards of
Ethics
Conduct**

02

**Public
Disclosure of
Financial
Interests**

03

**Public
Registration/
Reporting
for Lobbyists**

Ethics Board



Mayor



Mayor



Mayor



City Council
President



Comptroller

Ethics Law

**Ethics
Training**

**Advisory
Opinions**

**Financial
Disclosures**

Lobbying

Complaints

Conflict of Interest

Arises when there's a possibility you could use your City position to benefit yourself, a family member, or an organization you or a family member are affiliated with.

Three main categories:

- Recusal required
- Outside employment
- Gifts

Conflict of Interest
RECUSAL REQUIRED



Conflict of Interest - Recusal Required

Is the matter eligible for recusal?

- Any contract, claim, case, proceeding, application, submission, request for ruling/determination, or other such particular matter.

Is my participation in the matter eligible for recusal?

- Merely administrative/ministerial duties = no
- Final authority or responsibility; voting; advice/recommendation; approval/disapproval; investigation; other significant discretion = yes

Conflict of Interest - Recusal Required

01

You or a "disqualifying relative" have an "interest" in the matter



01

You or a "disqualifying relative" have an "interest" in the matter

Key terms:

"Disqualifying relative": spouse, parent, child, or sibling

"Interest": legal or economic interest held -

- In whole or in part
- By yourself or with someone else
- Directly or indirectly

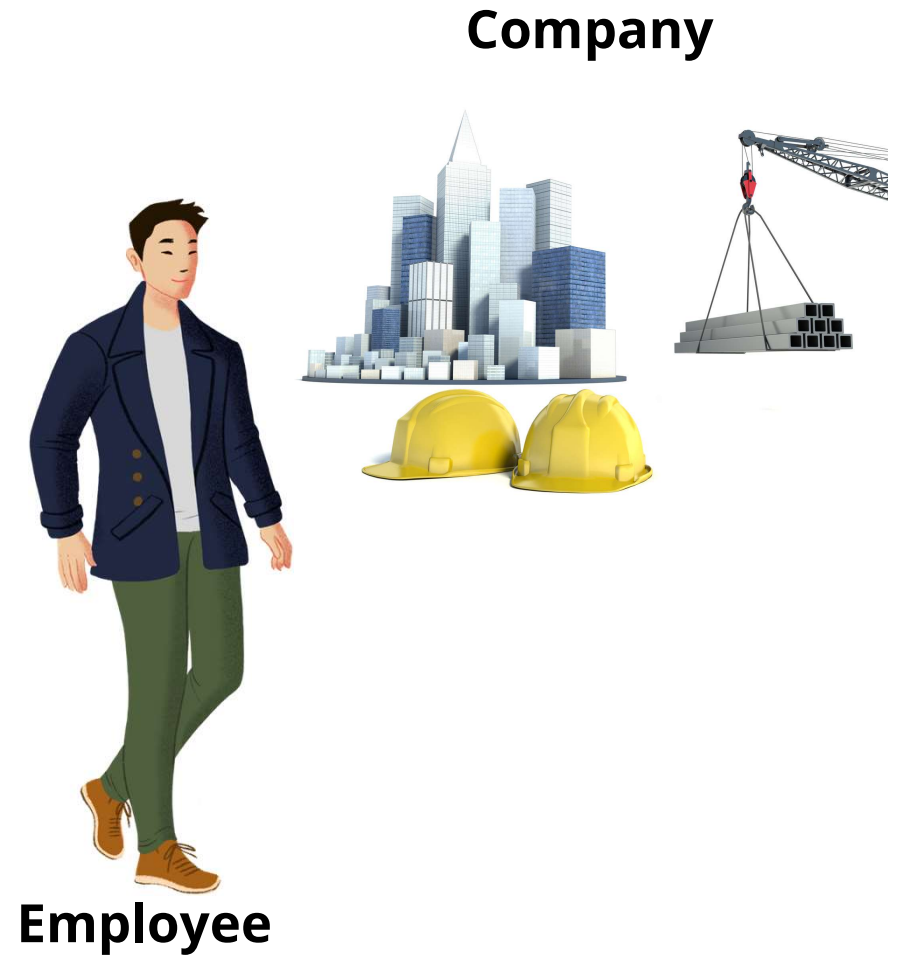
"Interest" does not include:

- Insurance policies
- Publicly-traded mutual funds
- Pension/retirement plans
- Tuition plans
- Others – when in doubt, ask!

Conflict of Interest - Recusal Required

02

You or a disqualifying relative are employed by a “business entity” that is a party to the matter.



02

You or a disqualifying relative are employed by a “business entity” that is a party to the matter.

Key terms:

Business entity: any “person” or organization engaged in business or other organized activity, whether for-profit or not-for-profit.

Person:

- Individual;
- Partnership, firm, association, corporation or other entity of any kind;
- Receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind, OR
- Governmental entity or instrumentality

03

You or a disqualifying relative serve as a partner, officer, director, trustee, or agent of a party to the matter.

- For example, you serve on the entity's Board of Directors.

Organization



Officer/Board Member

Conflict of Interest - Recusal Required

04

You or a disqualifying relative have a “financial interest” in a party to the matter.



Owner/Investor

Business



04

You or a disqualifying relative have a “financial interest” in a party to the matter.

Key terms:

Financial Interest:

- Ownership of more than 3% of business entity (includes securities);
- Receipt of more than \$1,000 in any one of the past three years; OR
- Entitled to receive more than \$1,000 in current or subsequent years

Conflict of Interest - Recusal Required

05

You or a disqualifying relative have a financial interest in an entity that itself has a financial interest in a party to the matter.

Subsidiary company
(party to matter)



Parent company



Owner/Investor

06

You or a disqualifying relative have a financial interest in an entity and a party to the matter also has a financial interest in that entity.

Parent company
(party to matter)



Subsidiary company



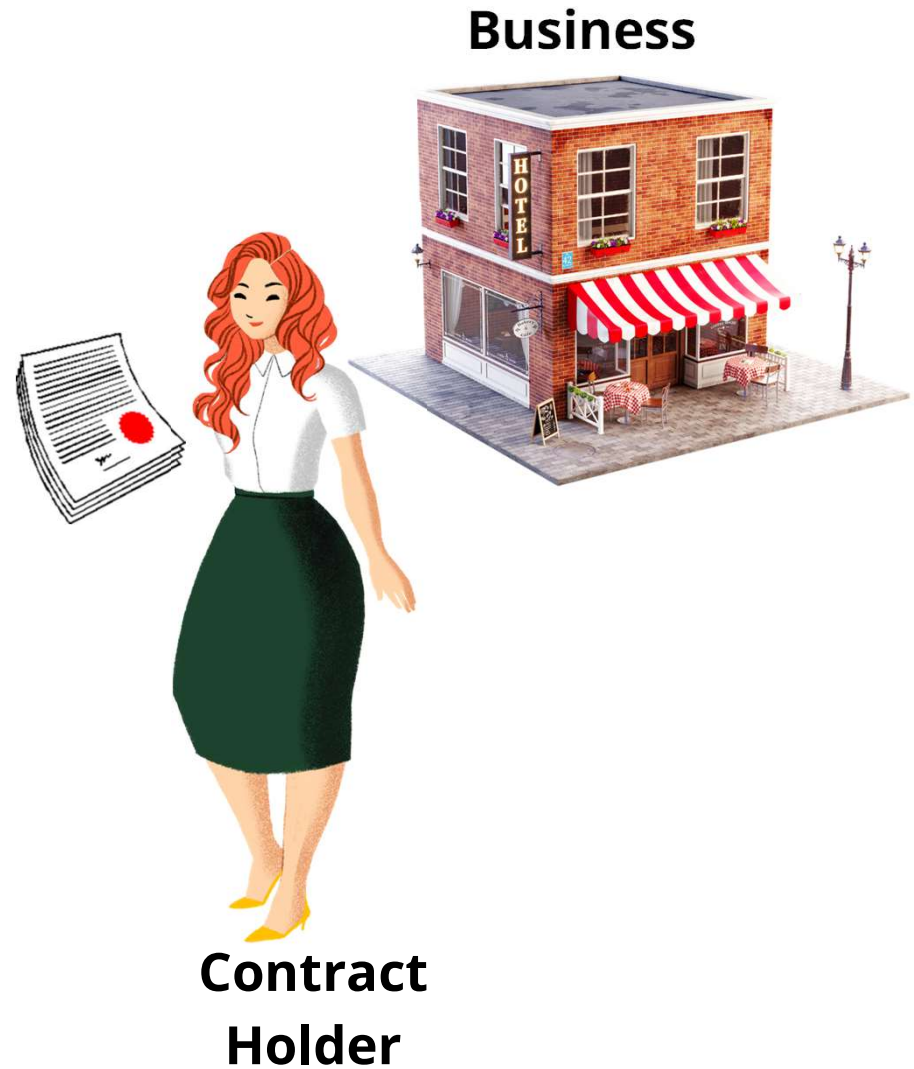
Owner/Investor



07

You or a disqualifying relative hold a contract with a party to the matter, IF:

- The contract might result in a conflict between your/your relative's private interests and your City duties.



08

You or a disqualifying relative owes a debt or some other substantial obligation to a party to the matter.



Conflict of Interest - Recusal Required



09

You were a registered lobbyist for the matter.

Prohibition ends 1 calendar year after you terminate your lobbyist registration.

Conflict of Interest

RECUSAL EXCEPTIONS

Conflict of Interest - Recusal Exceptions

Don't need to recuse if:

1) Your involvement in a matter is only "ministerial."

- Does not influence or affect any decision-making; purely administrative.

2) You're allowed by the Ethics Board.

- Rule, regulation, or advisory opinion.

3) You're on a City board as a required industry representative.

4) You're a trustee/director of a business entity on the City's behalf.

- The City has an economic and programmatic interest in the entity; AND
- You serve as part of your official City duties, at the direction of your agency; AND
- You don't receive any compensation; AND
- You recuse yourself from any matter where you/your disqualifying relative has a financial interest.

Conflict of Interest - Recusal Exceptions

Don't need to recuse if (cont'd):

5) Your recusal would make it impossible for your board/other body to act;*

6) You are required by law to act;* OR

7) You are the only person authorized to act.*

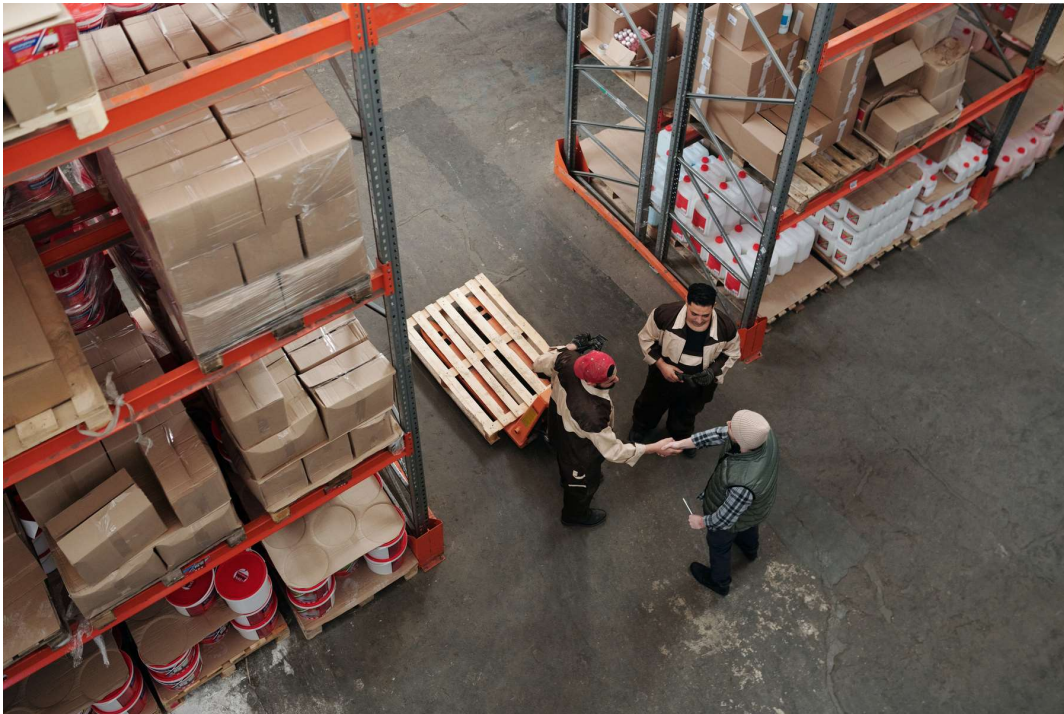
**Must disclose nature of conflict to your board/other body before acting*

**Must disclose nature of conflict and participation to Ethics Board as soon as possible after acting.*



**Conflict of Interest
RESTRICTIONS ON OTHER
EMPLOYMENT AND
FINANCIAL INTERESTS**

Conflict of Interest - Restrictions on Other Employment and Financial Interests



01

May not be employed by or have financial interest in any "person" subject to the authority of your agency.

Conflict of Interest - Restrictions on Other Employment and Financial Interests

Key terms:

Financial Interest:

- Ownership of more than 3% of business entity (includes securities);
- Receipt of more than \$1,000 in any one of the past three years; OR
- Entitled to receive more than \$1,000 in current or subsequent years.

Employed by:

Compensated or uncompensated service, e.g., includes uncompensated service on board of directors.

Person:

- Individual;
- Partnership, firm, association, corporation or other entity of any kind;
- Receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; OR
- Governmental entity or instrumentality.

01

May not be employed by or have financial interest in any "person" subject to the authority of your agency.

Conflict of Interest - Restrictions on Other Employment and Financial Interests

02

May not be employed by or have a financial interest in any person that is negotiating or has entered into a contract with the City or a City agency IF:

- The contract benefits, or will be administered by, the public servant's agency; OR
- The contract is worth more than \$1,000 and the public servant's duties substantially relate to or affect the contract.

** Includes subcontracts in these two categories of contracts.*

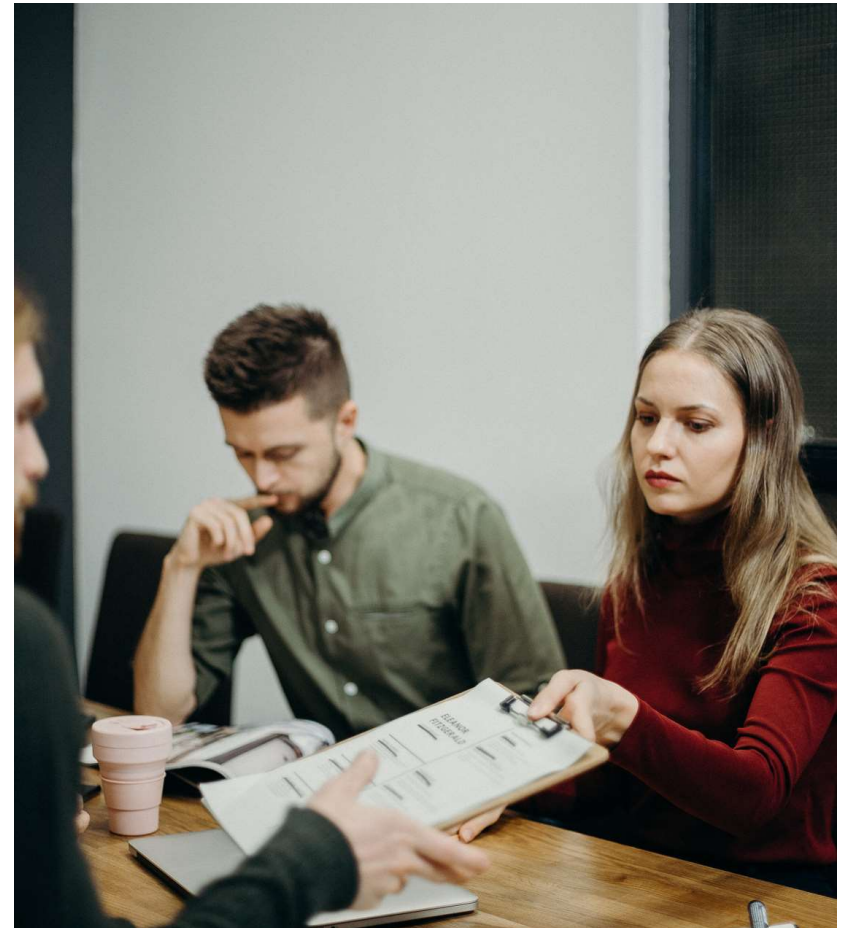


***For any other contract, must timely disclose to Ethics Board and appropriate procurement agency the nature of your employment with or financial interest in the person.*

Conflict of Interest - Restrictions on Other Employment and Financial Interests

03

May not assist/represent a party for contingent compensation in any matter before any City agency.



Conflict of Interest - Restrictions on Other Employment and Financial Interests



04

May not hold any other employment relationship that would impair your impartiality or independent judgment.

—

Actual conflict versus appearance of conflict

Conflict of Interest - Restrictions on Other Employment and Financial Interests

05

After leaving City employment:

- May never represent/assist party (other than the City) for compensation in any matter that involves City government and in which you significantly participated while employed by the City.
- For one year after leaving an elected position, may not represent/assist a party in any City legislative action.



Restrictions on Other Employment and Financial Interests

EXCEPTIONS

Restrictions on Other Employment and Financial Interests - Exception

Not restricted if:

1) Ethics Board allows by rule or regulation

- Example: adjunct faculty at accredited college or university

2) Required Industry representative appointed to City regulatory/licensing unit

3) New board members

- Must disclose by affidavit at time of appointment—sent to Ethics Board and appointing authority

Restrictions on Other Employment and Financial Interests - Exception

Not restricted if (cont'd):

4) Trustee/director of business entity on the City's behalf:

- The City has an economic and programmatic interest in the entity; AND
- You serve as part of your official City duties, at the direction of your agency; AND
- You don't receive any compensation; AND
- You recuse yourself from any matter where you/your disqualifying relative have a financial interest.

5) Extraordinary circumstances:

- Upon request of agency and with Mayor's approval, Ethics Board may grant exemption where failure to grant would severely limit City's ability to recruit/hire highly or uniquely qualified and competent professionals

Restrictions on Other Employment and Financial Interests

**PERMITTED
TRANSACTIONS**

Restrictions on Other Employment and Financial Interests - Permitted Transactions

01

Elected official may appear, without compensation, before any City agency/legislative body on behalf of constituents or in performance of official duty.

- Still check to make sure recusal isn't required, for example, where official has private interest in the matter, or an affiliated business entity is a party to the matter.



Restrictions on Other Employment and Financial Interests - Permitted Transactions

02

Officials and employees may accept/receive any benefit or facility that is otherwise generally available to citizens, but may not play role in authorizing it for themselves.



Restrictions on Other Employment and Financial Interests - Permitted Transactions

03

Officials and employees may sell real property to the City if payment amount does not exceed market value and related records are made available to the public.





Conflicts of Interest

GIFTS



Conflicts of Interest

GIFTS

Key terms:

Gift: transfer of any thing or service of economic value without adequate consideration (that is, without paying for it).

** Does not include campaign contributions governed by State Election Law*

Significant Gift: a gift over \$20



**Public servant may
NOT solicit or accept
any gift from any
person that:**



Public servant may not solicit or accept any gift from any person that:

01

Does or seeks to do business of any kind with public servant's agency.



Public servant may not solicit or accept any gift from any person that:

02

Does or seeks to do business of any kind with another person in connection with that other person's contract/ negotiation with the public servant's agency.



Public servant may not solicit or accept any gift from any person that:

03

Engages/seeks to engage in any activity regulated by public servant's agency.



Public servant may not solicit or accept any gift from any person that:

04

Is currently or within past 12 months was a lobbyist concerning matters within public servant's jurisdiction.



Public servant may not solicit or accept any gift from any person that:

05

Has a financial interest that might be materially affected by the public servant's duties.

- In a manner distinguishable from the general public.



Public servant may not solicit or accept any gift from any person that:

06

Is an owner, partner, officer, director, trustee, employee, or agent of any of those mentioned previously.

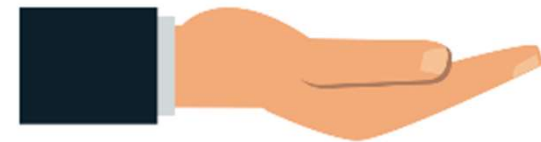


Conflicts of Interest

GIFT SOLICITATION

EXCEPTIONS

Public servant *may* solicit a gift for benefit of an official government program/activity or City-sponsored charitable function IF:



01

Is allowed by rule or regulation of the Ethics Board; OR

02

Has been approved in advance by Ethics Board.

- Gift solicitation waiver requests

Conflicts of Interest

GIFT ACCEPTANCE

EXCEPTIONS

Public servant *may* accept the following unsolicited gifts:

- They would not tend to impair the public servant's impartiality/ independent judgement; or
- For significant gifts (over \$20), the gift was not **designed** to or *would not give the appearance of* impairing the public servant's impartiality/ independent judgement.



Public servant *may* accept the following unsolicited gifts:

01

Food or beverages received and consumed in the presence of the donor or sponsor;



Public servant *may* accept the following unsolicited gifts:

02



Gifts or awards that have insignificant monetary value:

- Single gift does not exceed the value of \$20; or
- Series of gifts or awards does not exceed the cumulative value of \$60 if given by or on behalf of the same person in any single reporting period.

Public servant *may* accept the following unsolicited gifts:

03 Reasonable, verifiable, and documented travel expenses associated with a speaking engagement/panel participation:

- not to exceed \$500 unless the Ethics Board is notified in advance;
- Can only cover food, travel, lodging, child/dependent care, and scheduled entertainment.



Public servant *may* accept the following unsolicited gifts:

04

Tickets or free admission given to an elected official to attend a specific charitable, cultural, or political event, if given by the person sponsoring/conducting the event as a courtesy or ceremony to the office;



Public servant *may* accept the following unsolicited gifts:



05

Gifts from a spouse, parent, child, or sibling;

Public servant *may* accept the following unsolicited gifts:

06

Other gifts deemed by the Ethics Board to be non-detrimental to the impartial conduct of City business:



- Certain pharmaceutical samples given to City health-care facilities;
- Certain free admissions to events sponsored or conducted by educational institutions;*
- Certain free admissions to events offered by/on behalf of State government units*

**applies to elected officials only*

Other Restrictions



Other Restrictions

Prestige of Office



Public servant may not intentionally use the prestige of their office/position for own private gain or that of another.

- Does not include usual/customary constituent services

Other Restrictions

Disclosing Confidential Information

Public servant may not disclose or use—for own or other's economic benefit—confidential information obtained through their position.



Other Restrictions



Procurement Activities

Any individual (or their employer) who assists a City agency in preparing bid invitations, request for proposals, or other procurement documents* may not:

- 01 submit a response to that procurement; or
- 02 assist another person in submitting a response.

*Does not include:

- *Providing descriptive literature, technical data, brochures, or the like;*
- *Submitting written comments as part of a prebid/proposal process, if 2 or more persons are solicited; or*
- *Providing specifications for a legally authorized sole-source or selected-source procurement.*

Other Restrictions

Employing Relatives

Elected official may not use public funds to employ their own "relative" or that of any other elected official.



Employing Relatives

Elected official may not use public funds to employ their own "relative" or that of any other elected official.

Key terms:

Relative (this section only):

- (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.



Financial Disclosure Requirements

Who Must File?

- All City elected officials
- Officials and many non-clerical employees of City agencies and instrumentalities;
- Members of most City boards and commissions;
- Candidates for certain elected positions.
- Individuals filling procurement, enforcement, and legislative liaison functions; and

Who Must File?

- All City elected officials
- Officials and many non-clerical employees of City agencies and instrumentalities;
- Members of most City boards and commissions;
- Candidates for certain elected positions.
- Individuals filling procurement, enforcement, and legislative liaison functions; and

Key terms:

"Non-clerical" means any compensated public servant who is not employed solely in a secretarial, clerical, or custodial capacity.

Financial Disclosure Requirements

When Should I File?

- Elected Officials: Annually, on or before January 31
- New Employees: Within 30 days of start date
- Other Officials and Employees: Annually, on or before April 30
- Departing Employees: Within 60 days of departure.
- Candidates: No later than filing certificate of candidacy.

Main Menu

About the Board

About the Ethics Law

Board Opinions

Meetings

Complaints

Notice of Ethics
Requirements

Financial Disclosure

- Definition of Terms
- Schedule 1
- Schedule 2A
- Schedule 2B
- Schedule 3A
- Schedule 3B

Financial Disclosure

The Baltimore City Public Ethics Law requires many public servants to file annual financial disclosure statements in order to help them and members of the public identify potential conflicts of interest. (see [City Code, Article 8, Title 7](#)).

Financial disclosure statements are filed online. To file a statement, create or access your account by clicking the link below. Note that this is a new system in 2021, so you will need to create a new registration even if you previously filed online:

[*Click Here to File Your Financial Disclosure Online*](#)

Before you complete your form, please review the written instructions and the video tutorials below.



Board of Ethics Financial Disclosure Site

Brandon M. Scott, Mayor

City of
BALTIMORE
Maryland



Welcome

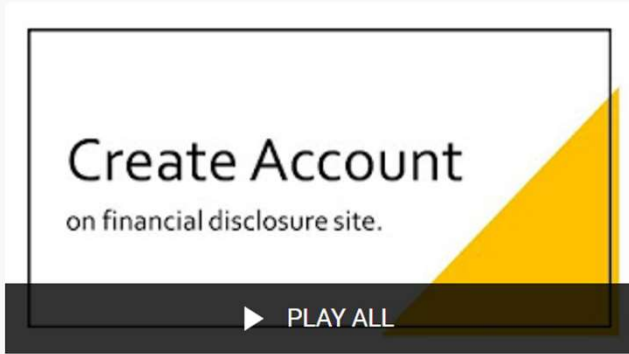
Welcome to the Baltimore City Board of Ethics online financial disclosure site. You can use this site to file financial disclosure statements and to view previously filed statements. If you have not used this site before, please register by clicking the link below. If you have used this site before, please sign in using the email address that you used to register.

[Sign In or Register](#)

[Privacy Policy](#) | [Terms of Use](#) | [Webmaster](#)

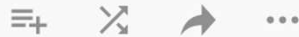
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Financial Disclosure Site Tutorials

11 videos • 256 views • Updated today



Baltimore City Ethics Board

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Baltimore City Ethics Board
- How to complete the
Cover Page
of your financial disclosure form
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Cover Page Tutorial
Baltimore City Ethics Board
- How to complete
Schedule 1
of your financial disclosure form
WATCHED 7:39

Schedule 1 Tutorial
Baltimore City Ethics Board
- How to complete
Schedule 2A
of your financial disclosure form
WATCHED 7:42

Schedule 2A Tutorial
Baltimore City Ethics Board
- How to complete
Schedule 3A
of your financial disclosure form
WATCHED 3:21

Schedule 3A Tutorial
Baltimore City Ethics Board
- How to complete
Schedule 3B
of your financial disclosure form
WATCHED 2:00

Schedule 3B Tutorial
Baltimore City Ethics Board

CRIPIONS

- Music
- Sports
- Gaming

Financial Disclosure Requirements

- Real property;
- Business entities;
- Gifts;
- Other employment/board membership;
- Indebtedness;
- Family employed by City;
- Other sources of income;
- Certain payments to business entities
 - Only elected officials

**What Do I
Disclose?**

Penalties for Late Filing:

- \$10 per day (up to \$1,000);
- 15 days late – Notice to public servant;
 - copy to agency head, Director of Human Resources, and City Solicitor
- 30 days later – referral to Office of Inspector General for investigation;
- Copy to public servant, agency head, Director of Human Resources, and City Solicitor;
- 60 days late – Ethics Board may refer for suspension without pay
 - ** *Does not apply to elected officials*

Other Requirements



Conflicts Affidavit



For “officials”

Within 6 months of
starting

Ethics Training



For “officials”

Within 6 months of
starting, and at least
every three years



Complaints and Enforcement

Complaints and Enforcement

Anyone may file a complaint alleging a violation of the Ethics Law

- Board staff conducts a confidential preliminary investigation and presents findings to Board;
- Board may provide opportunity for dismissal on cure;
- If no dismissal on cure, Board must provide opportunity for a hearing.

BALTIMORE CITY BOARD OF ETHICS



COMPLAINT FORM

The Baltimore City Board of Ethics is an independent body that oversees and enforces the Public Ethics Law, contained in Article 8 of the City Code. The Ethics Law applies to all Baltimore City officials, employees, and lobbyists. It ensures that City officials and employees serve the public with fairness and impartiality by prohibiting them from using their official duties for private gain. It also requires City officials and many other City employees to publicly disclose their private financial interests and other kinds of interests, and it requires lobbyists to register and disclose information about their activities.

You may file a complaint with the Ethics Board if you suspect a violation of the Ethics Law. Although you must sign your complaint, your identity and contact information will be kept confidential, as required by the Ethics Law. After receiving a complaint, Ethics Board staff may contact you for additional information. Staff will undertake a preliminary investigation and will inform you of the outcome at the conclusion of the process.

Section I - Complainant Information

**Your name and contact information will remain confidential. Please fill in at least one of the contact fields below so Ethics Board staff can contact you for further information, if necessary, and to update you on the outcome of the case.*

First Name: _____ Last Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

Section II - Case Information

Please provide all available information about the person(s) or entity(s) you believe potentially violated the Ethics Law. Attach additional pages if there are multiple people or entities involved in the violation.

This person is a: Baltimore City Official or Employee Baltimore City Contractor or Vendor

Lobbyist Private Business Entity Non-profit Organization

Other (explain: _____)

Person's or Entity's Name: _____

Complaints and Enforcement

If Ethics Board finds a violation after opportunity for hearing, it may impose the following administrative sanctions:

- Issue a cease and desist order;
- Issue a reprimand; and
- Refer the matter for appropriate discipline authorized by law, including censure or removal.



If Ethics Board finds a violation, it may seek the following judicial relief:



- Petition to compel compliance;
- Imposition of civil penalty up to \$1,000 for each day of violation;
- Voiding of official act
 - Exceptions where the act in question concerns a contract approved by the Board of Estimates or concerned taxes, appropriations, or bonds.

Complaints and Enforcement

If Ethics Board finds reasonable grounds to believe someone committed a criminal offense, it must promptly refer to matter for appropriate criminal prosecution.



Ethics Resources

Ethics Board Website:

www.ethics.baltimorecity.gov

State Ethics Commission:

www.ethics.maryland.gov

Contact the Ethics Board



Ethics Board Staff:

(410) 396-7986

ethics@baltimorecity.gov

Office of the Inspector General:

(443) 984-3690

Baltimore City Board of Ethics
c/o Office of the Inspector General
100 N. Holliday St., Suite 635
Baltimore, MD 21202