

CECIL COUNTY ETHICS COMMISSION REGULATIONS RELATED TO
CONFLICT OF INTEREST UNDER SECTION 39 OF THE CECIL COUNTY CODE

WHEREAS, Cecil County Government recognizes that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees (as defined in Section 39-3 of the Cecil County Code) will be maintained; and,

WHEREAS, it is evident that this confidence and trust is eroded when the conduct of the County's business is subject to improper influence and even the appearance of improper influence; and,

WHEREAS, for the purpose of guarding against improper influence, the Cecil County Ethics Commission has promulgated and adopted the following regulations so as to provide transparency in County government, particularly, in the Ethics Commission's decision making process, to provide guideposts by which elected and appointed officials, employees, board a commission members within Cecil County Government, as well as citizens in Cecil County, can analyze potential instances of conflict of interest or the appearance of conflict related to secondary employment, and to generally assure that the people of Cecil County are served by elected and appointed officials and employees who maintain the highest standards of impartiality and independent judgment; and,

WHEREAS, Cecil County Government recognizes that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees (as defined in Section 39-3 of the Cecil County Code) will be maintained; and,

WHEREAS, it is evident that this confidence and trust is eroded when the conduct of the County's business is subject to improper influence and even the appearance of improper influence; and,

WHEREAS, in accordance with the authority vested in it pursuant to Section 39 of the Cecil County Code, these regulations adopted by the Cecil County Ethics Commission implementing and clarifying Section 39-14 of the Code are intended to inform citizens of Cecil County as well as elected and appointed officials, employees, and board and commission members within Cecil County Government of the circumstances under which the Commission may grant exceptions to the restrictions regarding outside employment and financial interests in Section 39-14; the factors that the Ethics Commission will consider when deciding whether to grant an exception, or when issuing advisory opinions or resolving ethics complaints as they pertain to outside employment and financial interests that may give rise to an actual conflict of interest or the appearance of conflict; and,

WHEREAS, for the purpose of guarding against improper influence, the Cecil County Ethics Commission has enacted these regulations so as to provide transparency in County government, particularly, in the Ethics Commission's decision making process, to provide guideposts by which elected and appointed officials, employees, board a commission members within Cecil County Government, as well as citizens in Cecil County, can analyze potential

instances of conflict of interest or the appearance of conflict related to secondary employment, and to generally assure that the people of Cecil County are served by elected and appointed officials and employees who maintain the highest standards of impartiality and independent judgment.

NOW, THEREFORE, BY VIRTUE OF THE AUTHORITY VESTED IN THE CECIL COUNTY ETHICS COMMISSION PURSUANT TO SECTION 39 OF THE CECIL COUNTY CODE, AND BASED ON THE ABOVE FINDINGS, THE COMMISSION HAS ADOPTED THE FOLLOWING REGULATIONS OF THE CECIL COUNTY ETHICS COMMISSION:

Ethics Commission Regulation 2020-01 – Prohibition Against Outside Employment

2020-01.01 Scope.

A. The purpose of this regulation is to increase transparency in the application of Section 39-14, Employment and Financial Interest Restrictions, of the Cecil County Ethics Code by the Cecil County Ethics Commission

B. Except as provided in §B of this regulation, this chapter applies to all officials and employees of Cecil County Government, as those terms are defined in Chapter 39 of the Cecil County Code.

C. This chapter does not apply to the Judicial Branch.

2020-01.02 Prohibition Against Outside Employment.

Except as provided in Regulation .03 of this chapter, an official or employee may not:

A. Be employed by an entity subject to the authority of:

- (1) The official or employee; or
- (2) The governmental unit with which the official or employee is affiliated;

B. Be employed by an entity which is negotiating or has entered a contract with the governmental unit with which the official or employee is affiliated; or

C. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

2020-01.03 Exceptions.

Subject to Regulation .04 of this chapter, the Commission may grant an official or employee an exception to Regulation .02 of this chapter for specific outside employment if:

A. The employee's or official's County duties do not significantly impact on the outside employer or a contract or proposed contract between the outside employer and the official's or employee's governmental unit;

B. The employee or official is not directly supervised by a person who has duties that significantly impact on the outside employer or the contract or proposed contract;

C. The official or employee does not supervise a person who has duties that significantly impact on the outside employer or the contract or proposed contract;

D. The employee or official is not affiliated with the specific unit within the employee's or official's governmental unit that exercises authority over the outside employer or is involved in contracts with the outside employer;

E. The employee or official has complied with relevant other sections of the Ethics Law relating to the matters involved;

F. The employee's or official's outside employment involves no substantive, non-ministerial duties significantly relating to the official's or employee's governmental unit's authority over the outside employer;

G. The employee's or official's outside employment does not involve negotiating or carrying out a contract involving the outside employer and the official's or employee's governmental unit, other than contracts involving broad reimbursement payments that are based on a generally applicable standard and that do not involve substantial negotiation or discretion;

H. The employee's or official's private compensation is not directly funded by the County contract or contracts; and

I. The Commission determines that the employee's or official's specific employment circumstances do not otherwise raise a conflict of interest or appearance of conflict as contemplated by the Cecil County Ethics Code.

2020-01.04 Application of Exceptions.

A. The Commission may grant an exception under Regulation .02 of this chapter to an individual who does not meet the criteria of Regulation .02B, C, D, or F of this chapter for specific outside employment if:

(1) The head of the employee's or official's governmental unit advises the Commission that the head of the governmental unit does not believe that the secondary employment would present a conflict of interest or the appearance of a conflict of interest that would impair the credibility of the governmental unit; and

(2) The Department of Human Resources, Director of Administration, and the Commission concur in the assessment of the head of the official's or employee's governmental unit provided under §A(1) of this regulation.

B. The Commission may grant an exception under Regulation .02 of this chapter to an individual who does not meet the criteria of Regulation .02H of this chapter if:

(1) The official's or employee's private compensation is funded by contracts involving broad reimbursement payments that are based on a generally applicable standard and that do not involve substantial agency negotiation or discretion;

(2) The head of the official's or employee's agency advises the Commission that the head of the agency does not believe that the secondary employment would present a conflict of interest or the appearance of a conflict of interest that would impair the credibility of the agency; and

(3) The Commission concurs in the assessment of the head of the official's or employee's agency, the Department of Human Resources, and the Director of Administration, as provided under §B(2) of this regulation.

C. The Commission may grant an exception under Regulation .02 of this chapter to an employee who does not meet the criteria of Regulation .02F, G, or H of this chapter if:

(1) The employee has limited duties that are defined with sufficient precision regarding time, mode, and occasion that the employee may not exercise substantial discretion or judgment;

(2) The head of the employee's governmental unit advises the Commission that the head of the governmental unit:

(a) Believes that the service or product to be supplied by the employee would be otherwise unavailable to the County; and

(b) Does not believe that the secondary employment would present a conflict of interest or the appearance of a conflict that would impair the credibility of the agency; and

(3) The Commission concurs in the assessment of the head of the employee's governmental unit, the Department of Human Resources, and the Director of Administration, as provided under §C(2) of this regulation.

Ethics Commission Regulation 2020-02 – Exceptions to Financial Interest Prohibition

2020-02.01 Scope.

A. Except as provided in §B of this regulation, this chapter applies to all officials and employees of Cecil County Government.

B. This chapter does not apply to a member of the Judicial Branch.

2020.02.02 Exceptions.

Subject to Regulation .04 of this chapter, the Commission may grant an official or employee an exception to Regulation .02 of this chapter for a specific financial interest if:

A. The interest is disclosed as provided in Regulation .04 of this chapter;

B. The employee's or official's County duties do not significantly impact on the entity in which the financial interest is held, or on a contract or proposed contract between the entity and the official's or employee's governmental unit;

C. The employee or official is not directly supervised by a person who has duties that significantly impact on the entity in which the financial interest is held, or on the contract or proposed contract;

D. The official or employee does not supervise a person who has duties that significantly impact on the entity in which the financial interest is held, or on the contract or proposed contract;

E. The employee or official is not affiliated with the specific unit within the employee's or official's governmental unit that exercises authority over the entity in which the financial interest is held, or is involved in contracts with the entity;

F. The employee or official has complied with relevant other sections of the Ethics Law relating to the matters involved;

G. The employee's or official's financial interest in the entity involves no substantive non-ministerial duties significantly relating to the employee's or official's governmental unit's authority over the entity;

H. The employee's or official's financial interest in the entity does not involve negotiating or carrying out a contract involving the entity and the employee's or official's governmental unit, other than contracts involving broad reimbursement payments that are based on a generally applicable standard and that do not involve substantial negotiation or discretion;

I. County contract or contracts do not exceed 20 percent of the calendar year gross income of the entity in which the financial interest is held, one-third of the capitalized value of the entity, or a value at any time during a calendar year of \$5,000 or more; and

J. The Commission determines that the employee's or official's financial interest and the circumstances do not otherwise raise a conflict of interest or appearance of conflict as contemplated by the Cecil County Ethics Code.

2020-02.03 Application of Exceptions.

A. Exceptions Under Limited Circumstances.

(1) The Commission may grant an exception under Regulation .02 of this chapter to an individual who does not meet the criteria of Regulation .02C, D, E, G, or I of this chapter for a specific financial interest if:

(a) The head of the official's or employee's governmental unit advises the Commission that the head of the governmental unit does not believe that the financial interest would present a conflict of interest or the appearance of a conflict of interest that would impair the credibility of the governmental unit; and

(b) The Commission concurs in the assessment of the head of the official's or employee's governmental unit provided under §A(1)(a) of this regulation.

(2) The Commission may grant an exception under Regulation .02 of this chapter to an individual who does not meet the criteria of Regulation .02A(1) of this chapter for a specific financial interest in an entity if:

(a) The employee or official did not know or have reason to know that the entity is under the authority of the employee or official or of the employee's or official's governmental unit;

(b) The employee or official did not know or have reason to know that the entity has or is negotiating a contract with the employee's or official's governmental unit;

(c) The entity is not included on any list of entities doing business with the employee's or official's governmental unit that is provided by the Commission or is available through the Commission's website; and

(d) Upon obtaining knowledge of the relationship between the entity and the employee's or official's governmental unit, the employee disclosed the financial interest as provided in Regulation .05 of this chapter.

B. The Commission may grant an exception under Regulation .02 of this chapter to an employee who does not meet the criteria of Regulation .02G or H of this chapter for a specific financial interest if:

(1) The employee has limited duties that are defined with sufficient precision regarding time, mode, and occasion that the employee may not exercise substantial discretion or judgment;

(2) The head of the employee's governmental unit advises the Commission that the head of the agency:

(a) Believes that the service or product to be supplied by the employee would otherwise be unavailable to the County; and

(b) Does not believe that the financial interest would present a conflict of interest or the appearance of a conflict that would impair the credibility of the governmental unit; and

(3) The Commission concurs in the assessment of the head of the employee's governmental unit provided under §B(2) of this regulation.

2020-02.04 Disclosure Requirements.

A. An employee or official shall disclose a financial interest prohibited under Regulation .02 of this chapter:

(1) For an official or employee required to file a financial disclosure statement under §39, Cecil County Code, on the financial disclosure statement for the reporting period in which the official or employee held the financial interest;

(2) If the official or employee knows or has reason to know that the entity is subject to the authority of the official or employee, subject to the authority of the official's or employee's governmental unity, or is negotiating or has entered a contract with the official's or employee's governmental unit, on the form provided by the Ethics Commission for an official or employee who:

(a) Is not required to file a financial disclosure statement under §39, Cecil County Code; or

(b) Did not hold the financial interest during the reporting period covered by the most recent financial disclosure statement filed under §39, Cecil County Code.

B. An official or employee shall file a form required by §A(2) of this regulation with the Commission on or before the latter of:

(1) Acquiring the financial interest; or

(2) Acquiring knowledge that or reason to have knowledge that the entity:

(a) Is subject to the authority of the official or employee or the government unit with which the official or employee is affiliated; or

(b) Is negotiating or has entered a contract with the governmental unit with which the official or employee is affiliated.

C. An official or employee has reason to know that an entity does business with the official's or employee's governmental unit if the entity is listed as doing business with the official's or employee's governmental unit that is provided by the Commission or is available on the Commission's website.

Ethics Commission Regulation 2020-03 – Exceptions to Participation Restriction

2020-03.01 General.

The Commission may grant an official or employee an exception to the participation restrictions of §39, Cecil County Code, related to a business entity with which a qualifying relative is affiliated if:

A. The official's or employee's agency or appointing authority supports the exception; and

B. The Commission finds that, based on the overall circumstances and relationships, granting an exception is not contrary to the purposes of the Public Ethics Law.

2020-03.02 Factors to Be Considered.

In determining whether to grant an exception under Regulation .01 of this chapter, the Commission shall consider:

- A. The nature of the qualifying relative's relationship with the business entity;
- B. The nature of the relationship between the official or employee and the qualifying relative;
- C. The geographical distance between the official or employee and the qualifying relative;
- D. Any prior issues related to the official's or employee's participation in the matter;
- E. Agency controls and safeguards;
- F. Any involvement by the qualifying relative in the matter involving the official or employee; and
- G. The nature of the official's or employee's participation in the matter in relation to the official's or employee's overall duties.



Cecil County Ethics Commission
Cecil County, Maryland
200 Chesapeake Blvd
Elkton, Maryland 21921
www.ccgov.org