



# **CALVERT COUNTY**

## **Ethics Code GUIDE**

### **Calvert County Ethics Commission**

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**CALVERT  
COUNTY  
ETHICS  
COMMISSION**



### **What are Financial Disclosure Statements?**

Reports of assets, activities, and relationships. Designated individuals are required by law to file these disclosures at the beginning of employment and then annually by March 31. Instructions and forms are issued. These requirements are an aspect of open, transparent government. The filings enable the government and the public to identify pertinent information about individuals working for and influencing government. The disclosures also protect those filing because their activities are on the record and open to the public. The public may review the disclosures.

### **What are Lobbying Requirements?**

These disclosures are reports of assets, activities, and relationships; designated individuals are required by law to register as a lobbyist, whenever identified as one, and then file activity reports every six months. These requirements are also an aspect of open, transparent government. The filings enable the government and the public to identify pertinent information about individuals working to influence government officials. The disclosures also protect those filing because their activities are on the record and open to the public. The public may review the disclosures.

*This guide was issued 1/1/2013  
and revised 5/31/2017.*

*It is meant to assist employees  
in identifying and resolving  
ethical issues. It is not meant to be  
a comprehensive source of the  
Calvert County Ethics Law.*

*The complete county ethics law can be  
found at  
<http://ecode360.com/15519458>.*

# CALVERT COUNTY Ethics Code

- concerned about working on a matter for the county because of a possible conflict of interest – even if you don't think it's a problem; or
- leaving your county job and want to ensure that your new job will not conflict with your old job.

## What happens if I violate the ethics law?

The goal of the CCEC is to help you avoid violating the law in the first place. If you do violate the law, it will be in your best interest to come to the CCEC on your own, without waiting to be reported or to be “found out.” The CCEC will try to work with you to reach a reasonable resolution. In most cases, this effort is successful, but when it is not, depending on the seriousness of the violation, you may be counseled, ordered to fix the problem, reprimanded, fined or suspended from your county job. As a last resort, the CCEC may also recommend to your employer that you be terminated from your employment with the county.

## What happens if I report an ethics violation?

If you believe that a county employee, volunteer, or lobbyist has violated the ethics law, you should contact the CCEC. You do not have to identify yourself, but you will be asked to provide as much factual information as you can, including the names of potential witnesses. The CCEC will review the information you provide and determine whether to open an investigation. If you do provide your name, the CCEC will make every effort to keep your identity confidential. The ethics law includes whistle-blower protection so, if you do reveal your identity, you are protected from retaliatory action.

## Why should I care about the ethics law?

You work for the citizens of Calvert County, and you are a citizen of Calvert or a neighboring county. You are an ethical person and you want the public to have trust and confidence in your work. You also want to believe that the government employees who work with you are as ethical as you are. *Good ethics in government just makes good sense.*

*The basis of effective government  
is public confidence,  
and that confidence is endangered  
when ethical standards falter  
or appear to falter.*

~ John F. Kennedy

## What is the purpose of the Calvert County Ethics Code?

The citizens of the county have the right to be assured the financial interests of persons covered by the Calvert County Ethics Code do not conflict with the public interest. The ethics law establishes minimum standards of conduct to ensure the decisions of those working for county government are impartial and made in the best interest of Calvert County citizens.

## Who is covered by the Calvert County Ethics Code?

County elected and appointed officials, all employees (including detention center employees), and members of county boards, committees and commissions are subject to the ethics law. Lobbyists are covered by registration and reporting requirements.

## Who is NOT covered by the Calvert County Ethics Code?

Several entities and their employees are not covered by the county ethics law because they are subject to state or other ethics laws. The groups covered by other ethics laws are: the State's Attorney Office, Clerk of the Circuit Court, judges, Register of Wills, Sheriff's Office, Health Department, Social Services, Calvert County Public Schools and all employees of these are covered by other ethics laws.

## Who administers the ethics law?

The Calvert County Ethics Commission (CCEC) administers ethics laws. The CCEC is an independent volunteer commission and its members are appointed by the BOCC; however, its ethics decisions are subject only to the jurisdiction of the District Court. The CCEC:

- provides advice to employees and others on the ethical standards imposed by law;
- provides training to employees on the ethics law;
- obtains, reviews and makes available to the public, financial disclosure forms of elected, appointed and designated county employees, as well as members of county boards and commissions;
- obtains, reviews and makes available to the public, lobbying disclosure statements from people who are paid or spend money to communicate with employees for the purpose of influencing executive or legislative action;
- provides advisory opinions on the ethics law; and
- impartially enforces the provisions of the ethics law.

## What is a conflict of interest?

A conflict of interest exists whenever an employee's personal or financial interests or the interests of the employee's qualified relatives (See Ethics Code §41-2 Definitions) could affect the performance of that employee's official duties. Even the *appearance* of a conflict of interest could be a violation.

## How does the ethics law prevent conflicts of interest?

Several provisions restrict conduct that might lead to a conflict of interest or the appearance of a conflict of interest. These provisions:

- prohibit an employee from participating in an official matter when the employee or a qualified relative has a personal or financial interest in the outcome of the matter; or, when any business entity with economic interests to the employee or a qualified relative is involved;
- prohibit the abuse of the prestige of the employee's office or position

- participating in financial interests that may be affected by the employee's official duties; or
- lobbying the employee's agency, or a county board or commission.

Exceptions to this law permit acceptance of gifts valued at up to \$20 in limited circumstances, but an employee should always check with his/her supervisor, or they may contact the CCEC for an opinion, before accepting a gift.

## May I get additional help or guidance in understanding the ethics law and making sure that I comply with it?

*Yes!* The CCEC wants to hear from you. An employee may ask for advice about ethics issues. The CCEC will issue a written opinion that will answer your question. The opinion will become public, but your identity will not.

Contact information is available on the Ethics Commission website at [www.co.cal.md.us/ethics](http://www.co.cal.md.us/ethics). The Public Ethics Law and other information that you might find useful are online at <http://ecode360.com/15519458>.

## Do I have to get permission from my supervisor to contact the Ethics Commission?

*No!* Every employee and volunteer has the right to contact the CCEC directly to seek advice, or to inquire about possible ethics violations that occur in the workplace. After all, every employee is required to comply with the law, so it's important that every employee have access to training and advice.

## When should I ask for advice?

You are encouraged to ask for advice when you are:

- offered a gift by a prohibited source;
- offered a gift because of your county job;
- considering an outside job;

## **Can an employee serve as a volunteer on a county board or commission?**

Currently, no, pursuant to ordinance 48-97: with the exception of county employees serving as staff liaison “the Board of County Commissioners will not appoint a county employee to serve on any advisory body.”

However, pursuant to Calvert County Ethics Law 20-12: if an employee is interested in serving the county as a volunteer, then the employee may be appointed to a board or commission as long as there is no conflict of interest, appearance of a conflict of interest or use of prestige of office (§41-13).

Membership on boards or commissions that have direct responsibility for or input to an employee’s area of responsibility would not be allowed due to conflict of interest, but membership in a board or commission that has no organizational ties to the employee’s department could be considered by the employee. The potential for conflict of interest should be addressed by the board or commission during the membership screening process of the interested employee. Speak to your supervisor, consult with the Department of Human Resources and, of course, questions may always be referred to the CCEC.

## **May an employee ask for gifts?**

A county employee or volunteer may not solicit gifts while on the job, unless the solicitation is part of a county-wide charitable effort that has been approved by the county commissioners to promote a public purpose. The gifts must benefit the public – not county employees.

## **May an employee accept gifts?**

Employees may not accept gifts from those involved in the following:

- doing or seeking to do business with the county;
- engaging in activities that are regulated or controlled by the county;

- for personal gain or the gain of another;
- prohibit secondary employment that may conflict with the county government’s interest;
- prohibit an employee from asking for or accepting gifts, except under certain circumstances (§41-14B.)
- prohibit an employee from using or disclosing confidential information acquired on the job; and
- prohibit an employee from engaging in certain kinds of employment activities after leaving county employment.

## **What does “abuse of the prestige of the employee’s office or position for personal gain or gain of another” mean?**

County officials, employees, and volunteers have access to county resources that contribute to the prestige of the office or position. Some county employees wear uniforms – these are part of the prestige of office. Employees have job titles – county executive, directors, ethics commissioner or administrative assistant, for example. Employees use county-owned equipment – vehicles, computers, office supplies, machinery and other tools. The ethics law prohibits employees from using these or other county resources for personal gain or the gain of another.

For example, a county employee may not:

- use a county computer to design invitations to a child’s high school graduation;
- use a copier to make copies of directions to the park where the employee’s church is holding a picnic;
- use a job title to promote a second business;
- wear a county uniform or badge while going door-to-door to raise funds for a charitable organization; or
- accept a gift, discount, or honorarium that is offered to the employee because of the employee’s position with the county. This last example is intended to ensure that county employees do not receive outside (non-county government) rewards for doing their jobs.

Using county resources to benefit oneself, one's friends, or one's favorite organization is an abuse of the prestige of the employee's office or position.

### **When should an employee refrain from participating in official duties because of a conflict of interest?**

An employee may not participate in normal county duties if that participation would create a conflict of interest or an appearance of a conflict of interest. For example, an employee should not participate in a matter if:

- the employee or a qualified relative has a legal or financial interest in the matter;
- the employee has a business, contractual, or other financial relationship with somebody who is a party to the matter, or will be affected by the outcome in the matter; or
- an employee or a qualified relative is seeking employment with anyone who is a party to the matter.

An appearance of a conflict of interest occurs when an action looks like a conflict of interest. Examples will help in understanding this important concept:

**Example 1:** A committee member initiates a special meeting to discuss a town center zoning proposal. At the meeting it is learned that the proposal impacts his relative's property. He recuses himself but remains in the meeting, staying present for the discussion. Although he has abstained from voting on the proposal, there remains an appearance of a conflict of interest.

**Example 2:** While reviewing "Request for Bid" response proposals, the approving authority notices that one of the bidders is a neighbor. Regardless who is awarded the contract, there remains an appearance of a conflict of interest.

If an employee is not sure whether to refrain from participating in a matter, or is unsure of how to avoid participating in a matter, the employee should contact the CCEC.

### **What is a potential conflict of interest?**

A potential conflict of interest exists when an elected official, appointed official, candidate or employee anticipates taking action or participates in any matter where his/her conduct is or may be prohibited as "Conflicts of Interest." (Note this exception: Performance of an act or duty that is required by law or that is a routine administrative duty of the employee which does not affect the disposition or decision on the matter is not considered a potential conflict of interest.) When a potential conflict of interest may exist, you should promptly submit a written request for an advisory opinion to the CCEC.

### **What kinds of secondary employment are prohibited while a person works for the county?**

Working on a second job – "moonlighting" – is generally permitted following supervisory review and approval; however, the following restrictions apply, unless permitted by CCEC opinion:

- An employee may not own even part of a business, or work for any person or entity that is:
  - subject to the regulatory authority of the employee, department or division, board, or commission with which the employee is affiliated; or
  - negotiating a contract, has a contract with, or is a subcontractor on a contract with the county that involves the employee's agency, board, or commission.
- An employee may not work for any party to a contract with the county if the employee's county duties include working on the contract.
- An employee may not assist or represent anybody in any matter in which the county has an interest. This prohibition applies to unpaid volunteer work as well as to paid employment.
- Engage in a financial, business or real estate transaction that is regulated by, in the case of an elected official or appointed official, the county, or, in the case of an employee, the agency with which the employee is affiliated.