

Legal Notice
Commissioners of Leonardtown
Fair Summary of Ordinance

Notice is hereby given that the Commissioners of Leonardtown have passed, and the Mayor has approved, Ordinance No. 156, Town of Leonardtown Code of Ethics. A fair summary of the ordinance will follow:

Ordinance No. 156- For the revision of the Town of Leonardtown Code of Ethics to bring it into compliance with Title 15, Subtitle 8, Annotated Code of Maryland. The Annotated Code was revised in 2010 requiring non-exempt municipalities and counties to enact local conflict of interest and financial disclosure provisions that are equivalent or exceed those applicable to State officials. The State Ethics Commission approved the proposed Ordinance in September 2012.

Ordinance No. 156 will become effective December 10, 2012. Full text of this ordinance may be obtained at the Town Office at 41660 Courthouse Drive, Leonardtown, MD between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday or on the Town website at <http://leonardtown.somd.com/>.

By Authority:
Laschelle E. McKay, Town Administrator

1 **COUNCIL OF THE TOWN OF LEONARDTOWN**
2 **Ordinance No. 156**
3

4 **Date Introduced on First Reading: October 8, 2012**
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6 **Date Adopted on Second Reading: November 19, 2012**
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8 **Date Effective: December 10, 2012**
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10

11 **AN ORDINANCE** concerning
12

13 **TOWN OF LEONARDTOWN CODE OF ETHICS**
14

15 **FOR** the revision of the Town of Leonardtown Code of Ethics to bring it into compliance with
16 Title 15, Subtitle 8, Annotated Code of Maryland.
17

18 **EXPLANATORY STATEMENT:** In 2010 legislation revising the State Ethics Law was
19 enacted requiring non-exempt municipalities and counties to enact local conflict of interest and
20 financial disclosure provisions that are equivalent to or exceed those applicable to State officials.
21

22 On September 1, 2011 the Town of Leonardtown requested that the State Ethics Commission to
23 fully exempt it from the State law requirements to have a local ethics law in compliance with
24 Subtitle 8 of the Maryland Public Ethics Law, indicating that the Town of Leonardtown should
25 be able to continue under is current Ethics Ordinance which did preserve the purpose of the
26 Public Ethics Law.
27

28 After meeting on December 8, 2011 the State Ethics Commission granted the Town of
29 Leonardtown a partial exemption from the State law requirements to have a local ethics law in
30 compliance with Subtitle 8 of the Maryland Public Ethics Law. Said exemption requires the
31 adoption of conflict of interest and financial disclosure provisions, but not lobbying provisions.
32

33 **SECTION I: BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF**
34 **LEONARDTOWN** that the following Town of Leonardtown Code of Ethics is in compliance
35 with Subtitle 8 of the Maryland Public Ethics Law and the exemption granted by the State Ethics
36 Commission.

37 **CHAPTER 9. ETHICS, CODE OF**

38 [AUTHORITY: State Government Article, §§15-205, 15-206, and Title 15, Subtitle 8, Annotated Code of Maryland]

39 [HISTORY: Adopted by the Mayor and Town Council of the Town of Leonardtown 11/12/2012 by Ord. No. 156.
40 Replacing Code of Ethics adopted on 06/28/1982.]

41 **GENERAL REFERENCES**

42 Personnel policies – See Ch. 19.

43 **§9-1. Short Title.**

44 This Chapter may be cited as the Leonardtown Code of Ethics.

45 **§9-2. Applicability.**

46 The provisions of this Chapter apply to all Town elected officials and employees of the Town of
47 Leonardtown.

48 **§9-3. Ethics Commission.**

49 (a) There is a Town of Leonardtown Ethics Commission that consists of three members; two
50 (2) appointed by the Mayor and one (1) being the Town Attorney.

51 (b) The Commission shall:

52 (1) Devise, receive and maintain all forms required by this Chapter;

53 (2) Develop procedures and policies for advisory opinion requests and provide
54 published advisory opinions to persons subject to this Chapter regarding the applicability of the
55 provisions of this Chapter to them;

56 (3) Develop procedures and policies for the processing of complaints and to make
57 appropriate determinations regarding complaints filed by any person alleging violations of this
58 Chapter; and

59 (4) Conduct a public information program regarding the purposes and application of
60 this Chapter.

61 (c) The Commission shall certify to the State Ethics Commission on or before October 1 of
62 each year that the Town of Leonardtown is in compliance with the requirements of State
63 Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.

64 (d) The Commission shall determine if changes to this Chapter are required to be in
65 compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated
66 Code of Maryland, and shall forward any recommended changes and amendments to the Town
67 Council for enactment.

68 (e) The Commission may adopt other policies and procedures to assist in the implementation
69 of the Commission's programs established in this Chapter.

70 **§9-4. Conflicts of Interest.**

71 (a) In this Section, "qualified relative" means a spouse, parent, child or sibling.

72 (b) All Town of Leonardtown elected officials and employees are subject to this Section.

73 (c) Participation prohibitions. Except as permitted by Commission regulation or opinion, an
74 official or employee may not participate in:

75 (1) Except in the exercise of an administrative or ministerial duty that does not affect
76 the disposition or decision of the matter, any matter in which, to the knowledge of the official or
77 employee, the official or employee, or a qualified relative of the official or employee has an
78 interest.

79 (2) Except in the exercise of an administrative or ministerial duty that does not affect
80 the disposition or decision with respect to the matter, any matter in which any of the following is
81 a party:

82 (i) A business entity in which the official or employee has a direct financial
83 interest of which the official or employee may reasonably be expected to know;

84 (ii) A business entity for which the official, employee or a qualified relative of
85 the official or employee is an officer, director, trustee, partner or employee;

86 (iii) A business entity with which the official or employee or, to the knowledge
87 of the official or employee, a qualified relative is negotiating employment or has any
88 arrangement concerning prospective employment;

89 (iv) If the contract reasonably could be expected to result in a conflict between
90 the private interests of the official or employee and the official duties of the official or employee,
91 a business entity that is a party to an existing contract with the official or employee, or which, to
92 the knowledge of the official or employee, is a party to a contract with a qualified relative;

93 (v) An entity, doing business with the Town of Leonardtown, in which a
94 direct financial interest is owned by another entity in which the official or employee has a direct

95 financial interest, if the official or employee may be reasonably expected to know of both direct
96 financial interests; or

97 (vi) A business entity that:

98 (A) The official or employee knows is a creditor or obligee of the
99 official or employee or a qualified relative of the official or employee with respect to a thing of
100 economic value; and

101 (B) As a creditor or obligee, is in a position to directly and
102 substantially affect the interest of the official or employee or a qualified relative of the official or
103 employee.

104 (3) A person who is disqualified from participating under Paragraphs (1) or (2) of this
105 Subsection shall disclose the nature and circumstances of the conflict and may participate or act
106 if:

107 (i) The disqualification leaves a body with less than a quorum capable of
108 acting;

109 (ii) The disqualified official or employee is required by law to act; or

110 (iii) The disqualified official or employee is the only person authorized to act.

111 (4) The prohibitions of Paragraphs (1) and (2) of this Subsection do not apply if
112 participation is allowed by regulation or opinion of the Commission.

113 (d) Employment and financial interest restrictions.

114 (1) Except as permitted by regulation of the Commission when the interest is
115 disclosed or when the employment does not create a conflict of interest or appearance of a
116 conflict of interest, an official or employee may not:

117 (i) Be employed by or have a financial interest in any entity:

118 (A) Subject to the authority of the official or employee or the Town of
119 Leonardtown agency, board or commission with which the official or employee is affiliated; or

120 (B) That is negotiating or has entered a contract with the agency, board
121 or commission with which the official or employee is affiliated; or

122 (ii) Hold any other employment relationship that would impair the impartiality
123 or independence of judgment of the official or employee.

124 (2) This prohibition does not apply to:

125 (i) An official or employee who is appointed to a regulatory or licensing
126 authority pursuant to a statutory requirement that persons subject to the jurisdiction of the
127 authority be represented in appointments to the authority;

128

129 (ii) An official or employee whose duties are ministerial, if the private
130 employment or financial interest does not create a conflict of interest or the appearance of a
131 conflict of interest, as permitted by and in accordance with regulations adopted by the
132 Commission; or

133 (iii) Employment or financial interests allowed by regulation of the
134 Commission if the employment does not create a conflict of interest or the appearance of a
135 conflict of interest or the financial interest is disclosed.

136 (e) Post-employment limitations and restrictions.

137 (1) A former official or employee may not assist or represent any party other than the
138 Town of Leonardtown for compensation in a case, contract or other specific matter involving the
139 Town of Leonardtown if that matter is one in which the former official or employee significantly
140 participated as an official or employee.

141 (2) Until the conclusion of the next regular session that begins after the elected
142 official leaves office, a former member of the Town Council may not assist or represent another
143 party for compensation in a matter that is the subject of legislative action.

144 (f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or
145 employee may not assist or represent a party for contingent compensation in any matter before or
146 involving the Town of Leonardtown.

147 (g) Use of prestige of office.

148 (1) An official or employee may not intentionally use the prestige of office or public
149 position for the private gain of that official or employee or the private gain of another.

150 (2) This Subsection does not prohibit the performance of usual and customary
151 constituent services by an elected local official without additional compensation.

152 (h) Solicitation and acceptance of gifts.

153 (1) An official or employee may not solicit any gift.

154 (2) An official or employee may not directly solicit or facilitate the solicitation of a
155 gift, on behalf of another person.

156 (3) An official or employee may not knowingly accept a gift, directly or indirectly,
157 from a person that the official or employee knows or has the reason to know:

158 (i) Is doing business with or seeking to do business with the Town of
159 Leonardtown office, agency, board or commission with which the official or employee is
160 affiliated;

161 (ii) Has financial interests that may be substantially and materially affected, in
162 a manner distinguishable from the public generally, by the performance or nonperformance of
163 the official duties of the official or employee; or

164 (iii) Is engaged in an activity regulated or controlled by the official's or
165 employee's governmental unit.

166 (4) Paragraph (5) of this Subsection does not apply to a gift:

167 (i) That would tend to impair the impartiality and the independence of
168 judgment of the official or employee receiving the gift;

169 (ii) Of significant value that would give the appearance of impairing the
170 impartiality and independence of judgment of the official or employee; or

171 (iii) Of significant value that the recipient official or employee believes or has
172 reason to believe is designed to impair the impartiality and independence of judgment of the
173 official or employee.

174 (5) Notwithstanding Paragraph (3) of this Subsection, an official or employee may
175 accept the following:

176 (i) Meals and beverages consumed in the presence of the donor or sponsoring
177 entity;

178 (ii) Ceremonial gifts or awards that have insignificant monetary value;

179 (iii) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial
180 items of informational value;

181 (iv) Reasonable expenses for food, travel, lodging and scheduled entertainment
182 of the official or the employee at a meeting which is given in return for the participation of the
183 official or employee in a panel or speaking engagement at the meeting;

184 (v) Gifts of tickets or free admission extended to an elected local official to
185 attend a charitable, cultural or political event, if the purpose of this gift or admission is a courtesy
186 or ceremony extended to the elected official's office;

187 (vi) A specific gift or class of gifts that the Commission exempts from the
188 operation of this Subsection upon a finding, in writing, that acceptance of the gift or class of gifts
189 would not be detrimental to the impartial conduct of the business of the Town of Leonardtown
190 and that the gift is purely personal and private in nature;

191 (vii) Gifts from a person related to the official or employee by blood or
192 marriage, or any other individual who is a member of the household of the official or employee;
193 or

194 (viii) Honoraria for speaking to or participating in a meeting, provided that the
195 offering of the honorarium is in not related in any way to the official's or employee's official
196 position.

197 (i) Disclosure of confidential information. Other than in the discharge of official duties, an
198 official or employee may not disclose or use confidential information, that the official or
199 employee acquired by reason of the official's or employee's public position and that is not
200 available to the public, for the economic benefit of the official or employee or that of another
201 person.

202 (j) Participation in procurement.

203 (1) An individual or a person that employs an individual who assists a Town agency
204 in the drafting of specifications, an invitation for bids or a request for proposals for a
205 procurement may not submit a bid or proposal for that procurement or assist or represent another
206 person, directly or indirectly, who is submitting a bid or proposal for the procurement.

207 (2) The Commission may establish exemptions from the requirements of this Section
208 for providing descriptive literature, sole source procurements and written comments solicited by
209 the procuring agency.

210 **§9-5. Financial Disclosure — Local Elected Officials and Candidates to be Local Elected**
211 **Officials.**

212 (a) (1) This Section applies to all local elected officials and candidates to be local elected
213 officials.

214 (2) Except as provided in Subsection (b) of this Section, a local elected official or a
215 candidate to be a local elected official shall file the Financial Disclosure Statement required
216 under this Section:

217 (i) On a form provided by the Commission;

218 (ii) Under oath or affirmation; and

219 (iii) With the Commission.

220 (3) Deadlines for filing Statements.

221 (i) An incumbent local elected official shall file a Financial Disclosure
222 Statement annually no later than April 30 of each year for the preceding calendar year.

223 (ii) An individual who is appointed to fill a vacancy in an office for which a
224 Financial Disclosure Statement is required and who has not already filed a Financial Disclosure
225 Statement shall file a Statement for the preceding calendar year within 30 days after
226 appointment.

227 (iii) (A) An individual who, other than by reason of death, leaves an office
228 for which a Statement is required shall file a Statement within 60 days after leaving the office.

229 (B) The Statement shall cover:

230 1. The calendar year immediately preceding the year in which
231 the individual left office, unless a Statement covering that year has already been filed by the
232 individual; and

233 2. The portion of the current calendar year during which the
234 individual held the office.

235 (b) Candidates to be local elected officials.

236 (1) Except for an official who has filed a Financial Disclosure Statement under
237 another provision of this Section for the reporting period, a candidate to be an elected local
238 official shall file a Financial Disclosure Statement each year beginning with the year in which
239 the Certificate of Candidacy is filed through the year of the election.

240 (2) A candidate to be an elected local official shall file a Statement required under
241 this Section:

242 (i) In the year the Certificate of Candidacy is filed, no later than the filing of
243 the Certificate of Candidacy;

244 (ii) In the year of the election, on or before the earlier of April 30 or the last
245 day for the withdrawal of candidacy; and

246 (iii) In all other years for which a statement is required, on or before April 30.

247 (3) A candidate to be an elected official:

248 (i) May file the Statement required under §9-5(b)(2)(A) of this Chapter with
249 the Town Board of Election Supervisors with the Certificate of Candidacy or with the
250 Commission prior to filing the Certificate of Candidacy; and

251 (ii) Shall file the Statements required under §9-5(b)(2)(B) and (C) with the
252 Commission.

253 (4) If a candidate fails to file a Statement required by this Section after written notice
254 is provided by the Town Board of Election Supervisors at least 20 days before the last day for the
255 withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

256 (5) The Town Board of Election Supervisors may not accept any Certificate of
257 Candidacy unless a Statement has been filed in proper form.

258 (6) Within 30 days of the receipt of a Statement required under this Section, the
259 Town Board of Election Supervisors shall forward the Statement to the Commission or the office
260 designated by the Commission.

261 (c) Public record.

262 (1) The Commission or office designated by the Commission shall maintain all
263 Financial Disclosure Statements filed under this Section.

264 (2) Financial Disclosure Statements shall be made available during normal office
265 hours for examination and copying by the public subject to reasonable fees and administrative
266 procedures established by the Commission.

267 (3) If an individual examines or copies a Financial Disclosure Statement, the
268 Commission or the office designated by the Commission shall record:

269 (i) The name and home address of the individual reviewing or copying the
270 Statement; and

271 (ii) The name of the person whose Financial Disclosure Statement was
272 examined or copied.

273 (4) Upon request by the official or employee whose Financial Disclosure Statement
274 was examined or copied, the Commission or the office designated by the Commission shall
275 provide the official with a copy of the name and home address of the person who reviewed the
276 official's Financial Disclosure Statement.

277 (d) Retention requirements. The Commission or the office designated by the Commission
278 shall retain Financial Disclosure Statements for four (4) years from the date of receipt.

279 (e) Contents of Statement.

280 (1) Interests in real property.

281 (i) A Statement filed under this Section shall include a Schedule of all
282 interests in real property wherever located.

283 (ii) For each interest in real property, the Schedule shall include:

284 (A) The nature of the property and the location by street address,
285 mailing address, or legal description of the property;

286 (B) The nature and extent of the interest held, including any conditions
287 and encumbrances on the interest;

288 (C) The date when, the manner in which, and the identity of the person
289 from whom the interest was acquired;

290 (D) The nature and amount of the consideration given in exchange for
291 the interest or, if acquired other than by purchase, the fair market value of the interest at the time
292 acquired;

293 (E) If any interest was transferred, in whole or in part, at any time
294 during the reporting period, a description of the interest transferred, the nature and amount of the
295 consideration received for the interest, and the identity of the person to whom the interest was
296 transferred; and

297 (F) The identity of any other person with an interest in the property.

298 (2) Interests in corporations and partnerships.

299 (i) A Statement filed under this Section shall include a Schedule of all
300 interests in any corporation, partnership, limited liability partnership or limited liability
301 corporation, regardless of whether the corporation or partnership does business with the Town.

302 (ii) For each interest reported under this Paragraph, the Schedule shall
303 include:

304 (A) The name and address of the principal office of the corporation,
305 partnership, limited liability partnership or limited liability corporation;

306 (B) The nature and amount of the interest held, including any
307 conditions and encumbrances on the interest;

308 (C) With respect to any interest transferred, in whole or in part, at any
309 time during the reporting period, a description of the interest transferred, the nature and amount
310 of the consideration received for the interest, and, if known, the identity of the person to whom
311 the interest was transferred; and

312 (D) With respect to any interest acquired during the reporting period:

313 1. The date when, the manner in which, and the identity of the
314 person from whom the interest was acquired; and

315 2. The nature and the amount of the consideration given in
316 exchange for the interest or, if acquired other than by purchase, the fair market value of the
317 interest at the time acquired.

318 (iii) An individual may satisfy the requirement to report the amount of the
319 interest held under item (B)(ii) of this Paragraph by reporting, instead of a dollar amount:

320 (A) For an equity interest in a corporation, the number of shares held
321 and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

322 (B) For an equity interest in a partnership, the percentage of equity
323 interest held.

324 (3) Interests in business entities doing business with The Town of Leonardtown.

325 (i) A Statement filed under this Section shall include a Schedule of all
326 interests in any business entity that does business with the Town, other than interests reported
327 under Paragraph (2) of this Subsection.

328 (ii) For each interest reported under this Paragraph, the Schedule shall
329 include:

330 (A) The name and address of the principal office of the business entity;

331 (B) The nature and amount of the interest held, including any
332 conditions to and encumbrances in the interest;

333 (C) With respect to any interest transferred, in whole or in part, at any
334 time during the reporting period, a description of the interest transferred, the nature and amount
335 of the consideration received in exchange for the interest, and, if known, the identity of the
336 person to whom the interest was transferred; and

337 (D) With respect to any interest acquired during the reporting period:

338 1. The date when, the manner in which, and the identity of the
339 person from whom the interest was acquired; and

340 2. The nature and the amount of the consideration given in
341 exchange for the interest or, if acquired other than by purchase, the fair market value of the
342 interest at the time acquired.

343 (4) Gifts.

344 (i) A Statement filed under this Section shall include a Schedule of each gift
345 in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting
346 period from or on behalf of, directly or indirectly, any one person who does business with or is
347 regulated by the Town of Leonardtown.

348 (ii) For each gift reported, the Schedule shall include:

349 (A) A description of the nature and value of the gift; and

350 (B) The identity of the person from whom, or on behalf of whom,
351 directly or indirectly, the gift was received.

352 (5) Employment with or interests in entities doing business with the Town of
353 Leonardtown.

354 (i) A Statement filed under this Section shall include a Schedule of all
355 offices, directorships, and salaried employment by the individual or member of the immediate
356 family of the individual held at any time during the reporting period with entities doing business
357 with the Town of Leonardtown.

358 (ii) For each position reported under this Paragraph, the Schedule shall
359 include:

360 (A) The name and address of the principal office of the business entity;

361 (B) The title and nature of the office, directorship, or salaried
362 employment held and the date it commenced; and

363 (C) The name of each Town agency with which the entity is involved.

364 (6) Indebtedness to entities doing business with the Town of Leonardtown.

365 (i) A Statement filed under this Section shall include a Schedule of all
366 liabilities, excluding retail credit accounts, to persons doing business with the Town of
367 Leonardtown owed at any time during the reporting period:

368 (A) By the individual; or

369 (B) By a member of the immediate family of the individual if the
370 individual was involved in the transaction giving rise to the liability.

371 (ii) For each liability reported under this Paragraph, the Schedule shall
372 include:

373 (A) The identity of the person to whom the liability was owed and the
374 date the liability was incurred;

375 (B) The amount of the liability owed as of the end of the reporting
376 period;

377 (C) The terms of payment of the liability and the extent to which the
378 principal amount of the liability was increased or reduced during the year; and

379 (D) The security given, if any, for the liability.

380 (7) A Statement filed under this Section shall include a Schedule of the immediate
381 family members of the individual employed by the Town of Leonardtown in any capacity at any
382 time during the reporting period.

383 (8) Sources of earned income.

384 (i) A Statement filed under this Section shall include a Schedule of the name
385 and address of each place of employment and of each business entity of which the individual or a
386 member of the individual's immediate family was a sole or partial owner and from which the
387 individual or member of the individual's immediate family received earned income, at any time
388 during the reporting period.

389 (ii) A minor child's employment or business ownership need not be disclosed
390 if the agency that employs the individual does not regulate, exercise authority over or contract
391 with the place of employment or business entity of the minor child.

392 (9) A Statement filed under this Section may also include a Schedule of additional
393 interests or information that the individual making the statement wishes to disclose.

394 (f) For the purposes of §9-5(g)(1) and (2) of this Chapter, the following interests are
395 considered to be the interests of the individual making the statement:

396 (1) An interest held by a member of the individual's immediate family, if the interest
397 was, at any time during the reporting period, directly or indirectly controlled by the individual.

398 (2) An interest held by a business entity in which the individual held a 30% or greater
399 interest at any time during the reporting period.

400 (3) An interest held by a Trust or an Estate in which, at any time during the reporting
401 period:

402 (i) The individual held a reversionary interest or was a beneficiary; or

403 (ii) If a revocable trust, the individual was a settlor.

404 (g) (1) The Commission shall review the Financial Disclosure Statements submitted
405 under this Section for compliance with the provisions of this Section and shall notify an
406 individual submitting the Statement of any omissions or deficiencies.

407 (2) The Town of Leonardtown Ethics Commission may take appropriate enforcement
408 action to ensure compliance with this Section.

409 **§9-6. Financial Disclosure — Employees.**

410 (a) This Section only applies to the following appointed officials and employees:

411 (1) Town Administrator;

412 (2) Town Treasurer; and

413 (3) Town Attorney.

414 (b) A Statement filed under this Section shall be filed with the Commission under oath or
415 affirmation.

416 (c) On or before April 30 of each year during which an employee holds office, an employee
417 shall file a Statement disclosing gifts received during the preceding calendar year from any
418 person that contracts with or is regulated by the Town of Leonardtown, including the name of the
419 donor of the gift and the approximate retail value at the time of receipt.

420 (d) An employee shall disclose employment and interests that raise conflicts of interest or
421 potential conflicts of interest in connection with a specific proposed action by the employee or
422 official sufficiently in advance of the action to provide adequate disclosure to the public.

423 (e) The Commission shall maintain all Disclosure Statements filed under this Section as
424 public records available for public inspection and copying as provided in §9-5(e) and (f) of this
425 Chapter.

426 **§9-7. Exemptions and Modifications.**

427 The Commission may grant exemptions and modifications to the provisions of §§9-4 and 9-6 of
428 this Chapter to employees when the Commission finds that an exemption or modification would
429 not be contrary to the purposes of this Chapter, and the application of this Chapter would:

430 (a) Constitute an unreasonable invasion of privacy; and

431 (b) Significantly reduce the availability of qualified persons for public service.

432 **§9-8. Enforcement.**

433 (a) The Commission may:

434 (1) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely
435 file a Financial Disclosure Statement required under §9-6 of this Chapter; and

436 (2) Issue a Cease and Desist Order against any person found to be in violation of this
437 Chapter.

438 (b) (1) Upon a finding of a violation of any provision of this Chapter, the Commission
439 may:

440 (i) Issue an Order of Compliance directing the respondent to cease and desist
441 from the violation;

442 (ii) Issue a Reprimand; or

443 (iii) Recommend to the appropriate authority other appropriate discipline of
444 the Respondent, including censure or removal if that discipline is authorized by law.

445 (c) (1) Upon request of the Commission, the Town Attorney may file a Petition for
446 Injunctive or Other Relief in the Circuit Court of Maryland for St. Mary's County, or in any
447 other court having proper venue for the purpose of requiring compliance with the provisions of
448 this Chapter.

449 (2) (i) The Court may:

450 (A) Issue an Order to cease and desist from the violation;

451 (B) Except as provided in Subparagraph (ii) of this Paragraph, void an
452 official action taken by an official or employee with a conflict of interest prohibited by this
453 Chapter when the action arises from or concerns the subject matter of the conflict and if the legal
454 action is brought within 90 days of the occurrence of the official action, if the court deems
455 voiding the action to be in the best interest of the public; or

456 (C) Impose a fine of up to \$5,000 for any violation of the provisions of
457 this Chapter, with each day upon which the violation occurs constituting a separate offense.

458 (ii) A court may not void any official action appropriating public funds,
459 levying taxes, or providing for the issuance of bonds, notes, or other evidences of public
460 obligations.

461 (d) In addition to any other enforcement provisions in this Chapter, a person who the
462 Commission or a court finds has violated this Chapter:

463 (1) Is subject to termination or other disciplinary action; and

464 (2) May be suspended from receiving payment of salary or other compensation
465 pending full compliance with the terms of an order of the Commission or a court.

466 (e) A Town of Leonardtown official or employee found to have violated this Chapter is
467 subject to disciplinary or other appropriate personnel action, including removal from office,
468 disciplinary action, suspension of salary, or other sanction.

469 (f) A finding of a violation of this Chapter by the Commission is public information.

470 **SECTION II: AND BE IT FURTHER ORDAINED,** that this Ordinance shall become
471 effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of
472 four-fifths of the whole Council after veto by the Mayor.

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SEAL

**COMMISSIONERS OF THE TOWN
OF LEONARDTOWN**

Thomas R. Collier, Councilmember

Hayden T. Hammett, Councilmember

J. "Jay" Maguire Mattingly, IV, Councilmember

Roger L. Mattingly, Councilmember

Leslie E. Roberts, Councilmember

ATTEST:

Laschelle E. McKay, Town Administrator

Date _____

529 This Ordinance was presented to the Mayor for his approval or disapproval pursuant to
530 §210 of the Charter of the Town of Leonardtown this _____ day of _____,
531 201____.

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Laschelle E. McKay, Town Administrator

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538 In accordance with §210 of the Charter of the City of Town of Leonardtown, I hereby
539 [(Approve) or (Disapprove)] _____ this Ordinance this _____ day of
540 _____, 201____.

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Dan Burris, Mayor