ORDINANCE NO. 3841

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND RE-ENACT WITH AMENDMENTS CHAPTER 19 OF THE CODE OF THE CITY OF CUMBERLAND ENTITLED 'PUBLIC ETHICS' FOR THE PURPOSE OF COMPLYING WITH STATE LEGISLATION EFFECTIVE OCTOBER 1, 2017, REQUIRING THAT LOCAL ETHICS LAWS PERTAINING TO ELECTED LOCAL OFFICIALS, CONFLICTS OF INTEREST AND FINANCIAL DISCLOSURE BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF APPLICABLE STATE LAW."

WHEREAS, The City of Cumberland Public Ethics Code, Chapter 19 of the Code of the City of Cumberland, sets forth the City of Cumberland's rules and regulations relative to public ethics;

WHEREAS, the Maryland General Assembly passed legislation effective October 1, 2011 (Md. State Govt. Code Ann. §§ 15-804(b) & 15-805(b)(2) requiring that local governments enact public ethics regulations for elected local officials relative to conflicts of interest and financial disclosure that are equivalent to or exceed State law standards;

WHEREAS, the Maryland General Assembly passed legislation amending those provisions effective October 1, 2017;

WHEREAS, in accordance with the regulations promulgated pursuant to the State law enactments, the City provided the State Ethics Commission with a draft of the revisions to the City of Cumberland Public Ethics Code for its review and approval; and

WHEREAS, by correspondence dated September 21, 2018, the State Ethics Commission notified the City Solicitor

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that it reviewed the aforesaid revisions to the City of Cumberland Public Ethics Code and determined that they comply with applicable State law provisions.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Chapter 19 of the Code of the City of Cumberland (1991 Edition), Sections 19-1 to 19-8, inclusive, the City of Cumberland Public Ethics Code, be and is hereby repealed and reenacted, the said reenacted provisions being set forth in the Exhibit A attached hereto and a text-edited version showing the changes made to existing law upon the passage of this Ordinance is attached hereto and incorporated by reference herein as Exhibit B:

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 16th day of October, 2018.

Brian K. Grim, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

1st reading - October 2, 2018
2nd reading - October 16, 2018
3rd reading - October 16, 2018
Passed 5-0

EXHIBIT A

Sec. 19-1. - Short title/applicability.

(a) This chapter may be cited as the City of Cumberland Public Ethics Law.

(b) The provisions of this chapter shall apply to all city elected officials, employees, and appointees to boards and commissions of the city.

Sec. 19-2 – Definitions.

(a) "Designated second home" means:

(1) If an individual owns one second home, the individual's second home; or

(2) If an individual owns more than one second home, any one second home the individual identifies to the board as the individual's designated second home.

(b) "Home address" means the address of an individual's:

(1) Principal home; and

(2) Designated second home, if any.

(c) (1) "Interest" means a legal or equitable economic interest, whether or not subject to an encumbrance
or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.

(2) For purposes of this chapter, interest includes any interest held at any time during the reporting period.

(3) Interest does not include:

a. An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;

b. An interest in a time or demand deposit in a financial institution;

c. An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;

d. A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;

e. A college savings plan under the Internal Revenue Code; or

f. A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

(d) "Principal home" means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

(e) "Qualified relative" means a spouse, parent, child, brother, or sister.

(f) "Second home" means a residential property that:

(1) An individual occupies for some portion of the filing year; and

(2) Is not a rental property or a time share.

Sec. 19-3. - Administrative appeals board.

(a) There is an administrative appeals board (the "board") created under Section 238 of the Charter that consists of five (5) members appointed by the mayor and city council. The board shall be the advisory body responsible for interpreting this chapter and advising persons subject to it as to its application.

(b) The board shall:

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

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

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

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

(c) The city solicitor shall advise the board.

(d) The board shall certify to the state ethics commission on or before October 1 of each year that the city is in compliance with the requirements of General Provisions Article, Ann. Code of Md. tit. 5 subtit. 8, for elected local officials.

(e) The board shall determine if changes to this chapter are required to be in compliance with the requirements of General Provisions Article, Ann. Code of Md. tit. 5 subtit. 8, and shall forward any recommended changes and amendments to the mayor and city council for enactment.

(f) Any official or other person subject to the provisions of this chapter may request the board for an advisory opinion concerning the application of this chapter. The board shall respond promptly to these requests, providing interpretations of this chapter based on the facts provided or reasonably available to it. Copies of these interpretations shall be made available to the public upon request.

(g) Any person may file with the board a complaint alleging a violation of any of the provisions of this chapter. These complaints shall be written and under oath, and may be referred to the city solicitor, or other legal counsel if appropriate, for investigation and review. If, after

receiving an investigative report, the board determines that there are insufficient facts upon which to base a determination of a violation, it may dismiss the complaint. If there is a reasonable basis for believing a violation has occurred, then the subject of the complaint shall be afforded an opportunity for a hearing conducted in accordance with the board's applicable rules of procedure for actions taken on the record. Any final determination resulting from the hearing shall include findings of fact and conclusions of law. Upon a finding of a violation, the board may take any enforcement action provided for in accordance with section 19-9.

(h) The board may adopt other policies and procedures to assist in the implementation of the board's programs established in this chapter.

Sec. 19-4. - Conflicts of interest.

(a) *Applicability.* All city elected officials, officials appointed to city boards and commissions subject to this chapter, and employees are subject to this section.

(b) *Participation prohibitions.* Except as permitted by board regulation or opinion, an official or employee may not participate in:

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

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

a. A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

b. A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

c. A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;

d. If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

e. An entity, doing business with the city, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

f. A business entity that:

1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

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

a. The disqualification leaves a body with less than a quorum capable of acting;

b. The disqualified official or employee is required by law to act; or

c. The disqualified official or employee is the only person authorized to act.

(4) The prohibitions of paragraph (1) and (2) of this subsection do not apply if participation is allowed by regulation or opinion of the board.

(5) A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(c) *Employment and financial interest restrictions.*

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

a. Be employed by or have a financial interest in any entity:

1. Subject to the authority of the official or employee or the city agency, board, commission with which the official or employee is affiliated; or

2. That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

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

(2) This prohibition does not apply to:

a. An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

b. Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the board;

c. An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the board; or

d. Employment or financial interests allowed by regulation of the board if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

(d) *Post-employment limitations and restrictions.*

(1) A former official or employee may not assist or represent any party other than the city for compensation in a case, contract, or other specific matter involving the city if that

matter is one in which the former official or employee significantly participated as an official or employee.

(2) , A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.

(e) *Contingent compensation.* Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the city.

(f) *Use of prestige of office.*

(1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another, or to influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.

(2) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

(3) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

(4) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.

(5) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

(g) *Solicitation and acceptance of gifts.*

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

(2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

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

a. Is doing business with or seeking to do business with the city office, agency, board, or commission with which the official or employee is affiliated;

b. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

c. Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or

d. Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

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

a. That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

b. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

c. Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

(5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

a. Meals and beverages consumed in the presence of the donor or sponsoring entity;

b. Ceremonial gifts or awards that have insignificant monetary value;

c. Unsolicited gifts of nominal value that do not exceed twenty dollars ($20.00) in cost or trivial items of informational value;

d. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

e. Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

f. A specific gift or class of gifts that the board exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the city and that the gift is purely personal and private in nature;

g. Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

h. Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

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

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

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

Sec. 19-5. - Financial disclosure—Local elected officials and candidates to be local elected officials.

(a) *Applicability/financial disclosure statements.*

(1) This section applies to all local elected officials and candidates to be local elected officials.

(2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:

a. On a form provided by the board;

b. Under oath or affirmation; and

c. With the board.

(3) Deadlines for filing statements.

a. An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

b. An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.

c. 1. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within sixty (60) days after leaving the office.

2. The statement shall cover:

i. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

ii. The portion of the current calendar year during which the individual held the office.

(b) *Candidates to be local elected officials.*

(1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file under a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

(2) A candidate to be an elected local official shall file a statement required under this section:

a. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

b. In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and

c. In all other years for which a statement is required, on or before April 30.

(3) A candidate to be an elected official shall file the statements required under subsection (b) with the city clerk.

(4) If a candidate fails to file a statement required by this section after written notice is provided by the city clerk at least twenty (20) days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

(5) The city clerk may not accept any certificate of candidacy unless a statement has been filed in proper form.

(6) Within thirty (30) days of the receipt of a statement required under this section, the city clerk shall forward the statement to the board or the office designated by the board.

(c) *Public record.*

(1) The city clerk shall maintain all financial disclosure statements filed under this section.

(2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the board or the city.

(3) If an individual examines or copies a financial disclosure statement, the city clerk shall record:

a. The name and home address of the individual reviewing or copying the statement; and

b. The name of the person whose financial disclosure statement was examined or copied.

(4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the city clerk shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

(5) For statements filed after January 1, 2019, the city clerk may not provide public access to an individual's home address that the individual has designated as the individual's home address.

(d) *Retention requirements.* The city clerk shall retain financial disclosure statements for four (4) years from the date of receipt.

(e) *Contents of statement.*

(1) *Interests in real property.*

a. A statement filed under this section shall include a schedule of all interests in real property wherever located.

b. For each interest in real property, the schedule shall include:

1. The nature of the property and the location by street address, mailing address, or legal description of the property;

2. The nature and extent of the interest held, including any conditions and encumbrances on the interest;

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

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

5. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

6. The identity of any other person with an interest in the property.

(2) *Interests in corporations and partnerships.*

a. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the city.

b. For each interest reported under this paragraph, the schedule shall include:

1. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

2. The nature and amount of the interest held, including any conditions and encumbrances on the interest;

3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

4. With respect to any interest acquired during the reporting period:

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

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

c. An individual may satisfy the requirement to report the amount of the interest held under item b.2. of this paragraph by reporting, instead of a dollar amount:

   1. For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

   2. For an equity interest in a partnership, the percentage of equity interest held.

(3) *Interests in business entities doing business with the city.*

a. A statement filed under this section shall include a schedule of all interests in any business entity that does business with the city, other than interests reported under paragraph (2) of this subsection.

b. For each interest reported under this paragraph, the schedule shall include:

   1. The name and address of the principal office of the business entity;

   2. The nature and amount of the interest held, including any conditions to and encumbrances in the interest;

   3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and

   4. With respect to any interest acquired during the reporting period:

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

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

(4) *Gifts.*

a. A statement filed under this section shall include a schedule of each gift in excess of twenty dollars ($20.00) in value or a series of gifts totaling one hundred dollars ($100.00) or more received during the reporting period from or on behalf of, directly or indirectly, any one (1) person who does business with or is regulated by the city.

b. For each gift reported, the schedule shall include:

   1. A description of the nature and value of the gift; and

   2. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(5) *Employment with or interests in entities doing business with the city.*

a. A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the city.

b. For each position reported under this paragraph, the schedule shall include:

1. The name and address of the principal office of the business entity;

2. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

3. The name of each city agency with which the entity is involved.

(6) *Indebtedness to entities doing business with city.*

a. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the city or regulated by the individual's city unit or department owed at any time during the reporting period:

1. By the individual; or

2. By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

b. For each liability reported under this paragraph, the schedule shall include:

1. The identity of the person to whom the liability was owed and the date the liability was incurred;

2. The amount of the liability owed as of the end of the reporting period;

3. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

4. The security given, if any, for the liability.

(7) *Schedule of immediate family members of the individual employed by the city.* A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the city in any capacity at any time during the reporting period.

(8) *Sources of earned income.*

a. A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

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

c. For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the city, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

(9) *Schedule of additional interests or information.* A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

(f) *[Interests of individual making statement.]* For the purposes of subsections (e)(1), (2), and (3) of this section 19-5, the following interests are considered to be the interests of the individual making the statement:

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

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

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

a. The individual held a reversionary interest or was a beneficiary; or

b. If a revocable trust, the individual was a settlor.

(g) *Compliance.*

(1) The board shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

(2) The board may take appropriate enforcement action to ensure compliance with this section.

Sec. 19-6. - Same—Employees and appointed officials.

(a) This section only applies to the following appointed officials and employees: the city administrator and all employees at pay grade 13 and above.

(b) A statement filed under this section shall be filed with the city clerk under oath or affirmation. The city clerk shall provide the board with copies of the statements.

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

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

(e) The city clerk shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in section 19-5(c) and (d) of this chapter.

Sec. 19-7. - Lobbying.

(a) A person shall file a lobbying registration statement with the city clerk (who shall provide a copy to the board) if the person:

(1) Personally appears before a city official or employee with the intent to influence that person in performance of the official duties of the official or employee; and

(2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of one hundred dollars ($100.00) on food, entertainment, or other gifts for officials or employees of city.

(b) A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within five (5) days after first performing an act that requires registration in the calendar year.

(c) Registration statement.

(1) The registration statement shall identify:

a. The registrant;

b. Any other person on whose behalf the registrant acts; and

c. The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.

(2) The registration statement shall cover a defined registration period not to exceed one (1) calendar year.

(d) Within thirty (30) days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the board disclosing:

(1) The value, date, and nature of any food, entertainment, or other gift provided to a city official or employee; and

(2) If a gift or series of gifts to a single official or employee exceeds fifty dollars ($50.00) in value, the identity of the official or employee.

(e) The city clerk shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four (4) years after receipt.

Sec. 19-8. - Exemptions and modifications.

The board may grant exemptions and modifications to the provisions of sections 19-4 and 19-6 of this chapter to employees and to appointed members of city boards and commissions, when the board finds that an exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:

(1) Constitute an unreasonable invasion of privacy; and

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

Sec. 19-9. - Enforcement.

(a) The board may:

(1) Assess a late fee of five dollars ($5.00) per day up to a maximum of five hundred dollars ($500.00) for a failure to timely file a financial disclosure statement required under section 19-5 or 19-6 of this chapter;

(2) Assess a late fee of ten dollars ($10.00) per day up to a maximum of one thousand dollars ($1,000.00) for a failure to file a timely lobbyist registration or lobbyist report required under section 19-7 of this chapter; and

(3) Issue a cease and desist order against any person found to be in violation of this chapter.

(b) (1) Upon a finding of a violation of any provision of this chapter, the board may:

a. Issue an order of compliance directing the respondent to cease and desist from the violation;

b. Issue a reprimand; or

c. Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(2) If the board finds that a respondent has violated section 19-7 of this chapter, it may:

a. Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under section 19-7 of this chapter;

b. Impose a fine not exceeding five thousand dollars ($5,000.00) for each violation; and

c. Suspend the registration of an individual registered lobbyist if the board finds that the lobbyist has knowingly and willfully violated section 19-7 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

(c) (1) Upon request by the board, the city solicitor may file a petition for injunctive or other relief in the Circuit Court for Allegany County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.

(2) a. The court may:

1. Issue an order to cease and desist from the violation;

2. Except as provided in subparagraph b. of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

3. Impose a fine of up to five thousand dollars ($5,000.00) for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.

b. A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(d) In addition to any other enforcement provisions in this chapter, a person who the board or a court finds has violated this chapter:

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

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

(e) A city official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

(f) Violation of section 19-7 of this chapter shall be a misdemeanor subject to a fine of up to ten thousand dollars ($10,000.00) or imprisonment of up to one (1) year.

(g) A finding of a violation of this chapter by the board is public information.