

<b>POLICY</b>	<b>BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND</b>
<b>ETHICS</b>	<b>POLICY 109</b>
<b>109.1 Applicability and Definitions</b> <b>109.2 Ethics Panel</b> <b>109.3 Conflicts of Interest</b> <b>109.4 Financial Disclosure – Members of the Board of Education and Candidates to be Members of the Board of Education</b> <b>109.5 Financial Disclosure – Employees</b> <b>109.6 Ethics Panel Review of Disclosure Statements</b> <b>109.7 Public Record</b> <b>109.8 Retention Requirements</b> <b>109.9 Lobbying</b> <b>109.10 Exemptions and Modifications</b> <b>109.11 Sanctions</b>	

**ETHICS – STATEMENT OF PURPOSE AND POLICY**

The Board of Education of Frederick County, Maryland (hereafter “Board” or “Board of Education”) recognizing 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 of Frederick County have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

It is evident that this confidence and trust is eroded when the conduct of public business is subject to improper influence and even the appearance of improper influence.

For the purpose of safeguarding against improper influence, the Board adopts this ethics policy to require school officials and employees to disclose their financial affairs and to set minimum standards for their conduct of school system business.

**109.1 Applicability and Definitions**

A. This policy applies to members of the Board of Education, candidates to be members of the Board of Education, school officials, and employees of Frederick County Public Schools (hereafter “FCPS” or “school system”).

B. Definitions

1. “Gift” means the transfer of any service or thing of economic value regardless of form without adequate and lawful consideration; it does not include a political campaign contribution regulated under the Election Law Article, Annotated Code of Maryland.

2. "Official" includes a member of the Board of Education (with the exception of the student member), an employee of the school system, and the Superintendent.

For purposes of completing the financial disclosure statement, the following definitions are provided:

3. "Quasi-governmental entity" means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.
4. "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 Panel as the individual's second home.
5. "Home address" means the address of an individual's:  
  
(1) Principal home; and (2) Designated second home, if any.
6. "Principal home" means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.
7. "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.

## **109.2 Ethics Panel**

### **A. Administration**

There shall be an Ethics Panel (hereafter "Panel") consisting of seven members. The president of the Board, assisted by the vice president or other Board member as designated, shall appoint Panel members with the concurrence of the majority of the Board. One alternate member shall be appointed by the Board to serve in the event that a voting member of the Panel cannot fulfill a three-year term.

1. Each member shall serve for a term of three years.
2. Each member shall be limited to serve two consecutive terms.
3. Upon the expiration of a Panel member's term, the Board will provide notification, when appropriate, through the local media, the FCPS television channel, or the FCPS website to solicit application for the membership vacancy.
4. Panel members serving in expiring terms who are eligible for reappointment will be considered for appointment, if they so indicate.
5. The Panel may be assisted in carrying out its responsibilities by the Board's attorney. In cases where the Board concludes that assistance by the Board's attorney may create a conflict of interest or the appearance of a conflict of interest and in cases where the Board's attorney disqualifies himself or herself because of

a possible conflict of interest, the Panel may request permission from the Board to retain a different attorney to provide legal advice to the Panel (with the Board assuming responsibility for the costs).

6. The Chief Legal Counsel shall serve as staff assistant to the Panel.

#### B. Voting

Four members of the Panel shall constitute a quorum. Motions may be adopted with the concurrence of an absolute majority (four votes) of the Panel.

#### C. Responsibilities

The Panel shall have the following responsibilities:

1. Elect a chairperson annually from its members.
2. Devise, receive, and maintain all forms generated by these regulations.
3. Provide advisory opinions to persons subject to the regulations as to the applicability of these provisions to them within 60 days of the written request. The form is identified as *Exhibit 1* and available to the public at the FCPS website.

NOTE: Advisory opinions may be made available in response to request for public records, provided identities of subjects are deleted.

4. Provide information to the general public regarding the purposes and application of these regulations.
5. Hear, process, and make findings regarding a complaint filed, in writing and under oath, by any person alleging a violation of these regulations by the Superintendent, a Board member, or a lobbyist; and to report its findings and recommendations for action to the Board, which, if it concurs with the Panel, shall take enforcement action in accordance with this policy. A complaint and/or alleged violation against any other official or employee of the school system shall be processed, heard and determined by the Superintendent with due process rights afforded under the Education Article of the Annotated Code of Maryland. The Panel (and, when applicable, the Superintendent) may dismiss a complaint if, after receiving an investigative report, it is deemed there are insufficient facts upon which to base a determination of a violation. Complaint and investigation procedures are outlined on a complaint form and identified as *Exhibit 2* and available to the public at the FCPS website.
6. The Panel shall certify to the State Ethics Commission on or before October 1 of each year that the Board is in compliance with the requirements of the General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland.
7. The Panel shall determine if changes to this policy are required to be in compliance with the requirements of the General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Board for action.

### 109.3 Conflicts of Interest

A. In this section, “qualified relative” means a spouse, parent, child, or sibling.

#### B. Participation

Except as permitted by Board of Education policy or regulation, or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:

1. Any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest; or
2. Any matter in which any of the following is a party:
  - a. A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know;
  - b. A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;
  - c. A business entity with which the official or, to the knowledge of the official, a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;
  - d. A business entity that is a party to an existing contract with the school official or which, to the knowledge of the official, a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or the Board of Education duties of the official;
  - e. An entity, doing business with the Board of Education or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; ~~or~~
  - f. A business entity that: (1) the official knows is a creditor or obligee of the official or a qualified relative of the official 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 qualified relative of the official.

An official who is disqualified from participating under paragraph B.1 or B.2 of this section shall disclose the nature and circumstances of the conflict and may participate or act if:

- The disqualification leaves a body with less than a quorum capable of acting;
- The disqualified official is required by law to act; or
- The disqualified official is the only person authorized to act.

### C. Employment and Financial Interests

Except as permitted by regulation of the Board of Education when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official may not:

1. Be employed by or have a financial interest in an entity that is:
  - a. Subject to the authority of the school system or Board of Education; or
  - b. Negotiating or has entered a contract with the school system or Board of Education; or
2. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official.

This prohibition does not apply to:

3. An official 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 in accordance with regulations adopted by the Board of Education; or
4. Subject to other provisions of policy, regulation and law, a member of the Board of Education in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a candidate to be a member of the Board.

### D. Post-Employment / Lobbying Restrictions

1. A former official may not assist or represent any party other than the Board of Education or school system for compensation in a case, contract, or other specific matter involving the Board of Education or the school system if that matter is one in which the former official significantly participated as an official.
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.
3. Members of the Board of Education may not be employed by FCPS for at least one year following the member's departure from the Board by resignation or the end of the member's term of office.
4. A former local lobbyist who becomes a county official or employee may not participate in a case, contract, or other specific matter for one calendar year after terminating their local lobbying registration if they previously assisted or represented another party in the matter.

#### E. Contingent Compensation

Except in a judicial or quasi-judicial proceeding, an official may not assist or represent a party for contingent compensation in any matter before or involving the Board of Education or the school system.

#### F. Prestige of Office

1. An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.
2. This section does not prohibit the performance of usual and customary constituent services by a member of the Board of Education without additional compensation.

#### G. Gifts

1. An official may not solicit any gift.
2. An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.
3. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
  - a. Is doing business with or seeking to do business with the school system or Board unit with which the official is affiliated;
  - b. Is subject to the authority of the school system or Board of Education;
  - c. Is a regulated lobbyist with respect to matters within the jurisdiction of the official;
  - d. 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 school system duties of the official; or
  - e. Is an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.
4. Notwithstanding paragraph G.3 of this section, an official may accept:
  - 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 \$20 in cost or trivial items of informational value;
  - d. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official at a meeting which is given in return for the participation of the official in a panel or speaking engagement at the meeting;
  - e. Gifts of tickets or free admission extended to members of the Board of Education to attend a charitable, cultural, or political event, if the purpose of the gift or admission is a courtesy or ceremony extended to the Board of Education;

- f. A specific gift or class of gifts which the Panel 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 school system or Board of Education and that the gift is purely personal and private in nature;
  - g. Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or
  - h. An honorarium for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the school system or Board position of the official.
5. The exceptions contained in paragraph G.4 above do not apply to a gift:
- a. That would tend to impair the impartiality and independence of judgment of the official receiving the gift;
  - b. Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or
  - c. Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.

#### H. Disclosure of Confidential Information

Other than in the discharge of his/her official duties, an official or former official may not disclose or use confidential information that the official acquired by reason of the official's public position or former public position and that is not available to the public for the economic benefit of the official or the economic benefit of another person.

#### I. Procurement

- 1. An individual or person that employs an individual who assists a school system or Board of Education 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 Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.

#### J. Retaliation

An official may not retaliate against an individual for reporting or participating in an investigation of a potential violation of this policy.

### **109.4 Financial Disclosure – Members of the Board of Education and Candidates to be Members of the Board of Education**

- A. This section applies to all members of the Board of Education and candidates to be members of the Board of Education.

B. Except as provided in paragraph D.1 of this section, a member of the Board or candidate to be a member of the Board shall file the financial disclosure statement required as follows:

1. On a form provided by the Panel, inclusive of information as outlined in paragraph E below;
2. Under oath or affirmation; and
3. With the Panel or the office designated by the Panel.

C. Deadlines for Filing Statements

1. An incumbent Board member shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
2. A Board member 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 30 days after appointment.
3. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover:
  - a. 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
  - b. The portion of the current calendar year during which the individual held the office.

D. Candidates to be Members of the Board of Education

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 a member of the Board of Education shall file 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 a member of the Board of Education 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 a member of the Board of Education:
  - a. May file the statement required under paragraph D.2.a of this section with the Frederick County Board of Elections (“Board of Elections”) with the certificate of candidacy or with the Panel prior to filing the certificate of candidacy; and
  - b. Shall file the statements required under paragraphs D.2.a and D.2.b of this section with the Ethics Panel or the office designated by the Panel.
4. If a statement required by a candidate is overdue and not filed within 8 days after written notice of the failure to file is provided by the Board of Elections, the candidate is deemed to have withdrawn the candidacy.
5. The Board of Elections may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.
6. Within 30 days of the receipt of a statement required under this section, the Board of Elections shall forward the statement to the Panel at the FCPS Legal Services office.

#### E. Contents of Statement

An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.

For this section, “immediate family” is defined as a spouse or dependent children.

##### 1. Interests in Real Property

A statement filed under this section shall include a schedule of all interests in real property wherever located. For each interest in real property, the schedule shall include:

- a. The nature of the property and the location by street address, mailing address, or legal description of the property;
- b. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
- c. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
- d. The nature and amount of 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;
- e. 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
- f. The identity of any other person with an interest in the property.

## 2. Interests in Corporations and Partnerships

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 school system or Board of Education.

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

- a. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
- b. The nature and amount of the interest held, including any conditions and encumbrances on the interest;
- c. 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
- d. With respect to any interest acquired during the reporting period: (1) the date when, the manner in which, and the identity of the person from whom the interest was acquired; and (2) 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.

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

- e. 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
- f. For an equity interest in a partnership, the percentage of equity interest held.

## 3. Interests in Business Entities Doing Business with the School System or Board of Education

A statement filed under this section shall include a schedule of all interests in any business entity that does business with the school system or Board of Education, other than interests reported under paragraph E.2 of this section.

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

- a. The name and address of the principal office of the business entity.
- b. The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
- c. 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
- d. With respect to any interest acquired during the reporting period: (1) the date when, the manner in which, and the identity of the person from whom

the interest was acquired; and (2) 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. Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity

An individual shall disclose the information as specified in the financial disclosure statement of any financial or contractual relationship with:

- a. The University of Maryland Medical System;
- b. A governmental entity of the state or a local government in the state; or
- c. A quasi-governmental entity of the state or a local government in the state.

For each financial or contractual relationship reported, the schedule shall include:

- a. A description of the relationship;
- b. The subject matter of the relationship; and
- c. The consideration.

5. Gifts

A statement filed under this section shall include a schedule of each gift in excess of \$20 in value, or a series of gifts totaling \$100 or more, received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board of Education, or from an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.

For each gift reported, the schedule shall include:

- a. A description of the nature and value of the gift; and
- b. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

6. Employment with, or Interests in, Entities Doing Business with the School System or Board of Education

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 school system or Board of Education.

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

- a. The name and address of the principal office of the business entity;
- b. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
- c. The name of each school system or Board unit which the entity is involved.

7. Indebtedness to Entities Doing Business with the School System or Board of Education

A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the school system or Board of Education owed at any time during the reporting period:

- a. By the individual; or
- b. By a member of the immediate family of the individual if the individual was involved in the transaction by giving rise to the liability.

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

- a. The identity of the person to whom the liability was owed and the date the liability was incurred;
- b. The amount of the liability owed as of the end of the reporting period;
- c. 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
- d. The security given, if any, for the liability.

8. Employment with the School System or Board of Education

A statement filed under this section shall include immediate family members of the individual employed by the school system or Board of Education in any capacity at any time during the reporting period.

9. Sources of Earned Income

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.

A minor child's employment or business ownership need not be disclosed if the school system or Board of Education does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child. For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the county, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

10. Interests

The following interests are considered to be the interests of the individual making the statement:

- a. An interest held by a member of the individual's immediate family, if the interest was, at the time during the reporting period, directly or indirectly controlled by the individual;
- b. An interest held, at any time during the reporting period, by: (1) a business entity in which the individual held a 10% or greater interest; (2) a business

entity described in section 1 of this subsection in which the business entity held a 25% or greater interest; (3) a business entity described in section 2 of this subsection in which the business entity held a 50% or greater interest; and (4) a business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest;

- c. An interest held by a trust or an estate in which, at any time during the reporting period: (1) the individual held a reversionary interest or was a beneficiary; or (2) if a revocable trust, the individual was a settlor.

#### 11. Additional Interests

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.

### **109.5 Financial Disclosure - Employees**

- A. This section applies to the following employees:
  - 1. Superintendent
  - 2. Administrative, management and technical (AMT) group, with the exception of executive assistants, paralegals, senior executive secretaries and junior executive secretaries
  - 3. Principals
  - 4. Assistant principals
  - 5. Curriculum specialists
  - 6. Buyer specialists
  - 7. School psychologists
  - 8. Supervisors
- B. A statement filed under this section shall be filed annually with the Ethics Panel under oath or affirmation.
- C. On or before April 30 of each year, a statement disclosing gifts exceeding \$20, or a series of gifts totaling \$100 or more, received during the preceding calendar year from any person that contracts with or is under the authority of the Board of Education or the school system, including the name of the donor of the gift and the approximate retail value at the time of receipt.
- D. An employee shall disclose employment and interest that raise conflicts of interest, or political conflicts of interest, in connection with a specific proposed action by the employee sufficiently in advance of the action to provide adequate disclosure to the public.

### **109.6 Ethics Panel Review of Disclosure Statements**

The Ethics Panel shall review the financial disclosure statements submitted under this section for compliance with the provisions of this policy and shall notify an individual submitting the statement of any omissions or deficiencies. The Panel shall make

recommendations to the Superintendent or, where applicable, to the Board to take appropriate enforcement action to ensure compliance.

### **109.7 Public Record**

- A. The Office of Legal Services shall maintain all financial disclosure statements filed under this section.
- B. The Office of Legal Services shall make financial disclosure statements available during normal office hours, for examination and copying by the public subject to reasonable fees and administrative procedures established by school system regulation. The Office of Legal Services shall not provide public access to information related to consideration received from:
  - 1. The University of Maryland Medical System;
  - 2. A governmental entity of the state or a local government in the state; or
  - 3. A quasi-governmental entity of the state or a local government in the state.
- C. For statements filed after January 1, 2019, the Ethics Panel, or the office designated by the Panel, may not provide public access to an individual's home address that the individual has designated as the individual's home address.
- D. If an individual examines or copies a financial disclosure statement, the Office of Legal Services staff member shall record:
  - 1. The name and home address of the individual reviewing or copying the statement; and
  - 2. The name of the person whose financial disclosure statement was examined or copied.
- E. Upon request by the individual whose financial disclosure statement was examined or copied, the Office of Legal Services staff member shall provide the individual with a copy of the name and home address of the person who reviewed the individual's financial disclosure statement.

### **109.8 Retention Requirements**

The Office of Legal Services shall retain financial disclosure statements for four years from the date of receipt.

### **109.9 Lobbying**

- A. A person shall file a lobbying registration statement with the Panel or office designated by the Panel if the person:

1. Personally appears before any school 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 \$100 on food, entertainment, or other gifts for officials and employees of the Board of Education or school system.
- 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 days after first performing an act that requires registration in the calendar year.
- C. The registration statement shall identify:
1. The registrant;
  2. Any other person on whose behalf the registrant acts; and
  3. The subject matter on which the registrant proposes to make appearances specified in paragraph 'A' of this section.
- D. The registration statement shall cover a defined registration period not to exceed one calendar year.
- E. Within 30 days after the end of a calendar year during which a person was registered under this section, the person shall file a report with the Panel or office designated by the Panel disclosing:
1. The value, date, and nature of any food, entertainment, or other gift provided to a school official or employee; and
  2. If a gift or series of gifts to a single official or employee exceeds \$100 in value, the identity of the official or employee.
- F. The Ethics Panel, or office designated by the Panel, shall maintain the registrations and reports filed under this section as public records available for public inspection and copying.

### **109.10 Exemptions and Modifications**

The Board of Education may grant exceptions and modifications to the provisions of this policy to employees when the Board determines that application of those provisions is not required to preserve the purposes of this policy and would: (1) constitute an unreasonable invasion of privacy; and (2) significantly reduce the availability of qualified persons for public service.

### 109.11 Sanctions

Violation of any school official or employee of the provisions of this policy shall constitute grounds for discipline or personnel action, or removal from office where provided by the law, consistent with procedures set forth in the Education Article of the Annotated Code of Maryland. Persons or organizations found in violation of the lobbying provisions of these regulations shall be publicly identified and shall be subject to such penalties as may be provided by law.

The Panel may assess a late fee of \$2 per day, up to a maximum of \$25, for failure to timely file a financial disclosure statement.

<b>Legal Reference</b>	COMAR 19A.05.00, COMAR 19A.05.01 and COMAR 19A.05.02		
	<i>Annotated Code of Maryland</i> , General Provisions Article, §§ 5-101 through 5-1001		
<b>Source Document</b>			
<b>Policy History</b>	<b>Reviewed</b> 2017, 2022	<b>Adopted</b> 6/23/10	<b>Revised</b> 9/28/22



**Board of Education of Frederick County**  
191 South East Street  
Frederick, Maryland 21701

**ETHICS PANEL**

**APPLICATION TO REQUEST AN ADVISORY OPINION**

I. **Statement of Facts:** What is the reason you are seeking an advisory opinion from the Ethics Panel?

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II. Cite the section of Board Policy 109 you believe may be relevant to your request.

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I hereby declare and affirm under the penalties of perjury that the contents of this document and any attachment(s) are true and correct to the best of my knowledge, information, and belief.

REQUESTOR:

\_\_\_\_\_ (Type/Print) \_\_\_\_\_ (Signature)

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone/Email: \_\_\_\_\_ Date submitted: \_\_\_\_\_

SUBMIT TO THE ATTENTION OF:  
Jamie R. Cannon, Chief Legal Counsel  
191 South East Street, Frederick, MD 21701

**CONFIDENTIAL**

BOARD OF EDUCATION OF FREDERICK COUNTY  
191 South East Street  
Frederick, Maryland 21701

Attention: Ethics Panel

**COMPLAINT**

To the Ethics Panel of the Board of Education of Frederick County:

Date Filed \_\_\_\_\_

Name of Complainant: \_\_\_\_\_

Address of Complainant: \_\_\_\_\_

\_\_\_\_\_

Complainant charges: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Complainant alleges a violation of Section \_\_\_\_\_ of the Ethics Policy and supports the above charges with the attached statement, which has been signed and dated by the Complainant.

I hereby declare and affirm under the penalties of perjury that the contents of this document and any attachment(s) are true and correct to the best of my knowledge, information, and belief.

\_\_\_\_\_  
Signature of Complainant

## RULES OF PROCEDURE FOR HEARINGS BEFORE THE ETHICS PANEL

### I. Purpose

These rules of procedure govern formal hearings before the Ethics Panel in cases of complaint filed under the Ethics Policy.

### II. Applicability

These rules govern hearings of complaints within the responsibility of the Ethics Panel.

### III. Definitions

- A. "Complaint" means written documentation from any person or persons of alleged violation or violations of any section or sections of the ethics Policy of the Board of Education of Frederick County on the part of anyone covered by the policy.
- B. "Counsel" means one who is admitted to practice before the Maryland Court of Appeals.
- C. "Presiding Officer" means the chairperson of the Ethics Panel or other designated Panel member who may preside in the absence of the chairperson.
- D. "Written notice" under these procedures shall be completed upon actual delivery or upon deposit of said notice in the United States mail, stamped, and addressed to the Ethics Panel of the Board of Education of Frederick County, 191 South East Street, Frederick, MD 21701.

### IV. Investigation Process

- A. The Ethics Panel, its counsel, or any other person designated by the Panel, shall be responsible for conducting investigations and preliminary inquiries and for presenting evidence to the Panel in connection with complaints being processed in accordance with these regulations.
- B. Each hearing before the Panel shall be held before not less than a quorum of the Panel.
- C. The presiding officer shall have charge of the hearing with full authority to permit or to limit the examination of witnesses, rule of the admissibility of evidence, with conferral of counsel, and adjourn or recess the hearing from time to time. The presiding officer shall cause an oath to be administered to all witnesses testifying in the proceedings to be administered by a notary public or other officer of the court.
- D. Parties may be represented in any hearing by legal counsel. Counsel may submit evidence, examine and cross-examine witnesses and make objections, exceptions, and motions.
- E. Strict adherence to judicial rules of evidence shall not be applicable to evidentiary hearings conducted by the Panel. In each case, the test of admissibility shall be whether or not the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning.
- F. Panel encourages parties to submit information on the issues of fact and law. Such information shall be submitted no later than seven (7) calendar days prior to the date of the hearing.
- G. The presiding officer may limit, in advance, the time allowed for testimony by each party. Testimony by each party before the Panel shall not exceed 30 minutes unless the presiding officer shall allow additional time for good cause shown.
- H. The Panel shall notify and request the Board attorney to be present when testimony is heard by the Panel.

I. The Panel shall ensure a record is made of the proceedings either by tape recording or the taking of minutes.

V. Due Process

Due process procedures will be followed in the hearing. These procedures will be:

- A. Opening statement by the presiding officer to explain reason for hearing.
- B. The complaint will be read into the record.
- C. Testimony of all parties and witnesses will be sworn or affirmed. All witnesses will be excused from the hearing except while testifying.
- D. The parties will be given an opportunity to present evidence and testimony on their behalf and to call witnesses.
- E. The parties and their legal counsel will be afforded an opportunity to examine and to cross-examine all witnesses and parties.
- F. The Panel members may ask questions at any time during the proceedings.
- G. Each party may make a closing statement. The complainant will make the first closing statement, and the respondent will make the final closing statement.
- H. After adjournment, the panel will privately deliberate and decide the case, and may seek advice of counsel.

VI. Findings

- A. After consideration of all the evidence, the Panel shall prepare a written report setting forth findings of facts and conclusions with respect to each of the alleged violations.
- B. If the Panel concludes that the respondent has not violated any provisions of the Ethics Policy, it shall enter an order dismissing the complaint and shall advise the complainant, respondent, and the Board of Education. Such order is considered confidential and may not be disclosed. Confidentiality may be waived by the respondent.
- C. If the Panel concludes that the respondent has violated any of the provisions of the Ethics Policy, it shall forward its recommendations to the Board of Education with written notice to the complainant and respondent. Such report shall be deemed a public record within thirty (30) days of its issuance.

VII. Confidentiality

- A. Except as otherwise noted in Section VI., the proceedings, meetings, and activities of the Ethics Panel shall be conducted in a confidential manner.
- B. The identity of the complainant shall be disclosed to the respondent in order to afford respondent the opportunity to appropriately respond to the charges.
- C. Information may be disclosed as determined by the Panel as necessary to conduct a preliminary inquiry, investigation, or hearing.