

ILLEGAL GIFTS, KICKBACKS AND CONTRACTOR ETHICS (under umbrella of Ethics Commission authority)

- No contractor may offer or give to public employees a prohibited gift.
- No person may provide or accept a kickback (a payment for obtaining or rewarding favorable treatment in the award of a contract by the County).
- A County contractor may not employ or offer to employ a public employee if the duties of the public employee include significant participation in the contract matter.

POST-COUNTY EMPLOYMENT

After leaving County service:

- Do not work on a case, contract or other specific matter that you significantly participated in as a public employee.
- For one year, you may not be employed by or enter into an employment agreement with a party if, while working with the County, you significantly participated in regulating the party or in a procurement matter with the party (during the previous three years).



**Jurisdiction of the Ethics Commission:**

- > Provide Ethics Advice and Advisory Opinions and Waivers
- > Ensure Financial Disclosure Compliance
- > Review Lobbying Registration and Activity Reporting
- > Decide Complaints, Conduct Investigations, and Hold Hearings Based on the County Ethics Law
- > Provide Education and Information on the County Ethics Law



**FREDERICK  
COUNTY ETHICS  
LAWS**



Frederick County Ethics Commission  
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[www.frederickcountymd.gov/1519/Ethics-Commission](http://www.frederickcountymd.gov/1519/Ethics-Commission)

## COUNTY ETHICS LAW QUICK REFERENCE

*This is a summary of the County Ethics Law. This summary is provided to raise awareness about some of the issues that are covered by the ethics law. All county employees and elected officials must comply with the ethics law. A link to the complete ethics law may be found by using the internet webpage link for the County's Ethics Commission that is printed on the front cover of this brochure, then selecting from that page "General Information," and next selecting "Ethics Law." Questions about the ethics law may be submitted to the Ethics Commission at the email provided.*

### CONFLICTS OF INTEREST

- Do not work on matters that affect your economic interests or those of a relative (if the matter affects these interests differently from the public generally).
- Do not work on a matter where a party to the matter is:
  - An entity you or a relative have an economic interest in or are an officer, director, trustee, partner, or employee.
  - A business with which you or a relative are negotiating for employment.
  - Anyone with whom you or a relative have a contract if the contract could reasonably result in conflict between private interests and official duties.
  - An entity owned by a business you or a relative has an interest.
  - A creditor or debtor who can directly and substantially affect your or a relative's interests.

### PROHIBITED HOLDINGS

- You may not have a financial interest in any business that negotiates, contracts or is regulated by your agency.

### PROHIBITED EMPLOYMENT

- Do not become employed by any business that negotiates, contracts, or is regulated by your County agency.
- Do not take employment that could reasonably be expected to impair your impartiality in your capacity as an employee or official for the County.

## MISUSE OF OFFICE

- Do not use the office inappropriately to gain a benefit for yourself or others.
- Do not use County insignia or agency title for private economic activity.
- Do not use County facilities or property for personal use, except as authorized.
- Do not hire or advocate for the employment of a relative.
- Do not coerce other employees in political activities
- Do not advise parties where the County has an adverse interest (except as law allows).
- Do not disclose confidential information.
- Where a decision is made on the basis of a record, decision-makers may consider only information on the record; information received off record must be tracked.

### ACTIONS TAKEN/REQUESTED OF THE ETHICS COMMISSION

- Advisory Opinions can be requested from the Commission at any time to avoid a conflict of interest and be given guidance on a contemplated action while the requestor remains confidential.
- Ethics complaints are filed by any person against officials, employees or lobbyists and the following possible actions could be taken:
  - Complaints will be recorded, notice will be sent to the subject of the complaint, and presented to the Ethics Commission.
  - Possible criminal actions are referred to the appropriate agency and the Commission will not act until the referral is resolved.
  - If the complaint presented to the Commission has merit, a formal investigation is conducted and if a violation determined, an administrative hearing can then be conducted.
  - If an Ethics Law has been violated, the Commission can take steps allowable by law.

### FINANCIAL DISCLOSURE

- Filers of disclosure reports will be notified by the Ethics Commission of filing obligations.

## SOLICITATION OF GIFTS

- No county employee or elected county official may solicit a gift of any kind.

### ACCEPTANCE OF GIFTS (Directly or Indirectly)

You may not accept a gift from:

- Lobbyists on matters pertaining to your jurisdiction or that could be considered by your agency.
- Those doing business with or regulated or controlled by your agency.
- Anyone with economic interests that could be substantially (and not just as a member of the public) affected by the performance or nonperformance of your duties as an official or employee.

***Exceptions to Acceptance Prohibitions unless it would Give the Appearance of or Tendency to Impair Impartiality or Judgment:***

- Meals and beverages consumed in the presence of the donor.
- Ceremonial gifts of insignificant monetary value; trinkets that cost less than \$20.
- Reasonable food, lodging and travel for speaking, participation on a panel.
- Gifts of tickets or free admission to elected officials as a courtesy to the office to attend a charitable, cultural or political event.
- Informational items with a resale value of less than \$20.
- Gifts from a relative.
- Honoraria (for speaking unrelated to employment).
- Unsolicited gifts of nominal value that do not exceed \$20 in value.

***What to do with unacceptable gifts that have been received:***

- Immediately report gift amount and from whom the gift was received if required pursuant to financial disclosure requirements; or
- Immediately return the gift to the donor and if it cannot be returned, treat as abandoned property.