



MARYLAND DEPARTMENT OF THE ENVIRONMENT  
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Larry Hogan  
Governor

Boyd Rutherford  
Lieutenant Governor

Ben Grumbles  
Secretary

*Maryland State Implementation Plan for Clean Air Act  
Section 128 for all National Ambient Air Quality  
Standards*

**Prepared for:  
U.S. Environmental Protection Agency**

**DRAFT**

**November 24, 2015**

**SIP #**

**Prepared by:  
Maryland Department of the Environment**



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## MARYLAND DEPARTMENT OF THE ENVIRONMENT

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### MARYLAND CLEAN AIR ACT SECTION 128

## Background

A State Implementation Plan (SIP) is a plan for each state that identifies how that state will attain and maintain the primary and secondary National Ambient Air Quality Standards (NAAQS). The SIP contains regulations, source-specific requirements, non-regulatory items such as plans and inventories, and other types of submittals designed to satisfy requirements promulgated by the U.S. Environmental Protection Agency (EPA). The initial SIPs for states were approved on May 31, 1972. SIPs may be revised by the state with EPA approval. The federally enforceable SIP for the State of Maryland is compiled under 40 CFR Part 52 Subpart V.

This document updates the Maryland Code statutory citations addressing Clean Air Act Section 128 for all NAAQS.

*This submittal addresses Maryland's obligations under §128 for all NAAQS.*

## Clean Air Act § 128, State Boards

### § 128. State boards

(a)<sup>1,2</sup> Not later than the date one year after August 7, 1977, each applicable implementation plan shall contain requirements that—

(1) any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this chapter, and

(2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

A State may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other entities which are more stringent than the requirements of paragraph (1) and (2), and the Administrator shall approve any such more stringent requirements submitted as part of an implementation plan.

(July 14, 1955, ch. 360, title I, § 128, as added Pub. L. 95–95, title I, § 125, Aug. 7, 1977, 91 Stat. 725.)

EFFECTIVE DATE Section effective Aug. 7, 1977, except as otherwise expressly provided, see section 406(d) of Pub. L. 95–95, set out as an Effective Date of 1977 Amendment note under section 7401 of this title.)

<sup>1</sup>So in original. Probably should be “calendar year”.

<sup>2</sup>So in original. Section enacted without a subsec. (b).

- Maryland does not have any board or body which approves air quality permits or enforcement orders; these are the sole responsibility of the Maryland Department of the Environment, except in the case of Certificates of Public Convenience and Necessity (CPCN). These are the pre-construction permits for utility installations which are issued by the Maryland Public Service Commission, an independent agency of the State.
- The Annotated Code of Maryland provisions below address the requirements of CAA § 128, the disclosure of potential conflicts of interest of the agency heads of the Maryland Department of the Environment and the Maryland Public Service Commission. These officials may issue permits and/or enforcement orders. Note that these provisions address CAA § 128 for all of the NAAQS.

**Overview:**

EPA approved the struck-out text below in Maryland SIP # 13-03B, on December 6, 2013, 78 Fed. Reg. 73442. The Maryland General Assembly has since revised the cited excerpts of the Public Ethics portion of the Maryland Code moving it to a new article within the Code and making minor wording changes. Accordingly, to meet the requirements of Section 128 of the Clean Air Act, Maryland requests replacement of the struck-out text below with the text that follows it, starting on page 15. Note that the replacement text includes additional sections of the Maryland Code that Maryland has just identified as being needed in the SIP to comply with the requirements of Section 128.

~~*State Government Article (2012), Annotated Code of Maryland*~~  
~~*STATE GOVERNMENT*~~  
~~*TITLE 15. PUBLIC ETHICS*~~  
~~*SUBTITLE 1. FINDINGS; DEFINITIONS; GENERAL PROVISIONS*~~

~~**§ 15-102. Definitions**~~

~~*(a) In general.—In this title the following words have the meanings indicated unless:*~~

~~*(1) the context clearly requires a different meaning; or*~~

~~*(2) a different definition is adopted for a particular provision.*~~

~~...~~

~~*(bb) Official.—"Official" means either a State official or a public official.*~~

~~...~~

~~*(ff) Public official.—"Public official" means an individual determined to be a public official in or pursuant to § 15-103 of this subtitle.*~~

~~...~~

~~*(ll) State official.—"State official" means:*~~

~~*(1) a constitutional officer or officer elect in an executive unit;*~~

~~*(2) a member or member elect of the General Assembly;*~~

~~*(3) a judge or judge elect of a court under Article IV, § 1 of the Constitution;*~~

~~*(4) a judicial appointee as defined in Maryland Rule 16-814;*~~

~~*(5) a State's Attorney;*~~

~~*(6) a clerk of the circuit court;*~~

~~*(7) a register of wills; or*~~

~~(8) a sheriff.~~

~~(Subsections of Sec. 15-102 not included above are not part of this plan.)~~

*State Government Article § 15-103 (2012), Annotated Code of Maryland*

~~§ 15-103. Designation of individuals as public officials~~

~~(a) Generally. — The determination of whether an individual is a "public official" for the purposes of this title shall be made in accordance with the provisions of this section.~~

~~(b) Public officials of executive units. — Except as provided in subsection (f) of this section, the following individuals in executive units are public officials:~~

~~(1) an individual who receives compensation at a rate equivalent to at least State grade level 16, or who is appointed to a board, if the Ethics Commission determines under § 15-208 of this title that:~~

~~(i) the individual, acting alone or as a member of an executive unit, has decision making authority or acts as a principal advisor to one with that authority:~~

~~1. in making State policy in an executive unit; or~~

~~2. in exercising quasi judicial, regulatory, licensing, inspecting, or auditing functions; and~~

~~(ii) the individual's duties are not essentially administrative and ministerial;~~

~~(2) any other individual in an executive unit, if the Ethics Commission determines that the individual, acting alone or as a member of the executive unit, has decision making authority or acts as a principal advisor to one with that authority in drafting specifications for, negotiating, or executing contracts that commit the State or an executive unit to spend more than \$ 10,000 in a year;~~

~~(3) a member, appointee, or employee of the Maryland Stadium Authority;~~

~~(4) a member, appointee, or employee of the Canal Place Preservation and Development Authority; and~~

~~(5) a member of the Emergency Medical Services Board.~~

~~.....~~

~~(f) Exceptions. — The following are not public officials:~~

~~(1) a State official;~~

~~(2) an individual employed on a contractual basis unless the individual is:~~

~~(i) employed on a full time basis for more than 6 months; and~~

~~(ii) designated pursuant to subsection (b)(1) or (c) of this section; and~~

~~(3) a part-time or full-time faculty member at a State institution of higher education:~~

~~(i) as to subsection (b)(2) of this section, only when the individual is acting in the capacity of a faculty member; and~~

~~(ii) as to any other provision of this section, unless the individual also:~~

~~1. is employed in another position that causes the individual to be designated as a public official; or~~

~~2. directly procures, directly influences, or otherwise directly affects the formation or execution of any State contract, purchase, or sale, as established by regulations adopted by the Ethics Commission and approved by the Joint Committee on Administrative, Executive, and Legislative Review.~~

~~(Subsections of Sec. 15-103 not included above are not part of this plan.)~~

*State Government Article (2012), Annotated Code of Maryland*

**STATE GOVERNMENT  
TITLE 15. PUBLIC ETHICS  
SUBTITLE 6. FINANCIAL DISCLOSURE**

**~~§ 15-601. Individuals required to file statement~~**

~~—(a) Officials and candidates.— Except as provided in subsections (b) and (c) of this section, and subject to subsections (d) and (e) of this section, each official and candidate for office as a State official shall file a statement as specified in §§ 15-602 through 15-608 of this subtitle.~~

**~~§ 15-602. Financial disclosure statement— Filing requirements~~**

~~—(a) Except as otherwise provided in this subtitle, a statement filed under § 15-601, § 15-603, § 15-604, or § 15-605 of this subtitle shall:~~

~~(1) be filed with the Ethics Commission;~~

~~(2) be filed under oath;~~

~~(3) be filed on or before April 30 of each year;~~

~~(4) cover the calendar year immediately preceding the year of filing; and~~

~~(5) contain the information required in § 15-607 of this subtitle.~~

~~(The rest of Sec. 15-602 is not relevant and is not part of this plan.)~~

**~~§ 15-607. Content of statements~~**

~~—(a) In general.— A statement that is required by § 15-601 (a) of this subtitle shall contain schedules disclosing the information and interests specified in this section, if known, for the individual making the statement for the applicable period under this subtitle.~~

~~—(b) Interests in real property.—~~

~~(1) The statement shall include a schedule of each interest in real property, wherever located, including each interest held in the name of a partnership, limited liability partnership, or limited liability company in which the individual held an interest.~~

~~(2) For each interest reported the schedule shall include:~~

~~(i) the nature of the property;~~

~~(ii) the street address, mailing address, or legal description of the property;~~

~~(iii) the nature and extent of the interest in the property, including any conditions to and encumbrances on the interest;~~

~~(iv) the date and manner in which the interest was acquired;~~

~~(v) the identity of the entity from which the interest was acquired;~~

~~(vi) if the interest was acquired by purchase, the nature and amount of the consideration given for the interest;~~

~~(vii) if the interest was acquired in any other manner, the fair market value of the interest when acquired;~~

~~(viii) if any interest was transferred, in whole or in part, during the applicable period:~~

~~1. a description of the interest transferred;~~

~~2. the nature and amount of the consideration received for the interest; and~~

~~3. the identity of the entity to which the interest was transferred; and~~

~~(ix) the identity of any other entity with an interest in the property.~~

~~—(c) Interests in corporations and partnerships.—~~

~~(1) The statement shall include a schedule of each interest held by the individual in a corporation, partnership, limited liability partnership, or limited liability company, whether or not the corporation, partnership, limited liability partnership, or limited liability company does business with the State.~~

~~(2) For each interest reported, the schedule shall include:~~

~~(i) the name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability company;~~

~~(ii) subject to paragraph (3) of this subsection, the nature and amount of the interest held, including any conditions to and encumbrances on the interest;~~

~~(iii) except as provided in paragraph (4) of this subsection, if any interest was acquired during the applicable period:~~

- ~~1. the date and manner in which the interest was acquired;~~
- ~~2. the identity of the entity from which the interest was acquired;~~
- ~~3. if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and~~
- ~~4. if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and~~

~~(iv) if any interest was transferred, in whole or in part, during the applicable period:~~

- ~~1. a description of the interest transferred;~~
- ~~2. the nature and amount of the consideration received for the interest; and~~
- ~~3. if known, the identity of the entity to which the interest was transferred.~~

~~(3)(i) As to an equity interest in a corporation, the individual may satisfy paragraph (2)(ii) of this subsection by reporting, instead of a dollar amount:~~

- ~~1. the number of shares held; and~~
- ~~2. unless the corporation's stock is publicly traded, the percentage of equity interest held.~~

~~(ii) As to an equity interest in a partnership, limited liability partnership, or limited liability company, the individual may satisfy paragraph (2)(ii) of this subsection by reporting, instead of a dollar amount, the percentage of equity interest held.~~

~~(4) If an interest acquired during the applicable reporting period consists of additions to existing publicly traded corporate interests acquired by dividend or dividend reinvestment, and the total value of the acquisition is less than \$ 500, only the manner of acquisition is required to be disclosed under paragraph (2)(iii) of this subsection.~~

~~—(d) Interest in business entity doing business with State.—~~

~~(1) The statement shall include a schedule of each interest in a business entity doing business with the State, other than interests reported under subsection (c) of this section.~~

~~(2) For each interest reported, the schedule shall include:~~

- ~~(i) the name and address of the principal office of the business entity;~~
- ~~(ii) the nature and amount of the interest held, including any conditions to and encumbrances on the interest;~~
- ~~(iii) if any interest was acquired during the applicable period:~~

- ~~1. the date and manner in which the interest was acquired;~~
- ~~2. the identity of the entity from which the interest was acquired;~~
- ~~3. if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and~~
- ~~4. if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and~~

~~(iv) if any interest was transferred, in whole or in part, during the applicable period:~~

- ~~1. a description of the interest transferred;~~
- ~~2. the nature and amount of the consideration received for the interest; and~~
- ~~3. the identity of the entity to which the interest was transferred.~~

~~—(e) Gifts.—~~

~~(1) This subsection does not apply to a gift received from a member of the immediate family, another child, or a parent of the individual.~~

~~(2) The statement shall include a schedule of each gift, specified in paragraph (3) of this subsection, received during the applicable period:~~

~~(i) by the individual or by another entity at the direction of the individual; and~~

~~(ii) directly or indirectly, from or on behalf of an entity that is:~~

- ~~1. a regulated lobbyist;~~
- ~~2. regulated by the State; or~~
- ~~3. otherwise an entity doing business with the State.~~

~~(3) (i) Except as provided in subparagraph (ii) of this paragraph, the schedule shall include each gift with a value of more than \$ 20 and each of two or more gifts with a cumulative value of \$ 100 or more received from one entity during the applicable period.~~

~~(ii) The statement need not include as a gift:~~

- ~~1. food or beverages received and consumed by an official of the Legislative Branch in the presence of the donor or sponsoring entity as part of a meal or reception, to which were invited all members of a legislative unit;~~
- ~~2. food or beverages received by a member of the General Assembly at the time and geographic location of a meeting of a legislative organization for which the member's presiding officer has approved the member's attendance at State expense; or~~

~~3. a ticket or free admission extended to a member of the General Assembly by the person sponsoring or conducting the event as a courtesy or ceremony to the office to attend a charitable, cultural, or political event to which were invited all members of a legislative unit.~~

~~(iii) Notwithstanding the provisions of subparagraph (ii) of this paragraph, the statement shall include the acceptance of each of two or more tickets or free admissions, extended to a member of the General Assembly by the person sponsoring or conducting the event, with a cumulative value of \$ 100 or more received from one entity during the applicable period.~~

~~(4) For each gift subject to this subsection, the schedule shall include:~~

~~(i) the nature and value of the gift; and~~

~~(ii) the identity of the entity from which, directly or indirectly, the gift was received.~~

~~(5) This subsection does not authorize any gift not otherwise allowed by law.~~

~~—(f) Employment by or interest in business entity doing business with State.—~~

~~(1) The statement shall include, as specified in this subsection, a schedule of all offices, directorships, and salaried employment, or any similar interest not otherwise disclosed, in business entities doing business with the State.~~

~~(2) This subsection applies to positions and interests held at any time during the applicable period by:~~

~~(i) the individual; or~~

~~(ii) any member of the individual's immediate family.~~

~~(3) For each position or interest reported, this schedule shall include:~~

~~(i) the name and address of the principal office of the business entity;~~

~~(ii) the nature of the position or interest and the date it commenced;~~

~~(iii) the name of each governmental unit with which the entity is doing business; and~~

~~(iv) the nature of the business with the State, which, at a minimum, shall be specified by reference to the applicable criteria of doing business described in § 15-102(j) of this title.~~

~~—(g) Indebtedness to entity doing business with State.—~~

~~(1) The statement shall include a schedule, to the extent the individual may reasonably be expected to know, of each debt, excluding retail credit accounts, owed at any time during the applicable period to entities doing business with the State:~~

~~(i) by the individual; and~~

~~(ii) if the individual was involved in the transaction giving rise to the debt, by any member of the immediate family of the individual.~~

~~(2) For each debt, the schedule shall include:~~

~~(i) the identity of the entity to which the debt was owed;~~

~~(ii) the date it was incurred;~~

~~(iii) the amount owed at the end of the applicable period;~~

~~(iv) the terms of payment;~~

~~(v) the extent to which the principal was increased or decreased during the applicable period; and~~

~~(vi) any security given.~~

~~—(h) Family members employed by State.— The statement shall include a schedule listing the members of the immediate family of the individual who were employed by the State in any capacity at any time during the applicable period.~~

~~—(i) Sources of earned income.—~~

~~(1) Except as provided in paragraph (2) of this subsection, the statement shall include a schedule listing the name and address of each:~~

~~(i) place of salaried employment, including secondary employment, of the individual or a member of the individual's immediate family at any time during the applicable period; and~~

~~(ii) 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 family member received earned income, at any time during the applicable period.~~

~~(2) The statement may not include a listing of a minor child's employment or business entities of which the child is sole or partial owner, unless the place of employment or the business entity:~~

~~(i) is subject to the regulation or authority of the agency that employs the individual; or~~

~~(ii) has contracts in excess of \$ 10,000 with the agency that employs the individual.~~

~~—(j) Additional information.— The statement may include a schedule listing additional interests or information that the individual chooses to disclose.~~

~~(The rest of Sec. 15-607 is not part of this plan.)~~

**~~§ 15-608. Interests attributable to individual filing statement~~**

~~—(a) In general.— The following are deemed to be interests of the individual under § 15-607(b), (c), and (d) of this subtitle:~~

~~(1) an interest held by a spouse or child of the individual, if the interest was directly or indirectly controlled by the individual at any time during the applicable period;~~

~~(2) an interest held by a business entity in which the individual held a 30% or greater interest at any time during the applicable period; and~~

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

~~(i) held a reversionary interest;~~

~~(ii) was a beneficiary; or~~

~~(iii) if a revocable trust, was a settlor.~~

~~—(b) Effect on other disclosure requirements.— Subsection (a) (2) of this section does not affect:~~

~~(1) the requirement under § 15-607 (b) of this subtitle of disclosure of real estate interests held in the name of a partnership, limited liability partnership, or limited liability company in which the individual holds an interest; and~~

~~(2) the requirement under § 15-607 (c) of this subtitle of disclosure of all partnerships, limited liability partnerships, or limited liability companies in which the individual holds an interest.~~

~~—(c) Blind trusts.— For the purposes of § 15-607 of this subtitle and the disclosure required by that section, interests held by a blind trust may not be considered to be interests of the person making the statement if the blind trust is approved by the Ethics Commission in accordance with regulations adopted pursuant to § 15-501 (b) or § 15-502 (c) of this title and is operated in compliance with those regulations.~~

**Note: The text below addresses the requirements of Section 128 of the Clean Air Act for all National Ambient Air Quality Standards (NAAQS). All struck-out/redlined text in the sections below is *not* to be included in this SIP. The rest of the text below, though, is to be included and replaces the text above.**

**§ 5-101. Definitions**  
West's Annotated Code of Maryland  
General Provisions  
Effective: October 1, 2014

West's Annotated Code of Maryland  
General Provisions (Refs & Annos)  
Title 5. Maryland Public Ethics Law (Refs & Annos)  
Subtitle 1. Definitions; General Provisions (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-101  
Formerly cited as MD CODE, SG, § 15-102

§ 5-101. Definitions

[Currentness](#)

**In general**

(a) In this title the following words have the meanings indicated unless:

- (1) the context clearly requires a different meaning; or
- (2) a different definition is adopted for a particular provision.

**Advisory body**

(b) "Advisory body" means:

- ~~(1) a governmental unit designated by the Court of Appeals to give advice with respect to the application or interpretation of Subtitles 5 and 6 of this title to a State official of the Judicial Branch;~~
- ~~(2) the Joint Ethics Committee, for questions arising under Subtitle 5 of this title regarding a State official of the Legislative Branch; or~~
- ~~(3) the Ethics Commission, for all other questions.~~

**Bicounty commission**

(c) "Bicounty commission" means:

- ~~(1) the Maryland National Capital Park and Planning Commission;~~
- ~~(2) the Washington Suburban Sanitary Commission; or~~
- ~~(3) the Washington Suburban Transit Commission.~~

**Board**

~~(d) "Board" means an executive unit composed of at least two members, all of whom are appointed and serve on a part-time basis.~~

**Business entity**

(e) "Business entity" means a person engaged in business, whether profit or nonprofit, regardless of form.

**Compensation**

(f) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person from an employer for services rendered.

**Employee**

(g)(1) "Employee" means an individual who is employed:

- (i) by an executive unit;
- (ii) by the Legislative Branch; or
- (iii) in the Judicial Branch.

(2) "Employee" does not include:

- (i) a public official; or
- (ii) a State official.

**Employer**

~~(h) "Employer" means an entity that pays or agrees to pay compensation to another entity for services rendered.~~

**Entity**

(i) "Entity" means:

- (1) a person; or
- (2) a government or instrumentality of government.

**Entity doing business with the State**

(j) "Entity doing business with the State" means:

- (1) a regulated lobbyist;
- (2) an entity regulated by the executive unit of the applicable official or employee; or
- (3) an entity that is a party to one or a combination of sales, purchases, leases, or contracts to, from, or with the State, or any unit of the State, involving consideration:
  - (i) of at least \$5,000 on a cumulative basis during the calendar year for which a statement required by Subtitle 6 of this title is filed, regardless of when the consideration is to be paid; and
  - (ii) which shall include, as of the award or execution of a contract or lease, the total consideration committed to be paid under the contract or lease, to the extent ascertainable when awarded or executed, regardless of the period over which payments are to be made.

**Ethics Commission**

~~(k) "Ethics Commission" means the State Ethics Commission.~~

**Executive action**

~~(l) "Executive action" means an act:~~

- ~~(1) for which the Executive Branch of State government is responsible; and~~
- ~~(2) that is taken by an official or employee of the Executive Branch.~~

**Executive unit**

(m)(1) "Executive unit" means a department, agency, commission, board, council, or other body of State government that:

- (i) is established by law; and
- (ii) is not in the Legislative Branch or the Judicial Branch of State government.

(2) "Executive unit" includes:

- (i) a county health department unless the officials and employees of the department are expressly designated as local officials in § 5-801 of this title;
- (ii) the office of the sheriff in each county;
- (iii) the office of the State's Attorney in each county; and
- (iv) the Liquor Control Board for Somerset County.

**Financial interest**

(n) "Financial interest" means:

- (1) ownership of an interest as the result of which the owner has received within the past 3 years, is currently receiving, or in the future is entitled to receive, more than \$1,000 per year; or
- (2)(i) ownership of more than 3% of a business entity by:
  - 1. an official;
  - 2. an employee; or

3. the spouse of an official or employee; or
- (ii) ownership of securities of any kind that represent, or are convertible into, ownership of more than 3% of a business entity by:
  1. an official;
  2. an employee; or
  3. the spouse of an official or employee.

#### **General Assembly**

~~(e) "General Assembly" includes a member, committee, or subcommittee of the General Assembly.~~

#### **Gift**

(p)(1) "Gift" means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration.

(2) "Gift" does not include the solicitation, acceptance, receipt, or regulation of a political contribution that is regulated in accordance with:

- (i) the Election Law Article; or
- (ii) any other State law regulating:
  1. the conduct of elections; or
  2. the receipt of political contributions.

#### **Government**

~~(q) "Governmental unit" means a department, an agency, a commission, a board, a council, or any other body of State government that is established by law.~~

#### **Honorarium**

~~(r)(1) "Honorarium" means the payment of money or anything of value for:~~

- ~~(i) speaking to, participating in, or attending a meeting or other function; or~~
- ~~(ii) writing an article that has been or is intended to be published.~~

~~(2) "Honorarium" does not include payment for writing a book that has been or is intended to be published.~~

#### **Immediate family**

(s) "Immediate family" means an individual's spouse and dependent children.

#### **Interest**

(t)(1) "Interest" means a legal or equitable economic interest that is owned or held wholly or partly, jointly or severally, or directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition.

(2) "Interest" does not include:

- (i) an interest held in the capacity of agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
- (ii) an interest in a time or demand deposit in a financial institution;
- (iii) an interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money in a lump sum or periodically for life or a specified period;
- (iv) a common trust fund or a trust that forms part of a pension or a profit-sharing plan that:
  1. has more than 25 participants; and
  2. is determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code or a qualified tuition plan established pursuant to Section 529 of the Internal Revenue Code; or
- (v) a mutual fund that is publicly traded on a national scale unless the mutual 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.

#### **Joint Ethics Committee**

~~(u) "Joint Ethics Committee" means the Joint Committee on Legislative Ethics.~~

#### **Legislative action**

~~(v)(1) "Legislative action" means an official action or nonaction relating to:~~

~~(i) a bill, a resolution, an amendment, a nomination, an appointment, a report, or any other matter within the jurisdiction of the General Assembly; or~~

~~(ii) a bill presented to the Governor for signature or veto.~~

~~(2) "Legislative action" includes:~~

~~(i) introduction;~~

~~(ii) sponsorship;~~

~~(iii) consideration;~~

~~(iv) debate;~~

~~(v) amendment;~~

~~(vi) passage;~~

~~(vii) defeat;~~

~~(viii) approval; and~~

~~(ix) veto.~~

#### **Legislative unit**

~~(w) "Legislative unit" means:~~

~~(1) the General Assembly;~~

~~(2) either house of the General Assembly;~~

~~(3) a standing committee of the General Assembly, provided that the presiding officer of the House of Delegates and the presiding officer of the Senate shall be deemed an ex officio member of any standing committee of the presiding officer's chamber; or~~

~~(4) a county or regional delegation of members of the General Assembly that is recognized by a presiding officer of the General Assembly.~~

#### **Lobbying**

~~(x) "Lobbying" means performing any act that requires registration under § 5-701 of this title.~~

#### **Local official**

~~(y)(1) "Local official", subject to § 5-801 of this title, means an official, officer, or employee of a county or municipal corporation that the governing body of the county or municipal corporation determines is subject to Subtitle 8, Part II of this title.~~

~~(2) "Local official", subject to § 5-801 of this title, includes each member and employee of a board of license commissioners that the applicable governing body determines is subject to Subtitle 8, Part II of this title.~~

#### **Member of household**

~~(z) "Member of household" means:~~

~~(1) if sharing an individual's legal residence, the individual's:~~

~~(i) spouse;~~

~~(ii) child;~~

~~(iii) ward;~~

~~(iv) financially dependent parent; or~~

~~(v) other financially dependent relative; or~~

~~(2) an individual's spouse, child, ward, parent, or other relative, over whose financial affairs the individual has legal or actual control.~~

#### **Municipal corporation**

~~(aa) "Municipal corporation" means a municipality governed by Article XI E of the Maryland Constitution.~~

#### **Official**

~~(bb) "Official" means either a State official or a public official.~~

#### **Political contribution**

~~(cc) "Political contribution" means a contribution as defined in § 1-101 of the Election Law Article.~~

~~**Principal political party**~~

~~(dd) "Principal political party" means the State Democratic Party or the State Republican Party.~~

~~**Procurement contract**~~

~~(ee) "Procurement contract" has the meaning stated in § 11-101 of the State Finance and Procurement Article.~~

**Public official**

(ff) "Public official" means an individual determined to be a public official under § 5-103 of this subtitle.

**Qualifying relative**

(gg) "Qualifying relative" means a spouse, parent, child, brother, or sister.

~~**Regulated lobbyist**~~

~~(hh) "Regulated lobbyist" means an entity that is required to register with the Ethics Commission under § 5-701(a) of this title.~~

~~**Respondent**~~

~~(ii) "Respondent" means any of the following that is the subject of a complaint before the Ethics Commission:~~

- ~~(1) an official;~~
- ~~(2) an employee;~~
- ~~(3) a candidate for office as a State official;~~
- ~~(4) an entity subject to Subtitle 7 of this title; or~~
- ~~(5) an entity subject to § 5-512 of this title.~~

~~**School board**~~

~~(jj) "School board" means a county board of education or, in Baltimore City, the Board of School Commissioners.~~

~~**School system**~~

~~(kk) "School system" means the educational system under the authority of a school board.~~

**State official**

(ll) "State official" means:

- (1) a constitutional officer or officer-elect in an executive unit;
- (2) a member or member-elect of the General Assembly;
- (3) a judge or judge-elect of a court under Article IV, § 1 of the Maryland Constitution;
- (4) a judicial appointee as defined in Maryland Rule 16-814;
- (5) a State's Attorney;
- (6) a clerk of the circuit court;
- (7) a register of wills; or
- (8) a sheriff.

~~**Superintendent**~~

~~(mm) "Superintendent" means a county superintendent as defined in § 1-101 of the Education Article.~~

**Credits**

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-101, MD GEN PROVIS § 5-101

Current through the 2015 Regular Session of the General Assembly

**§ 5-103. Designation of individuals as public officials**  
West's Annotated Code of Maryland  
General Provisions  
Effective: October 1, 2014

West's Annotated Code of Maryland  
General Provisions (Refs & Annos)  
Title 5. Maryland Public Ethics Law (Refs & Annos)  
Subtitle 1. Definitions; General Provisions (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-103  
Formerly cited as MD CODE, SG, § 15-103

**§ 5-103. Designation of individuals as public officials**

[Currentness](#)

**In general**

(a) The determination of whether an individual is a public official for the purposes of this title shall be made in accordance with this section.

**Public officials of executive units**

(b) Except as provided in subsection (f) of this section, the following individuals in executive units are public officials:

(1) an individual who receives compensation at a rate equivalent to at least State grade level 16, or who is appointed to a board, if the Ethics Commission determines under § 5-208 of this title that:

(i) the individual, acting alone or as a member of an executive unit, has decision-making authority or acts as a principal advisor to an individual with decision-making authority:

1. in making State policy in an executive unit; or
2. in exercising quasi-judicial, regulatory, licensing, inspecting, or auditing functions; and

(ii) the individual's duties are not essentially administrative and ministerial;

(2) any other individual in an executive unit if the Ethics Commission determines that the individual, acting alone or as a member of the executive unit, has decision-making authority or acts as a principal advisor to an individual with decision-making authority in drafting specifications for, negotiating, or executing contracts that commit the State or an executive unit to spend more than \$10,000 in a year;

(3) a member, appointee, or employee of the Maryland Stadium Authority;

(4) a member, appointee, or employee of the Canal Place Preservation and Development Authority; and

(5) a member of the Emergency Medical Services Board.

**Public officials of Legislative Branch**

~~(c) Except as provided in subsection (f) of this section, an individual in the Legislative Branch is a public official if the individual:~~

~~(1) receives compensation at a rate equivalent to at least State grade level 16; and~~

~~(2) is designated a public official by order of the presiding officers of the General Assembly.~~

**Public officials of Judicial Branch**

~~(d)(1)(i) In this paragraph, "individual in the Judicial Branch" includes an individual who is:~~

~~1. employed in the office of a clerk of court;~~

~~2. paid by a county to perform services in an orphans' court or circuit court;~~

~~3. employed by the Attorney Grievance Commission;~~

~~4. employed by the State Board of Law Examiners; or~~

~~5. employed by the Court of Appeals Standing Committee on Rules of Practice and Procedure.~~

~~(ii) Except as provided in paragraph (2) of this subsection or subsection (f) of this section, an individual in the Judicial Branch is a public official if the individual receives compensation at a rate equivalent to at least State grade level 16.~~

~~(2) The Ethics Commission may exclude the individuals in a position in the Judicial Branch from inclusion as public officials under paragraph (1)(ii) of this subsection:~~

~~(i) on the recommendation of the State Court Administrator; and~~

~~(ii) if the Ethics Commission determines that the position does not have policy, policy advice, quasi-judicial, or procurement functions.~~

#### ~~Bicounty commission members~~

~~(e) A member of a bicounty commission is a public official.~~

#### Exceptions

(f) The following are not public officials:

(1) a State official;

(2) an individual employed on a contractual basis unless the individual is:

(i) employed on a full-time basis for more than 6 months; and

(ii) designated as a public official under subsection (b)(1) or (c) of this section; and

(3) a part-time or full-time faculty member at a State institution of higher education:

(i) as to subsection (b)(2) of this section, only when the individual is acting in the capacity of a faculty member; and

(ii) as to any other provision of this section, unless the individual also:

1. is employed in another position that causes the individual to be designated as a public official; or

2. directly procures, directly influences, or otherwise directly affects the formation or execution of any State contract, purchase, or sale, as established by regulations adopted by the Ethics Commission and approved by the Joint Committee on Administrative, Executive, and Legislative Review.

#### Credits

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-103, MD GEN PROVIS § 5-103

Current through the 2015 Regular Session of the General Assembly

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**§ 5-208. Determination of public official in executive agency**

West's Annotated Code of Maryland  
General Provisions  
Effective: October 1, 2014

West's Annotated Code of Maryland  
General Provisions (Refs & Annos)  
Title 5. Maryland Public Ethics Law (Refs & Annos)  
Subtitle 2. State Ethics Commission (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-208  
Formerly cited as MD CODE, SG, § 15-208

§ 5-208. Determination of public official in executive agency

[Currentness](#)

**Determination of Ethics Commission**

(a) With advice from the Secretary of Budget and Management and in accordance with § 5-103 of this title, the Ethics Commission shall determine whether an individual in an executive unit is a public official for the purposes of this title.

~~Secretary of Budget and Management to provide advice~~

~~(b) The Secretary of Budget and Management shall provide advice under subsection (a) of this section to the Ethics Commission:~~

~~(1) annually; and~~

~~(2) at any other time on request of the Ethics Commission.~~

**Credits**

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-208, MD GEN PROVIS § 5-208  
Current through the 2015 Regular Session of the General Assembly

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**§ 5-501. Restrictions on participation**  
West's Annotated Code of Maryland  
General Provisions  
Effective: October 1, 2014

West's Annotated Code of Maryland  
General Provisions (Refs & Annos)  
Title 5. Maryland Public Ethics Law (Refs & Annos)  
Subtitle 5. Conflicts of Interest (Refs & Annos)  
Part I. General Provisions (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-501  
Formerly cited as MD CODE, SG, § 15-501

§ 5-501. Restrictions on participation

[Currentness](#)

**In general**

(a) Except as otherwise provided in subsection (c) of this section, an official or employee may not participate in a matter if:

(1) the official or employee or a qualifying relative of the official or employee has an interest in the matter and the official or employee knows of the interest; or

(2) any of the following is a party to the matter:

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

(ii) a business entity, including a limited liability company or a limited liability partnership, of which any of the following is an officer, a director, a trustee, a partner, or an employee:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iii) a business entity with which any of the following has applied for a position, is negotiating employment, or has arranged prospective employment:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iv) if the contract reasonably could be expected to result in a conflict between the private interest and the official State duties of the official or employee, a business entity that is a party to a contract with:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(v) a business entity, either engaged in a transaction with the State or subject to regulation by the official's or employee's governmental unit, in which a direct financial interest is owned by another business entity if the official or employee:

1. has a direct financial interest in the other business entity; and

2. reasonably may be expected to know of both financial interests; or

(vi) a business entity that:

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

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

**Exceptions**

~~(b)(1) The prohibitions of subsection (a) of this section do not apply if participation is allowed:~~

- ~~(i) as to officials and employees subject to the authority of the Ethics Commission, by regulation of the Ethics Commission;~~
- ~~(ii) by the opinion of an advisory body; or~~
- ~~(iii) by another provision of this subtitle.~~

~~(2) This section does not prohibit participation by an official or employee that is limited to the exercise of an administrative or ministerial duty that does not affect the decision or disposition with respect to the matter.~~

**Participation notwithstanding conflict**

(c) An official or employee who otherwise would be disqualified from participation under subsection (a) of this section shall disclose the nature and circumstances of the conflict, and may participate or act, if:

- (1) the disqualification would leave a body with less than a quorum capable of acting;
- (2) the disqualified official or employee is required by law to act; or
- (3) the disqualified official or employee is the only individual authorized to act.

**Credits**

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-501, MD GEN PROVIS § 5-501  
Current through the 2015 Regular Session of the General Assembly

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**§ 5-601. Individuals required to file statement**

West's Annotated Code of Maryland  
General Provisions  
Effective: October 1, 2014

West's Annotated Code of Maryland  
General Provisions (Refs & Annos)  
Title 5. Maryland Public Ethics Law (Refs & Annos)  
Subtitle 6. Financial Disclosure (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-601  
Formerly cited as MD CODE, SG, § 15-601

§ 5-601. Individuals required to file statement

[Currentness](#)

**Officials and candidates**

(a) Except as provided in subsections (b) and (c) of this section, and subject to subsections (d) and (e) of this section, each official and candidate for office as a State official shall file a statement as specified in §§ 5-602 through 5-608 of this subtitle.

~~**State officials of Judicial Branch**~~

~~(b) Financial disclosure by a judge of a court under Article IV, § 1 of the Maryland Constitution, a candidate for elective office as a judge, or a judicial appointee as defined in Maryland Rule 16-814 is governed by § 5-610 of this subtitle.~~

~~**Exceptions**~~

~~(c) The requirement to file a financial disclosure statement under subsection (a) of this section does not apply to:~~

- ~~(1) a deputy sheriff and any employee in the office of the sheriff of a county; and~~
- ~~(2) a deputy or assistant State's Attorney and any employee in the office of the State's Attorney for a county.~~

~~**Member of board**~~

~~(d)(1) An individual who is a public official only as a member of a board and who receives annual compensation that is less than 25% of the lowest annual compensation at State grade level 16 shall file the statement required by subsection (a) of this section in accordance with § 5-609 of this subtitle.~~

~~(2) A member of the Harford County Liquor Control Board shall file the statement required by subsection (a) of this section in accordance with § 5-609 of this subtitle.~~

~~**Commissioner of bicounty commission**~~

~~(e) A commissioner or an applicant for appointment as commissioner of a bicounty commission shall file the statement required by subsection (a) of this section in accordance with Subtitle 8, Part IV of this title.~~

**Credits**

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-601, MD GEN PROVIS § 5-601  
Current through the 2015 Regular Session of the General Assembly

**§ 5-602. Financial disclosure statement--Filing requirements**

West's Annotated Code of Maryland  
General Provisions  
Effective: October 1, 2014

West's Annotated Code of Maryland  
General Provisions (Refs & Annos)  
Title 5. Maryland Public Ethics Law (Refs & Annos)  
Subtitle 6. Financial Disclosure (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-602  
Formerly cited as MD CODE, SG, § 15-602

**§ 5-602. Financial disclosure statement--Filing requirements**

[Currentness](#)

**In general**

(a) Except as otherwise provided in this subtitle, a statement filed under § 5-601, § 5-603, § 5-604, or § 5-605 of this subtitle shall:

- (1) be filed electronically with the Ethics Commission;
- (2) be filed under oath;
- (3) be filed on or before April 30 of each year;
- (4) cover the calendar year immediately preceding the year of filing; and
- (5) contain the information required in § 5-607 of this subtitle.

**Duplicate filing**

~~(b) A member of the General Assembly shall file the statement with the Ethics Commission and the Joint Ethics Committee.~~

**Preliminary disclosure**

~~(c)(1) In addition to the statement filed under § 5-601 of this subtitle, a member of the General Assembly shall file a preliminary disclosure on or before the seventh day of the regular legislative session if there will be a substantial change in the statement covering the calendar year immediately preceding the year of filing, as compared to the next preceding calendar year.~~

~~(2) A member of the General Assembly whose statement under § 5-601 of this subtitle will not contain a substantial change is not required to file a preliminary disclosure under paragraph (1) of this subsection.~~

~~(3) The Joint Ethics Committee shall determine:~~

- ~~(i) the form of a preliminary disclosure under this subsection; and~~
- ~~(ii) which aspects of financial disclosure are subject to this subsection.~~

~~(4) A preliminary disclosure shall be filed and maintained, and may be disclosed, in the same manner required for a statement filed under § 5-601 of this subtitle.~~

**Electronic filing**

~~(d)(1) The Ethics Commission shall develop and implement procedures:~~

- ~~(i) for the electronic filing of a statement under this subtitle; and~~
- ~~(ii) for the Ethics Commission to grant an exemption to the requirement under subsection (a)(1) of this section.~~

~~(2)(i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 5-607 of this subtitle.~~

~~(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.~~

**Oath or affirmation for electronic filing**

~~(e)(1) If the financial disclosure statement filed electronically under subsection (d) of this section is required to be made under oath or affirmation, the oath or affirmation shall be made by an electronic signature that is:~~

~~(i) in the financial disclosure statement or attached to and made part of the financial disclosure statement; and~~

~~(ii) made expressly under the penalties for perjury.~~

~~(2) An electronic signature made under paragraph (1) of this subsection subjects the individual making it to the penalties for perjury to the same extent as an oath or affirmation made before an individual authorized to administer oaths.~~

**Credits**

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014. Amended by Acts 2014, c. 32, § 1, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-602, MD GEN PROVIS § 5-602  
Current through the 2015 Regular Session of the General Assembly

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**§ 5-606. Public records**  
West's Annotated Code of Maryland  
General Provisions  
Effective: October 1, 2014

West's Annotated Code of Maryland  
General Provisions (Refs & Annos)  
Title 5. Maryland Public Ethics Law (Refs & Annos)  
Subtitle 6. Financial Disclosure (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-606  
Formerly cited as MD CODE, SG, § 15-606

**§ 5-606. Public records**

[Currentness](#)

**Access to statements**

(a)(1) The Ethics Commission and the Joint Ethics Committee shall maintain the statements submitted under this subtitle and, during normal office hours, make the statements available to the public for examination and copying.

(2) The Ethics Commission and the Joint Ethics Committee may charge a reasonable fee and adopt administrative procedures for the examination and copying of a statement.

~~**Requirements and notice**~~

~~(b)(1) The Ethics Commission and the Joint Ethics Committee shall maintain a record of:~~

- ~~(i) the name and home address of each individual who examines or copies a statement under this section; and~~
- ~~(ii) the name of the individual whose statement was examined or copied.~~

~~(2) On the request of the individual whose statement was examined or copied, the Ethics Commission or the Joint Ethics Committee shall forward to that individual a copy of the record specified in paragraph (1) of this subsection.~~

**Credits**

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-606, MD GEN PROVIS § 5-606  
Current through the 2015 Regular Session of the General Assembly

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**§ 5-607. Content of statements**  
West's Annotated Code of Maryland  
General Provisions  
Effective: October 1, 2014

West's Annotated Code of Maryland  
General Provisions (Refs & Annos)  
Title 5. Maryland Public Ethics Law (Refs & Annos)  
Subtitle 6. Financial Disclosure (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-607  
Formerly cited as MD CODE, SG, § 15-607

**§ 5-607. Content of statements**

[Currentness](#)

**In general**

(a) A statement that is required under § 5-601(a) of this subtitle shall contain schedules disclosing the information and interests specified in this section, if known, for the individual making the statement for the applicable period.

**Interests in real property**

(b)(1) The statement shall include a schedule of each interest in real property, wherever located, including each interest held in the name of a partnership, limited liability partnership, or limited liability company in which the individual held an interest.

(2) For each interest reported, the schedule shall include:

- (i) the nature of the property;
- (ii) the street address, mailing address, or legal description of the property;
- (iii) the nature and extent of the interest in the property, including any conditions to and encumbrances on the interest;
- (iv) the date and manner in which the interest was acquired;
- (v) the identity of the entity from which the interest was acquired;
- (vi) if the interest was acquired by purchase, the nature and amount of the consideration given for the interest;
- (vii) if the interest was acquired in any other manner, the fair market value of the interest when acquired;
- (viii) if any interest was transferred, in whole or in part, during the applicable period:
  - 1. a description of the interest transferred;
  - 2. the nature and amount of the consideration received for the interest; and
  - 3. the identity of the entity to which the interest was transferred; and
- (ix) the identity of any other entity with an interest in the property.

**Interests in corporations and partnerships**

(c)(1) The statement shall include a schedule of each interest held by the individual in a corporation, partnership, limited liability partnership, or limited liability company, whether or not the corporation, partnership, limited liability partnership, or limited liability company does business with the State.

(2) For each interest reported, the schedule shall include:

- (i) the name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability company;

(ii) subject to paragraph (3) of this subsection, the nature and amount of the interest held, including any conditions to and encumbrances on the interest;

(iii) except as provided in paragraph (4) of this subsection, if any interest was acquired during the applicable period:

1. the date and manner in which the interest was acquired;
2. the identity of the entity from which the interest was acquired;
3. if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and
4. if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and

(iv) if any interest was transferred, in whole or in part, during the applicable period:

1. a description of the interest transferred;
2. the nature and amount of the consideration received for the interest; and
3. if known, the identity of the entity to which the interest was transferred.

(3)(i) As to an equity interest in a corporation, the individual may satisfy paragraph (2)(ii) of this subsection by reporting, instead of a dollar amount:

1. the number of shares held; and
2. unless the corporation's stock is publicly traded, the percentage of equity interest held.

(ii) As to an equity interest in a partnership, limited liability partnership, or limited liability company, the individual may satisfy paragraph (2)(ii) of this subsection by reporting, instead of a dollar amount, the percentage of equity interest held.

(4) If an interest acquired during the applicable reporting period consists of additions to existing publicly traded corporate interests acquired by dividend or dividend reinvestment, and the total value of the acquisition is less than \$500, only the manner of acquisition is required to be disclosed under paragraph (2)(iii) of this subsection.

#### **Interests in business entities doing business with State**

(d)(1) The statement shall include a schedule of each interest in a business entity doing business with the State, other than interests reported under subsection (c) of this section.

(2) For each interest reported, the schedule shall include:

- (i) the name and address of the principal office of the business entity;
- (ii) the nature and amount of the interest held, including any conditions to and encumbrances on the interest;
- (iii) if any interest was acquired during the applicable period:
  1. the date and manner in which the interest was acquired;
  2. the identity of the entity from which the interest was acquired;
  3. if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and
  4. if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and

(iv) if any interest was transferred, in whole or in part, during the applicable period:

1. a description of the interest transferred;
2. the nature and amount of the consideration received for the interest; and
3. the identity of the entity to which the interest was transferred.

#### **Gifts**

(e)(1) This subsection does not apply to a gift received from a member of the immediate family, another child, or a parent of the individual.

(2) The statement shall include a schedule of each gift, specified in paragraph (3) of this subsection, received during the applicable period:

- (i) by the individual or by another entity at the direction of the individual; and
- (ii) directly or indirectly, from or on behalf of an entity that is:

1. a regulated lobbyist;
2. regulated by the State; or
3. otherwise an entity doing business with the State.

(3)(i) Except as provided in subparagraph (ii) of this paragraph, the schedule shall include each gift with a value of more than \$20 and each of two or more gifts with a cumulative value of \$100 or more received from one entity during the applicable period.

(ii) The statement need not include as a gift:

1. food or beverages received and consumed by an official of the Legislative Branch in the presence of the donor or sponsoring entity as part of a meal or reception to which all members of a legislative unit were invited;
2. food or beverages received by a member of the General Assembly at the time and geographic location of a meeting of a legislative organization for which the member's presiding officer has approved the member's attendance at State expense; or
3. except as provided in subparagraph (iii) of this paragraph, a ticket or free admission extended to a member of the General Assembly by the person sponsoring or conducting the event as a courtesy or ceremony to the office to attend a charitable, cultural, or political event to which all members of a legislative unit were invited.

(iii) The statement shall include the acceptance of each of two or more tickets or free admissions, extended to a member of the General Assembly by the person sponsoring or conducting the event, with a cumulative value of \$100 or more received from one entity during the applicable period.

(4) For each gift subject to this subsection, the schedule shall include:

- (i) the nature and value of the gift; and
- (ii) the identity of the entity from which the gift was received, whether directly or indirectly.

(5) This subsection does not authorize acceptance of a gift not otherwise allowed by law.

#### **Employment by or interests in business entities doing business with State**

(f)(1) The statement shall include, as specified in this subsection, a schedule of all offices, directorships, and salaried employment, or any similar interest not otherwise disclosed, in business entities doing business with the State.

(2) This subsection applies to positions and interests held at any time during the applicable period by:

- (i) the individual; or
- (ii) any member of the individual's immediate family.

(3) For each position or interest reported, this schedule shall include:

- (i) the name and address of the principal office of the business entity;
- (ii) the nature of the position or interest and the date it commenced;
- (iii) the name of each governmental unit with which the entity is doing business; and
- (iv) the nature of the business with the State, which, at a minimum, shall be specified by reference to the applicable criteria of doing business described in § 5-101(j) of this title.

#### **Indebtedness to entity doing business with State**

(g)(1) The statement shall include a schedule, to the extent the individual may reasonably be expected to know, of each debt, excluding retail credit accounts, owed at any time during the applicable period to entities doing business with the State:

- (i) by the individual; and
- (ii) if the individual was involved in the transaction giving rise to the debt, by any member of the immediate family of the individual.

(2) For each debt, the schedule shall include:

- (i) the identity of the entity to which the debt was owed;
- (ii) the date it was incurred;
- (iii) the amount owed at the end of the applicable period;
- (iv) the terms of payment;

(v) the extent to which the principal was increased or decreased during the applicable period; and

(vi) any security given.

#### **Family members employed by State**

(h) The statement shall include a schedule listing the members of the immediate family of the individual who were employed by the State in any capacity at any time during the applicable period.

#### **Sources of earned income**

(i)(1) Except as provided in paragraph (2) of this subsection, the statement shall include a schedule listing the name and address of each:

(i) place of salaried employment, including secondary employment, of the individual or a member of the individual's immediate family at any time during the applicable period; and

(ii) 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 family member received earned income, at any time during the applicable period.

(2) The statement may not include a listing of a minor child's employment or business entities of which the child is sole or partial owner, unless the place of employment or the business entity:

(i) is subject to the regulation or authority of the agency that employs the individual; or

(ii) has contracts in excess of \$10,000 with the agency that employs the individual.

#### **Additional information**

(j) The statement may include a schedule listing additional interests or information that the individual chooses to disclose.

#### ~~Additional reports by General Assembly members~~

~~(k) To the extent not reported under subsections (a) through (j) of this section, a statement filed by a member of the General Assembly shall include:~~

~~(1) the information required under § 5-514(b) of this title; and~~

~~(2) an acknowledgment, signed by the member, that any information required under § 5-514(b) of this title that becomes reportable after the statement is filed shall be reported immediately to the Joint Ethics Committee as required by § 5-514(b) of this title.~~

#### **Credits**

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-607, MD GEN PROVIS § 5-607  
Current through the 2015 Regular Session of the General Assembly

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**§ 5-608. Interests attributable to individual filing statement**

West's Annotated Code of Maryland  
General Provisions  
Effective: October 1, 2014

West's Annotated Code of Maryland  
General Provisions (Refs & Annos)  
Title 5. Maryland Public Ethics Law (Refs & Annos)  
Subtitle 6. Financial Disclosure (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-608  
Formerly cited as MD CODE, SG, § 15-608

§ 5-608. Interests attributable to individual filing statement

[Currentness](#)

**Interests attributable**

(a) The following are deemed to be interests of the individual under § 5-607(b), (c), and (d) of this subtitle:

- (1) an interest held by a spouse or child of the individual, if the interest was controlled, directly or indirectly, by the individual at any time during the applicable period;
- (2) an interest held by a business entity in which the individual held a 30% or greater interest at any time during the applicable period; and
- (3) an interest held by a trust or an estate in which, at any time during the applicable period, the individual:
  - (i) held a reversionary interest;
  - (ii) was a beneficiary; or
  - (iii) if a revocable trust, was a settlor.

**Effect on other disclosure requirements**

(b) Subsection (a)(2) of this section does not affect:

- (1) the requirement under § 5-607(b) of this subtitle of disclosure of real estate interests held in the name of a partnership, limited liability partnership, or limited liability company in which the individual holds an interest; or
- (2) the requirement under § 5-607(c) of this subtitle of disclosure of all partnerships, limited liability partnerships, or limited liability companies in which the individual holds an interest.

**Blind trusts**

(c) For the purposes of § 5-607 of this subtitle, interests held by a blind trust may not be considered to be interests of the person making the statement if the blind trust is approved by the Ethics Commission in accordance with regulations adopted under § 5-501 (b) or § 5-502(c) of this title and is operated in compliance with those regulations.

**Credits**

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-608, MD GEN PROVIS § 5-608  
Current through the 2015 Regular Session of the General Assembly

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