

COMMISSION MEMBERS

James Hester
Chair

Vincent McEvoy
Vice Chair

Toni Drake

Kenneth Dahms

Joseph Fisher

Richard Kluckhuhn
Alternate



COMMISSION STAFF

Kristie Mills
City Administrator

Dennis Whitley, III
Legal Counsel

Kay Harrison
Administrative Support

CITY OF LAUREL, MARYLAND

ETHICS COMMISSION

8103 Sandy Spring Road • Laurel, Maryland 20707

**Rules of Procedure
Adopted February 5, 2013**

1. Purpose and Role of Ethics Commission

The purpose of the City of Laurel Ethics Commission is stated in Section 2-2, paragraphs, (a), (b), (c), and (d) of the City of Laurel Ethics Ordinance and is quoted below for convenient reference.

(a) The City of Laurel 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 have a right to be assured that the impartiality and independent judgment of public officials and employees shall be maintained.

(b) It is evident that this confidence and trust is eroded when the conduct of the City’s business is subject to improper influence and even the appearance of improper influence.

(c) For the purpose of guarding against improper influence, the Laurel City Council enacts this Public Ethics Ordinance to require City of Laurel elected officials, appointed officials, employees, and individuals appointed to boards and commission to disclose their financial affairs and to set minimum standards for the conduct of local government business.

(d) It is the intention of the Laurel City Council that this Article, except its provisions for criminal sanctions, be liberally construed to accomplish this purpose.”

2. General

A. The rules in this document, as adopted by the City of Laurel Ethics Commission, set out

the Procedure for enforcing the City of Laurel Ethics Ordinance, Ordinance No. 1722 as adopted by the Mayor and City Council of Laurel, and may be amended from time to time by the Ethics Commission.

- B. All members of Ethics Commission agree to abide by and do their best to fairly apply the Ethics Ordinance as passed and enacted by the Mayor and City Council of Laurel.
- C. The purpose of these Rules of Procedure is to provide a reasonable process for investigating and determining whether a City of Laurel Elected Official, City Appointed Official or Employee, or member of a City Board or Commission has violated the Ordinance, and to afford each individual person who is the subject of an investigation (the "Respondent") a full and fair opportunity to be heard throughout the process. Likewise, a Complainant will also be given a full and fair opportunity to be heard.
- D. It is the intention of the Ethics Commission that these Rules of Procedure are carried out carefully but expeditiously in order to minimize the time necessary to resolve an issue. Accordingly, time limits stated in these Rules of Procedure are binding, subject to extensions which may be granted by the Ethics Commission, for reasonable cause.
- E. No Commissioner or Commission staff member may participate in any proceedings on a complaint brought under these Rules of Procedure if that person is or may be a witness or Complainant in that case, or if his or her participation would otherwise create, or appear to create, a conflict of interest.
- F. The Ethics Commission shall meet at least four times a year. All meetings shall be held in the Council Chambers of the Laurel Municipal Center, 8103 Sandy Spring Road. On exceptional occasions when the Mayor and City Council may have a special non-regularly scheduled meeting in chambers, the Ethics Commission shall meet in another suitable room in Laurel City Hall this is open to the public. Regular meetings shall be held on the fourth Tuesday of the month, quarterly, starting at 7:00p.m. As many additional and/or special meetings may be called by the Chairman as necessary for the Commission to conduct its business.

3. **Jurisdiction**

- A. All members of the Ethics Commission, City of Laurel Elected Officials, City Appointed Officials, and all City Employees, and members of any City Board or Commission are subject to the City of Laurel Ethics Ordinance and are subject to sanctions for any violations thereof which occur during their elected or appointed term with the City or during their term of employment with the City.
- B. If a complaint is made against a person who was a City Official or employee at the time the alleged violation occurred, but who no longer holds that position at the time the complaint is made, the complaint shall be processed under this Procedure only if the former official or employee agrees in writing.
- C. The Ethics Commission shall retain jurisdiction over an investigation of a Respondent who, before the conclusion of the investigation, and for whatever reason, leaves the

service of the City.

4. **Responsibilities**

- A. The Ethics Commission is responsible for making the final decision on matters pertaining to the enforcement of the Ethics Ordinance, including, but not limited to, sanctions for the violation thereof.
- B. The Ethics Commission shall consist of five regular members and one alternate member, appointed by the Mayor and confirmed by the City Council. Commissioners must be citizens of the City of Laurel, residing in the City at the time they are appointed and throughout the time they serve. Before taking a seat on the Commission, Commissioners must be sworn in by the Clerk to the City Council or her/his representative.
 - 1. The Ethics Commission members shall serve three-year terms. A Commission member may serve beyond their three-year term until a successor is appointed, confirmed, and sworn in.
 - 2. The Ethics Commission shall elect a Chairman and a Vice-Chairman from among its members. The terms of the Chairman and Vice Chairman are one year. The Chairman and Vice Chairman may be reelected.
- C. The Ethics Commission may appoint a fact-finding committee. Such committee is responsible for conducting an investigation of a complaint of a violation of the Ethics Ordinance in accordance with these Rules of Procedure. Members of a fact-finding committee shall serve until the conclusion of the investigation they were appointed to conduct. The entire Ethics Commission may decide to serve as a fact-finding committee when circumstances warrant.
- D. The City Administrator shall serve as the Executive Officer to the Ethics Commission. This person shall assist the Ethics Commission in enforcing the code and implementing these Rules of Procedure. It is the responsibility of the Executive Officer to publicize the existence and importance of the Ethics Ordinance with elected officials, appointed officials and City employees, and the general public. Should a situation arise where the City Administrator chooses or shall be required by the Ethics Commission to recuse themselves from serving for any reason, the Deputy City Administrator shall serve as the Executive Officer for the duration of the case.
 - 1. The Mayor shall advise appointed officials and City employees on the ethical implications of their conduct under the Ethics Ordinance. However, the opinion or advice of the Mayor shall not be binding on the Ethics Commission, or any fact-finding committee. For a binding opinion or advice, elected or appointed officials, or employees must request an Advisory Opinion from the Ethics Commission as described in Section 12 of the Rules of Procedure.
 - 2. The Mayor shall designate a City employee to provide staff support to the Ethics Commission. Staff support shall include attendance at the Ethics

Commission meetings for the purpose of taking minutes, sending meeting notices, maintaining Ethics Commission records and files.

- E. The City of Laurel shall provide an independent Ethics Counsel to the Ethics Commission.

5. Order of Proceedings

The meeting agenda shall follow the order listed below, unless a motion is made and passed by the Commission to suspend or amend the order:

- A. Call to Order. The Chairman shall determine if a quorum is present and, if so, shall call the meeting to order.
- B. Discuss and Adopt Agenda
- C. Discuss and Approve the Minutes
- D. Invite any member of the Public present who wishes to address the Ethics Commission to speak.
- E. Work Session (list items to be discussed)
- F. Other Business Commissioners or Staff wish to raise
- G. Set the date and time for the next Ethics Commission's meeting.
- H. Adjourn

6. Procedure for Requiring Compliance with the Ethics Ordinance on Financial Disclosure Statements.

- A. Forms shall be distributed to all individuals who are required to file at least thirty (30) days before the filing deadline of April 30.
- B. For candidates to elective office, forms shall be included in the materials provided for filing, and are due with their official filing of candidacy. Filing of candidacy is not complete until the Financial Disclosure Statement for elective office is filed.
- C. For everyone other than candidates to elective office, a past-due notice shall be sent by regular mail after the filing deadline. A copy of such past due notices will be sent to the Mayor in the case of appointees or City employee, or to the Council President in the case of elected officials.
- D. Following April 30, a letter shall be sent by regular mail and by certified mail, return receipt requested, informing those who have not filed of the Commission's plan to ask the Mayor to force compliance by asking the tardy filer to immediately comply, by notifying the persons, Board or Commission Chair, City Administrator or Council President depending on the person's position, by asking the person to recuse

themselves from conducting any official actions until they have complied, and by imposing a City Fine of \$2 for the first day and for each day during which a person continues to be in non-compliance. The Mayor may grant a grace period of up to three days from imposing this fine if the out of compliance person submits their Financial Disclosure Statement in that time period along with a letter to the Mayor and the Ethics Commission providing a reasonable cause for their delayed filing. The Mayor may extend the grace period to a longer period of time only in cases of exceptional personal emergency and with the concurrence of the Chairman of the Ethics Commission.

7. Procedure for Reviewing Financial Disclosure Statements

- A. Financial Disclosure Statements shall be received on or before April 30th each year by the Office of City Administrator.
- B. The Commission will form a subcommittee from its Commissioners who shall review Financial Disclosure Statements.
- C. Each Financial Disclosure Statement shall be reviewed by at least two Ethics Commissioners for:
 - 1. any disclosure that appears to have the potential to be or have the potential to appear to be a conflict of interest
 - 2. completeness of the submission, i.e., name on every page, each section marked including the word 'none' written in any sections for which the filer has nothing to claim, its legibility, having an original signature, presence of a notary seal, etc.
- D. On Financial Disclosure Statements where there is no appearance of potential conflict of interest, each Commissioner who reviewed it as part of the above described subcommittee shall sign it as reviewer. To assure the review is fair and accurate in case of later questions, at least two Commissioners from the subcommittee shall review and sign each Financial Disclosure Statement. Reviewers will also draw on Lobbyist Reports from the year covered to compare gifts reported by elected and appointed officials and employees with those reported by Lobbyists to determine if there are any discrepancies.
- E. When one or more subcommittee reviewers identifies a potential conflict of interest or potential appearance of conflict of interest, or having other issues such as missing information, signature, notarization, or other problem, the Financial Disclosure Statement so identified shall be brought to the attention of the full Ethics Commission who shall as a whole:
 - 1. review the full Financial Disclosure Statement and come to a decision on whether or not further consideration and possible action is indicated. If further consideration or action is not indicated, follow the procedure in paragraph D above.

2. when further consideration or possible action is indicated a copy of the Financial Disclosure Statement is returned to the submitter citing the potential conflict of interest and requesting an explanation to the Commission within thirty (30) days.
3. review responses arising from the process in E.2 above, and accept or refer for further action within the authority of the Commission.

8. Procedure of Requiring Compliance with the Ethics Ordinance on Lobbying Registration Forms

- A. Lobbyists shall submit a Lobbyist Registration form on the standard form provided by the Ethics Commission through the Office of the City Administrator. Said form shall be filed on or before the later of the beginning of the calendar year in which the person or entity expects to lobby or within five (5) days of first engaging in lobbying activities in the calendar year. Lobbying is defined in Section 2-8 of the City Ethics Ordinance.
- B. Should a person acting as a Lobbyist fail to file the required Lobbyist Registration Form in the time required, a letter shall be sent by regular mail and by certified mail, return receipt requested, informing those who have not filed that they are in violation of the Ethics Ordinance, that they need to immediately comply, and that the Ethics Commission is in the process of asking the Mayor to impose a fine for non-compliance in the amount of \$50 for the first day and \$100 for each day afterwards until compliance is achieved. Also, immediate suspension of the Lobbyist's right to lobby shall be imposed as of the first day of non-compliance. Reinstatement would require the payment of fines, and the proper filing of the Disclosure Statement. Fines will not exceed \$1000 in aggregate.

9. Procedure for Reviewing Lobbyist Activity Reports

- A. Lobbyist Activity Reports shall be completed on the forms provided and received by the City Administrator, twice each year: no later than July 31st concerning the Lobbyist's lobbying activities covering the period beginning January 1 through June 30; and by January 31 covering the period July 1 through December 31.
- B. The Commission shall appoint a subcommittee from its Commissioners who shall review Lobbyist Activity Reports within thirty (30) days of receipt of a completed form.
- C. Each Lobbyist Activity Report shall be reviewed by at least two Ethics Commissioners for:
 1. Disclosure that appears to have the potential to be a conflict of interest
 2. Completeness of the submission, i.e., name on every page, each section marked including the word 'none' in each section where there is nothing to report, original signature in ink, notary seal, etc.
- D. On Lobbyist Activity Reports where there is no appearance of potential conflict of

interest for either the Lobbyist or for the person or persons lobbied, the Commission subcommittee member shall sign as reviewer. To assure fair and accurate review in case of later questions, a second Commission subcommittee member shall also sign the Lobbyist Activity Report in the same manner.

E. In case of identifying a potential conflict of interest in the review process, the Lobbyist Activity Report identified as a potential conflict of interest or incompleteness of the form shall be brought to the attention of the full Ethics Commission who shall:

1. review the Lobbyist Activity Report and come to a decision on whether or not further consideration is indicated. If further consideration is not prudent, follow the procedure in paragraph D above.
2. When further consideration is found by the Ethics Commission to be appropriate, a copy of the Lobbyist Activity Report is returned to the submitter citing the potential conflict of interest and requesting a written explanation and possible appearance before the Commission within thirty (30) days. This also includes potentially asking those who were lobbied in such questionable cases to provide a written explanation and possible appearance before the Commission within thirty (30) days.
3. Review responses arising from E.2 at a meeting of the Ethics Commission and accept or refer for further action within the authority of the Commission.

10. **Frequently Made Motions Applicable to Ethics Commission Proceedings**

A. Executive Session

1. Majority vote required. A motion to go into Executive Session shall be adopted by a majority vote by roll call.
2. The Chairman shall indicate who shall be invited to participate in the Executive Session in the interest of justice. The Chair shall state the reason for the Executive Session and the section of the law authorizing the Executive Session. The Chair shall also note that no decisions will be made in Executive Session, and that any decisions will be made in open session after returning from Executive Session.
3. The Maryland State Open Meetings Act shall govern when circumstances are appropriate to enter into Executive Session and the purpose of the Executive Session.
4. All complaint proceedings shall be held in Executive Session unless the subject of the complaint requests, in writing, that the proceeding be held in open session. This is to protect the reputation of the subject of the complaint until such time as the Ethics Commission determines that sufficient cause to proceed is or is not established.

B. Recess or Continuance

A public hearing may be recessed or continued to a certain time and place which is announced, or posted at the time and place where the hearing was originally to be held. No further notice shall be necessary. The decision to recess or continue is made with the majority agreement of the Commissioners.

11. Advisory Opinions

A. Procedure for Requesting an Advisory Opinion

1. All requests shall be in writing.
2. The Ethics Commission shall acknowledge receipt of the request and the Chairman shall schedule a date for Ethics Commission review and consideration.

B. The person requesting the advisory opinion and/or the person who is the subject of the advisory opinion shall have the right to:

1. present their version of facts and issues, and may present additional testimony regarding the advisory opinion request;
2. ask other people to attend for the purpose of providing testimony relevant to the advisory opinion request; and
3. respond to questions of the Ethics Commission which pertain directly to the request for an advisory opinion.

C. Advisory opinions shall be conducted in open or closed session in accordance with the Maryland State Open Meetings Act, as the Commission shall determine. If requested by the person requesting such an opinion, the Commission may close the session. The opinion itself shall be public with the names redacted.

D. Posting of Advisory Opinion

All approved Advisory Opinions shall be posted on the City of Laurel web site, www.laurel.md.us, on the City of Laurel Ethics Commission web page. Names and other identifying information shall be redacted from the Advisory Opinion before it is posted.

12. Advisory Opinion Proceedings

Robert's Rules of Order

In Advisory Opinion Proceedings, if a question of procedure is not covered herein, the rules of parliamentary practice and procedure as set forth in the latest published edition of Robert's Rules of Order, shall govern the Ethics Commission

where the Rules of Procedure are silent.

A. Review of the Advisory Opinion Request

The written Advisory Opinion Request will be reviewed.

B. Presentation of Additional Evidence and Testimony

Additional testimony from the requestor or other directly affected person(s) may be taken at subsequent meetings.

C. Presentation of Other Pertinent Testimony

The Ethics Counsel or other knowledgeable individuals the Ethics Commission may wish to call will provide additional testimony.

D. Discussion of Evidence and Testimony

1. Motion with second of proposed advisory opinion
2. Discussion on motion.
3. Vote on proposed motion.
4. Designation of Commissioner or Ethics Counsel to draft the formal advisory opinion.
5. Advisory Opinion, signed by the Chairman of the Ethics Commission, is provided to the requesting individual
6. Copy of redacted Advisory Opinion is posted in the file of past Advisory Opinions on the Ethics Commission's web page and made available for in person inspection by the public at City Hall by request to the City Administrator. All personal information will be redacted from any Advisory Opinion available for public review.

13. Exemptions

Ordinance Number 1722, Section 2-4, Administration, subsection (1) allows the Ethics Commission to grant exemptions to or modifications of the conflict of interest and financial disclosure provisions of this Article to officials or employees serving as members of City Boards and Commissions, when the Ethics Commission finds that the exemption or modification would not be contrary to the purpose of this Article, and the application of this Article would, constitute an unreasonable invasion of privacy, or significantly reduce the availability of qualified persons for public service

A. Procedure for Requesting an Exemption

1. All requests shall be in writing.
2. The Ethics Commission shall acknowledge receipt of the request and the Chairman shall schedule a date for Ethics Commission review and consideration.

B. Right to Attend Meeting.

The person requesting the exemption shall have the right to;

1. Present their request before the commission, and may present additional testimony regarding the exemption request:
2. May ask other people to attend for the purpose of providing testimony relevant to the exemption request; and
3. Respond to questions of the Ethics Commission which pertain directly to the exemption request.

C. Open/Closed Session

Exemption proceedings shall be conducted in open or closed session in accordance with the Maryland State Open Meetings Act, as the Commission shall determine.

D. Burden of Justification

Because the purpose and intent of the Ethics Ordinance is at the heart of the continuing public trust in the Laurel City government, and because of the demonstrated consequences of not meeting high standards of ethics in other jurisdictions in Maryland, any request to be exempted from part or all of this Ordinance shall be expected to provide clear and convincing evidence to justify such an extreme decision.

E. Posting of Exemption Decision

All approved Exemption Decisions shall be posted on the City of Laurel web site, www.laurel.md.us, on the City of Laurel Ethics Commission web page.

14. Exemption Proceedings

Robert's Rules of Order

In Exemption Proceedings, the rules of parliamentary practice and procedure as set forth in the latest published edition of Robert's Rules of Order, shall govern the Ethics Commission where these Rules of Procedure are silent.

A. Review of the Exemption Request

The written Exemption Request will be reviewed

B. Presentation of Additional Evidence and Testimony

Additional testimony from the requestor or other directly affected persons may be taken at subsequent meeting.

C. Discussion within the Ethics Commission.

D. Commission decision by roll call vote.

E. Announcement of decision.

15. Proceedings Upon Receipt of Written Complaint

A. Proceedings against an individual for an alleged violation of the Ethics Ordinance may be initiated by the Ethics Commission upon receiving a written complaint or other written information from any source and indicating that violation may have occurred. It shall be at the discretion of the Ethics Commission whether to consider an anonymous complaint, but such complaints must involve a violation of the Ethics Ordinance that could result in a recommendation of termination of an employee or board member or the loss of the right to lobby if the complaint involves a lobbyist.

B. Upon receiving such a written complaint or information, the Ethics Commission shall ascertain whether it is sufficiently clear and complete to initiate proceedings; and, if so, whether it alleges conduct that may be a violation of the Ethics Ordinance. If the Ethics Commission concludes that the complaint is not sufficiently clear or complete to initiate proceedings, the Ethics Commission shall seek further clarification from the Complainant or another source for taking any further action.

1. No further action shall be taken with respect to the complaint or information unless the Ethics Commission rules that the conduct alleged, if true, may constitute a violation of the Ethics Ordinance.

2. If the Ethics Commission concludes that the complaint is sufficiently clear and complete to initiate proceedings, and may, if proven, indicate a serious violation of the Ethics Ordinance as noted above, a copy of the complaint or information shall be forwarded by certified mail and regular mail to the Respondent named in the complaint or information. The Respondent shall be informed at the time of the provisions of the Ethics Ordinance which he or she is alleged to have violated.

3. The Respondent shall be given thirty (30) days within which to respond in writing to the complaint or information, to provide any further information or material he or she considers relevant to the allegations, and to answer any specific questions asked by the Ethics

Commission Chairman.

4. Within five (5) days after the Respondent's response is received by the City Administrator on behalf of the Ethics Commission, but in no event more than thirty five (35) days after written notice of the alleged violation has been given to the Respondent, the case shall be referred to the Ethics Commission for proceedings in accordance with these rules.

16. Investigations

Upon receiving a case of an alleged violation of the Ethics Ordinance, the Ethics Commission shall commence an investigation into the allegations. However, no investigation shall be required if (1) the Respondent admits to the violation in his or her initial response, or (2) the Respondent has already entered a guilty plea, or has been found guilty and has exhausted all appeals, in a criminal case involving the same conduct or violation.

The Ethics Commission has the power of subpoena and in addition to its use in hearings, may use this in pursuit of such investigations.

17. Order of Complaint Proceedings

1. Identification of Parties (Commission v. Respondent and the Complainant.
2. Evidence of Notice given to Parties and Complainant
3. Opening Statement by the Commission or Commission's Counsel.
4. Respondent is asked by the Commission Chairman how do you plead: not guilty; guilty of the alleged Ethics Ordinance violation; or nolo contendere. If the plea is not guilty, the process moves to step 5. If the plea is guilty or nolo contendere, the Respondent may make a statement and the process moves to step 13. At any point in the process prior to the Ethics Commission making its final ruling in step 14, the Respondent may change their plea.
5. Opening statement by Respondent, once sworn in, or by Respondent's Counsel.
6. Respondent's preliminary Motion for Dismissal for Failure to Meet Burden of Evidence and any other preliminary motions will be presented to and decided by the Chairman of the Ethics Commission. Motions shall be filed fifteen (15) days before the

scheduled hearing except for a motion to dismiss or its equivalent after the presentation by Commission Counsel.

7. Presentation by the Commission or Commission's Counsel, and any testimony by Complainant or other witnesses against the Respondent.
8. Cross examination of anyone testifying against the Respondent.
9. Presentation by Respondent and Respondent's Witnesses, once sworn in.
10. Cross examination of the Respondent and any of the Respondent's witnesses who provide testimony.
11. Closing Statement by Respondent
12. Closing statement by Commission or Commission's Counsel.
13. Deliberation by Commission in Executive Session.
14. Decision by the Commission in open session with voting in open session. Commission may also make comments in conjunction with announcing of their decision.
 - a. Basis for decision. The decision of the Commission shall be based on evidence presented during the complaint hearing proceedings and the provisions of the Laurel Ethics Ordinance. The final decision shall be in writing and signed by the Chairman.
 - b. Final decision. A final decision by the Commission that no violation of the Ethics Ordinance occurred shall remain confidential and shall not be disclosed other than to the Complainant and the Respondent unless the Hearing was held in open session. A fully redacted version that shall be placed on the Ethics Commission Laurel wb site, www.Laurel.md.us/EthicsCommission for informational purposes.
 - c. Published decision. A final decision by the Commission that a violation of the Ethics Ordinance did occur shall be made available for disclosure to the public whether or not the hearing was closed or open.
 - 1) A final decision by the Commission that a violation did not occur in a hearing in which the Respondent requested be public shall be made available for disclosure to the public.

2) A final decision by the Commission that a violation did not occur in which the hearing was closed shall be available to the public with all identifying names and information redacted.

d. Plea bargains. While the Ethics Commission is under no obligation to accept plea bargains, it is willing to consider them at any point prior to making a final decision if it believes one is appropriate, fair, and would achieve the cause of justice in a given case.

18. Hearings

A. These Procedure shall govern all hearings conducted pursuant to these rules.

B. No Ethics Commissioner may hear any case if his or her participation in that case would create an actual or apparent conflict of interest. Commissioners who believe this may apply shall recuse themselves. If the Respondent believes that there may be an actual or apparent conflict of interest by a Commissioner they may make a motion to the Chairman, or to the Vice-Chairman if the motion pertains to the Chairman, by providing evidence that there is a real or apparent conflict of interest with a request that they recuse the relevant Commissioner and replace her or him with the Alternate Ethics Commissioner. Such a motion for recusal of a Commissioner may only be made at the beginning of a hearing process and preliminary notice that such a motion will be made must be provided to the Ethics Commission no later the fifteen (15) days prior to the scheduled date of the hearing.

C. Preliminary motions. The Ethics Commission requires that all preliminary motions shall be submitted to the Commission's staff no later than fifteen (15) day prior to the scheduled date of the hearing. Consideration of any motions after this date, other than the Respondent's Motion for Dismissal for Failure to Meet Burden of Evidence, will be heard only at the discretion of the Chairman of the Ethics Commission.

D. Within ten (10) days of receiving a request for a hearing , the Executive Officer shall notify the Respondent by certified and regular mail that the Chairman has scheduled a hearing before the Ethics Commission. The hearing date shall be at least fifteen (15) days after the date the notice is postmarked. The notice shall also state that the Respondent has the following rights;

1. To appear personally at the hearing;
2. To be accompanied and represented at the hearing by one or more attorneys or other representatives of the choosing;
3. To request the Chairman of the Ethics Commission to use the Commission's power of subpoena to compel any witnesses to

appear or essential documents to be made available to the Respondent during a hearing.

4. To review all documentary evidence, if any, against him or her in advance of the hearing;
5. To cross-examine any witness who testifies against him or her at the hearing, and
6. To submit documentary evidence and to present testimony, including the Respondent's, in his or her defense at the hearing.

E. The Ethics Commission shall not be bound by any formal rules of evidence but may accord appropriate weight to the evidence based on its relevance and reliability to achieve fairness and justice.

1. The fact-finding committee's report shall be admissible evidence at the hearing.
2. The Ethics Commission may not hear evidence of any alleged Ethics Ordinance violation by the Respondent that was not the subject of the initial investigation.

F. At any hearing conducted under these rules, the Ethics Commission shall first present evidence in support of the possible violation. Upon conclusion of its presentation, the Respondent shall have the opportunity to present evidence in his or her defense.

G. Within five (5) working days of the conclusion of the hearing, the Ethics Commission shall render a decision in the case.

1. The decision shall be in writing and shall include a statement of the reasons therefore. Only evidence which was put before the Ethics Commission may be considered as a basis for the decision.
2. The Ethics Commission's decision may be to;
 - a. Dismiss the case;
 - b. Adopt the findings and issue sanction (s); or
 - c. Revise, and adopt as revised, the findings and/or sanction(s) approved by the Ethics Commission. However, the Ethics Commission may not increase the sanction(s) unless new evidence, not previously available to the Ethics Commission, is disclosed at the hearing, which indicates that the Respondent's

violation was more serious. No sanction may be imposed for any violation of which the Respondent had no prior notice.

3. A copy of the written decision of the Ethics Commission shall be sent immediately by certified and regular mail to the Respondent and a copy shall be provided to the Mayor.
4. Promptly after receiving a copy of the written decision, the Chairman shall request the Mayor to implement the sanction(s), if any, imposed by the Ethics Commission in accordance with the rules.

19. Evidence

Admissibility of Evidence

Although not guided by formal rules of evidence, pertinent rules shall be followed, including

1. Evidence presented must be relevant and material to the case and issue at hand.
2. Chairman Determination.

The Chairman of the Ethics Commission shall make the determination as to the admissibility of evidence presented at the complaint proceeding, and may make such ruling with the advice of the Commission's Counsel.

20. Decisions

A. Where no hearing is requested the Ethics Commission shall promptly review the findings of fact and shall ascertain whether they are supported by sufficient, reliable, relevant evidence.

1. If the evidence is not sufficient the Ethics Commission shall dismiss the case, with or without prejudice.
2. If the Ethics Commission determines that the proposed findings are supported by the evidence, it shall determine whether they demonstrate that a violation of the Ethics Ordinance has occurred. If not, it shall dismiss the case and so advise the Respondent and the Mayor.
3. If the Ethics Commission concludes that a violation has occurred, it shall determine the appropriate sanction(s). The Ethics Commission shall then notify the Respondent of its intent to adopt the fact-finding report as final, and to recommend the specified sanction(s) for the reasons stated,

unless the Respondent can show that the findings of facts are erroneous, or that the proposed sanction(s) should not be imposed in light of certain mitigating factors which the Ethics Commission did not previously consider. The Respondent shall have fifteen (15) days in which to submit a written response to the Ethics Commission and/or to request a hearing.

4. In the event that the Respondent makes no submission, and does not request a hearing, the Ethics Commission shall promptly adopt the proposed findings and sanctions(s) as final and so inform the Mayor.
5. In the event that the Respondent makes a written submission, but does not request a hearing, the Ethics Commission shall review the submission and may either adopt, or revise and adopt as revised, the proposed findings and/or sanction(s), as it deems appropriate. The Ethics Commission shall promptly notify the Mayor of its decision.
6. In the event that the Respondent requests a hearing, the Ethics Commission shall schedule a hearing at its earliest convenience. Hearings shall be conducted in accordance with Section 18 of these Rules of Procedure. No sanction(s) shall be imposed before the hearing is concluded.

B. Upon receiving notice from the Ethics Commission of its determination that a private censure is the appropriate sanction, and that the Respondent has not requested a hearing, the Ethics Commission Chairman shall send a letter (by regular mail) (of private censure) to the Respondent, with copies to the Complainant and the Mayor. The case shall then be closed.

1. No other notification of a private censure shall be made. However, the Ethics Commission may publish the fact on the City's web site www.laurel.md.us/EthicsCommission that certain kinds of conduct have resulted in the issuance of private censures, provided that no names or identifying details are disclosed, in accordance with Section 17.14.b.

C. Upon receiving notice from the Ethics Commission of its determination that a public censure is the appropriate sanction, and that the Respondent has not requested a hearing, the Ethics Commission may vote to adopt the recommended decision, to modify said decision, or to dismiss the case without imposing sanctions. The Respondent and the Mayor shall be immediately notified of the decision of the Ethics Commission and the sanction, if any, shall be recommended to the Mayor.

21.

Availability of Records

Any Respondent may request a copy of their file from the Ethics Commission. Such request must be in writing. Any documents that are not confidential or privileged as determined in the sole discretion of the Ethics Commission shall be provided to the Respondent after payment of standard City's reproduction cost.



CITY OF LAUREL ETHICS COMMISSION
Laurel Municipal Center
8103 Sandy Spring Road
Laurel, Maryland 20707

ETHICS COMMISSION COMPLAINT FORM
APPENDIX A

(Please type or print legibly, in ink)

Name of Party Filing Complaint (Complainant): _____
 (Anonymous complaints will be accepted and considered by the Ethics Commission but they will be given less weight than signed complaints)

Address: _____

Telephone Number:
 (H) _____ (W) _____ (C) _____

Date Complaint Form Completed: _____

Person(s) who is (are) Subject of Complaint (Respondent(s)): _____

Applicable Section of the City of Laurel Ethics Ordinance (if known – this is desirable but not required): _____

Brief Description of Substance of Complaint: _____

(Continue on back of form if necessary)

 Signature Type or print name Date: _____

STATE OF MARYLAND, COUNTY OF _____, TO WIT:
I HEARBY CERTIFY that on this _____ day of _____
_____ before me, the subscriber, a Notary Public in and for the
State and County aforesaid, personally appeared _____
_____ sign the attached Complaint.

AS WITNESS my hand and Notary Seal. _____

Notary Public,
My Commission expires: _____



CITY OF LAUREL ETHICS COMMISSION

**Laurel Municipal Center
8103 Sandy Spring Road
Laurel, Maryland 20707**

**LOBBYING ACTIVITY REPORT
APPENDIX B**

(Please type or print legibly, in ink)

Reporting Period: _____

1. Name of Lobbyist: _____

2. Address: _____

Business Telephone: _____

Business Email: (optional) _____

3. Check one:

- This for a new Lobbying Registration begun within the last year.
- This information submitted on my Lobbying Registration form is unchanged from the previously submitted form (if this is an extension of time from an already established lobbying activity in the City)
- This information submitted on my Lobbying Registration form has changed from the previously submitted form (if this is an extension of time from an already established lobbying activity in the City) as follows (Use a separate sheet if needed):

4. Check one:

- I am continuing as a Registered Lobbyist
- I am currently registered, but will terminate my registration to lobby for this employer, effective: _____ (this date must be included for the termination to be effective).

5. COMPENSATION AND EXPENDITURES DURING REPORTING PERIOD

A. Total compensation (excluding expenses reported below) paid to the *individual lobbyist whose signature appears on this form*. If lobbying accounts for only a apportion of a Lobbyist's compensation from the employer, then the amount shall be prorated and labeled as such, based on the percentage of time spent on lobbying compared to the time spent on other employment duties. \$ _____

B. Office expenses of the Lobbyist including salaries, compensation, and reimbursed expenses for staff of the Lobbyist. \$ _____

C. The amount paid for professional and technical research and assistance. \$ _____

D. The amount paid for publications, advertising, or any kind of publicity efforts that expressly encourage person to communicate with City officials and employees. \$ _____

E. The names of witnesses and the fees and expenses paid to each. (Attach a separate sheet(s) for additional witnesses if needed.)

Witness: _____ \$ _____

Witness: _____ \$ _____

F. The amount paid for meals and beverages for City officials, employees, and their immediate families. \$ _____

G. The amount paid for special events, including parties, dinners, athletic events, entertainment, and other functions to which employees, or City Officials and their immediate family were invited. \$ _____

H. The total amount of expenses paid for food, lodging, and scheduled entertainment of employees or City Officials who are attending a meeting that is being provided in return for their attendance, their participation in a panel, or their speaking at the meeting. These will be itemized in Section 7 below.

I. The total amounts paid for other gifts, including their itemized descriptions, to or for employees or City Officials and their immediate families. (Use a separate sheet if needed.) A 'gift' means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. Gifts include but are not limited to presents, cash, services, trips, tickets, loans, meals, honoraria, future employment offers, etc. 'Immediate family' means spouse or dependent children. These will be itemized in Section 7 below.

Item: _____ \$ _____

Item: _____ \$ _____

J. The total amounts paid for other expenses (not otherwise listed), including their itemized description. (Use a separate sheet if needed.) These will be itemized in Section 7 below.

Expense: _____ \$ _____

Expense: _____ \$ _____

6. ITEMIZED EXPENDITURES ON GIFTS SUMMARIZED IN SECTIONS F., G., H., AND I ABOVE TO CITY OF LAUREL ELECTED OR APPOINTED OFFICIALS, EMPLOYEES, OR THEIR IMMEDIATE FAMILY MEMBERS THAT MEET OR EXCEED A CUMULATIVE VALUE DURING THE REPORTING PERIOD OF \$20.

7. A 'gift' means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. Gifts include but are not limited to presents, cash, services, trips, tickets, loans, meals, honoraria, future employment offers, etc. 'Immediate family' means spouse or dependent children.

For each elected or appointed official, employee, or member of the official's or employee's immediate family who has received or benefited from a gift or gifts with a cumulative value of \$20 or more during the reporting period, given by or on behalf of the lobbyist, *whether or not the gifts were given in connection with lobbying activities*, provided below the name of the employee or family member, the date, value, and nature of the gift(s). (Use a separate sheet(s) if needed.)

Name	Date		
(If family member,	Actual or		
Add their name as well)	Estimated	Value	Nature of Gift

1. TOTAL OF EXPENDITURES REPORTED ABOVE: \$ _____

2. I solemnly declare and affirm under the penalties of perjury that the contents of this report and any attachments are complete, true and correct to the best of my knowledge, information, and belief.

Signature

Type or print name

Date:

STATE OF MARYLAND, COUNTY OF _____, TO WIT:
I HEARBY CERTIFY that on this _____ day of _____ before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____ sign the attached Lobbying Active Report.

AS WITNESS my hand and Notary Seal. _____
 Notary Public
 My Commission expires: _____