



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Financial Disclosure	Number [25-12] 2-14
Originating Department Office of the Chief Administrative Officer	Effective Date

Montgomery County Regulation on

FINANCIAL DISCLOSURE STATEMENTS EXECUTIVE BRANCH

Issued by: County Executive

Regulation No. 2-14

COMCOR No. 19A.17.01

Authority: Montgomery County Code (2004) Section 19A-17

Supersedes: Executive Regulation 25-12AM

Council Review: Method (2) under Code Section 2A-15

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Effective Date: _____

Comment Deadline: March 3, 2014

- Summary:** This regulation designates those public employees that the County Executive requires to file a public, limited public, or confidential financial disclosure statement. This amendment constitutes the annual revision of this regulation, and establishes a process for identifying specific employees who must file a financial disclosure statement.
- Staff contact:** Edward B. Lattner, Chief, Division of Human Resources & Appeals
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- Address:** Office of the County Attorney
Executive Office Building
101 Monroe Street, Third Floor
Rockville, Maryland 20850
- Background:** The Montgomery County Public Ethics Law authorizes the County Executive to designate certain public employees who must file a financial disclosure statement. The County Executive must find that requiring these employees to file a financial disclosure statement will promote trust and confidence in County government.



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[Section 1.] 19A.17.01.01 Purpose.

Montgomery County's Public Ethics Law identifies with specificity certain County positions the occupants of which are required to file financial disclosure statements. The law also authorizes the County Executive to designate additional positions by regulations issued under method (2) after finding that filing [of] a financial disclosure [statement by each of the following public employees] report is desirable to promote the trust and confidence of [the] citizens [of the County] in [the] their County government[of Montgomery County]. This regulation implements the law and identifies statutory and Chief Executive-designated positions required to file financial disclosure statements.

[Section 2.] 19A.17.01.02 [List Of Employees Who Must File Financial Disclosure Statements.]

[A.] Definitions.

[(1)]

CAO means the Chief Administrative Officer or designee.

County Agency or Agency has the same meaning ascribed to it in Chapter 19A of the Montgomery County Code.

Public Employee or employee has the same meaning ascribed to it in Chapter 19A of the Montgomery County Code.

[B. **Annual List.** By January 15 of each year, the Chief Administrative Officer must submit to the Ethics Commission a list identifying each **public employee** who must file a financial disclosure statement under Section 3.]

[C. **Updated List of employees not previously identified.** The Chief Administrative Officer must also submit to the Ethics Commission updated lists identifying each **public employee** who must file an initial financial disclosure statement under Section 19A-18(f) even though the **employee** or the **employee's** position is not identified in the attached schedule. The Chief Administrative Officer or designee should submit this information to the Ethics Commission within 15 days after the employee or the employee's position first meets the criteria for filing a financial disclosure statement under Section 19A-17(c).]

[D. **List Contents.** The lists described in this section must identify each **employee** by name, position, e-mail address, work phone number, and work location. For confidential filers, the list



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must also identify the person who will review the employee's financial disclosure statement. For public and limited public filers, the list must identify a contact person.]

- [E. **Employees holding more than one position in the prior year.** If the **employee** held more than one position during the previous year, the Chief Administrative Officer must indicate which position requires the **employee** to file the financial disclosure statement. If the **employee** held more than one position during the previous year requiring the filing of a financial disclosure statement, the Chief Administrative Officer must identify that **employee** by the last held position requiring the filing of a financial disclosure statement.]

[Section 3.] **19A.17.01.03 Requirement.**

- A. **Public employees who must file annually.** A public employee holding one of the positions identified in the attached schedule at [any time during the previous] the end of the calendar year must file a sworn[,] annual financial disclosure statement (public, limited public (LP), [or] confidential [(conf), as indicated], or any other statutorily mandated type of filing) for that calendar year under the [Montgomery County] Public Ethics Law, Article IV, Financial Disclosure. Positions designated as "LP" must file a limited public annual financial disclosure statement under § 19A-17(a)(6), and, if indicated, a confidential financial disclosure statement.

[The Chief Administrative Officer may waive the filing requirement for an employee holding one of the positions identified in the attached schedule during the previous year if the duties of that position changed such that the employee did not perform any duties meeting the criteria for filing a financial disclosure statement under Section 19A-17(c) at any time during the previous year. The Chief Administrative Officer should recommend an amendment in the next iteration of the attached schedule to reflect the corrected filing status of the position.]

- B. [Voting Members. Members of identified boards, commissions, and committees required to file include all voting members, regardless of whether the member is appointed ex-officio.] **Initial Financial Disclosure Statement.** **A public employee entering a position on the attached schedule must file an initial financial disclosure statement under § 19A-18(f)(1) within 15 days after the employee begins service in the position, unless, without a break in the continuity of service, the employee's immediate prior position was a filing position in the same Agency. The CAO must submit to the Ethics Commission the identity, position number, job class/working title, user name, email address, Agency, designated reviewer and type of filing required for each public employee who must file an initial financial disclosure statement.**



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- C. **[Public and limited public filers.** The Chief Administrative Officer may require public and limited public filers to file their financial disclosure statements with the Chief Administrative Officer, or designee, by the same date that confidential filers must file their financial disclosure statements with their reviewers. The Chief Administrative Officer must forward these financial disclosure statements to the Ethics Commission within 30 days after receipt.]
Final Financial Disclosure Statement. On or before the employee's last day in the filing position, the employee must submit a final financial disclosure statement under § 19A-18(f)(2). The CAO must submit to the Ethics Commission the identity, position number, and Agency of any public employee leaving a position on the attached schedule.
- D. **Designations of newly identified filing positions/Waivers of filing requirement.** The CAO must submit to the Ethics Commission the identity, position number, job class/working title, user name, email address, Agency, designated reviewer, and type of filing for each public employee who must file an initial financial disclosure statement under Section 19A -18(f)(1) even though the employee or the employee's position is not identified on the attached schedule. The CAO shall submit this information to the Ethics Commission immediately after a determination is made that the employee or the employee's position meets the criteria for filing a financial disclosure statement under Section 19A-17(c) Also, the CAO may, for positions given filing status by Chief Executive designation (rather than by the Montgomery County Code), waive the filing requirement for an employee whose duties no longer meet the criteria for being a filer. The CAO should submit the identity, position number, and Agency to the Ethics Commission immediately after a determination is made that the employee or the employee's position no longer meets the criteria for filing a financial disclosure statement under Section 19A-17(c). All changes to a public employee's filing status made by the CAO must be evidenced by a memorandum attached to the employee's personnel record.
- E. **Effective Date Of Determination.** A determination that an employee's position is deemed to no longer meet the criteria for filing a financial disclosure statement shall become effective once the employee files a final financial disclosure statement.
- F. **Annual Update.** In the next annual issuance of the Montgomery County Regulation on Financial Disclosure Statements Executive Branch, all new designations of positions and waivers of filing requirements made since the last issuance of the regulation should be recommended by the CAO for inclusion in or deletion from the schedule attachment identifying all filing positions.
- G. **Voting Members.** Members of identified boards, commissions, and committees required to file include all voting members, regardless of whether the member is appointed ex-officio.



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19A.17.01.04 Facilitating Financial Disclosure Collection

On the first business day of each new calendar year, the CAO shall submit to the Ethics Commission a list identifying each public employee who must file a financial disclosure statement. The list must identify each employee by name, position number and Agency. For confidential filers, the list must also identify the person who will review the employee's financial disclosure statement. For public and limited public filers, the list must identify a contact person. The CAO may require public and limited public filers to file their financial disclosure statements with the CAO by the same date that confidential filers must file their statements with their reviewers. The CAO must forward these financial disclosure statements to the Ethics Commission within 30 days after receipt.

Isiah Leggett
County Executive

APPROVED AS TO FORM AND LEGALITY

OFFICE OF THE COUNTY ATTORNEY

BY: Ed Hallett

DATE: 1/13/14