

Illegal Gifts, Kickbacks and Contractor Ethics
(under umbrella of Ethics Commission authority)

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

Post-County Employment

- After leaving County service:
 - May not work on a case, contract or other specific matter that the employee significantly participated in as a public employee
 - For one year, may not be employed by or enter into an employment agreement with a party if, while working with the County, the employee significantly participated in regulating the party or in a procurement matter with the party (during the previous three years)
 - One year lobbying bar on elected officials
 - Significant participation includes making a decision, approval, recommendation, rendering of advice, investigation, or similar action.



Jurisdiction of the Ethics Commission:

- Ethics Advice and Advisory Opinions and Waivers
- Financial Disclosure
- Outside Employment Approval
- Lobbying Registration and Activity Reporting
- Complaints, Investigations, and Hearings
- Education and Training

See Chapter 19A, County Code and Regulations at COMCOR Chapter 19A



MONTGOMERY COUNTY ETHICS COMMISSION

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www.montgomerycountymd.gov/ethics

Public Ethics Law Quick Reference:

Restrictions

This is a brief summary of requirements. Contact the Ethics Commission with ethics questions or issues.

Conflicts of Interest

- Do not work on matters that affect your economic interests or those of a relative (if the matter affects these interests differently from the public generally)
- Do not work on a matter where a party to the matter is:
 - An entity you or a relative have an economic interest in or are an officer, director, trustee, partner, or employee of or have been in the previous 12 months
 - A business with which you or a relative are negotiating for employment
 - Anyone with whom you or a relative have a contract if the contract could reasonably result in conflict between private interests and official duties
 - An entity owned by a business you or a relative has an interest in
 - A creditor or debtor who can directly and substantially affect your or a relative's interests

Prohibited Holdings

- You may not own more than 1% of a business that negotiates, contracts or is regulated by your agency

Prohibited Employment

- Not with any business that negotiates, contracts, or is regulated by your agency
- No employment that could reasonably be expected to impair the impartiality of the employee

Outside Employment Approval

- Employment other than one's County job must be approved by the Commission

Misuse of Office

- No inappropriate use of office to gain a benefit for yourself or others
- No use of County insignia or agency title for private economic activity
- No use of County facilities or property for personal use, except as authorized
- No hiring or advocating for the employment of a relative
- No coercion of other employees in political activities
- No advising parties where County has an adverse interest (except as law allows)
- No disclosing confidential information
- Where decision is made on the basis of a record, decision-makers may consider only information on the record; information received off record must be tracked.
- For guidance on endorsements, letters of recommendation, teaching, speaking and writing related to duties, see COMCOR 19A.14.01

Solicitation of Gifts

- Not from those doing business with or regulated by your agency
- Not from another employee (unless permitted by regulation, see COMCOR 19A.16.01)
- Not during work hours or at a County agency
- Not while uniformed or identifiable as a County employee
- Not for your own benefit unless solicitation is approved by Ethics Commission
- Not with intent of affecting or offering to affect action by County agency

Exceptions to Solicitation Prohibitions:

- To charitable organizations if not primarily from persons doing business with or regulated by employee's agency or from subordinates
- Pursuant to an order printed in the County Register
- As an elected official to a charity if reported on financial disclosure
- From employees when charitable drive is approved by the County Executive

Acceptance of Gifts

- Not from lobbyists on matters that could be considered by your agency
- Not from those doing business with or regulated by your agency
- Not from anyone with economic interests that could be substantially (and not just as a member of the public) affected by the performance of your duties. This can be an employee you supervise.

Exceptions to Acceptance Prohibitions:

- Meals and beverages consumed in the presence of the donor either at an event attended by 20 or more persons or worth less than \$50 per year
- Ceremonial gifts of insignificant monetary value; gifts (not cash) worth no more than \$20
- Reasonable food, lodging and travel for speaking, participation on a panel
- Certain gifts to elected officials as a courtesy to the office
- Gifts from a relative
- Honoraria (for speaking unrelated to employment)
- Unsolicited gifts to a County agency (See Administrative Procedure 1-16)
- Gifts that may be accepted pursuant to COMCOR 19A.16.01

What to do with unacceptable gifts that have been received:

- Report gift if required pursuant to financial disclosure requirements and
- Return the gift to the donor, or
- Transfer the gift to the County
- If perishable, may be transferred to a charitable or educational organization with which the employee has no official position

Financial Disclosure

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