

CODE OF ETHICS – Administrative Regulation (AR)

I. Applicability and definitions

- A. This regulation applies to members of the Board of Education, candidates to be members of the Board of Education, and the following school officials and employees of Talbot County Public Schools (TCPS): Superintendent, Assistant Superintendents, Chief Financial Officer, Directors, Supervisors, Assistant Supervisors, Curriculum Specialists, Managers, Assistant Managers, Accountants, Principals, Associate Principals, Assistant Principals, and the Executive Assistant to the Superintendent.
- B. In this regulation and in the TCPS Code of Ethics, Policy 2.3, the following terms have the meanings indicated:
1. *Advisory Opinion* – An opinion rendered by the Ethics Panel as to the applicability of the Ethics Regulation to conduct, or actions taken by those persons as set forth in the Ethics Regulation, Section 1. An advisory opinion may include cautionary advice regarding situations which by their nature, require only a minor change of circumstances to become an actual conflict.
 2. *Board* – The Board of Education of Talbot County
 3. *Business Entity* – A corporation, limited liability company, general or limited partnership, sole proprietorship, joint venture, unincorporated association, company or firm, institution, trust, foundation, or other organization, whether or not operated for profit. Business Entity does not include a governmental entity.
 4. *Compensation* – Any money or thing of value, regardless of form, received or to be received, by any individual covered by this policy from an employer for services rendered. If lobbying is only a portion of a person’s employment, “compensation” means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.
 5. *Complaint* – A written assertion of an alleged violation of the Ethics Policy and/or the Ethics Regulation of TCPS on the part of anyone covered by the Ethics Regulation. A complaint may be filed by any person or persons.
 6. *Confidential Information includes the following:*
 - a. Records protected against release or distribution by federal, state, or any controlling law;

- b. Attorney-client privileged material and attorney work products, unless legally waived by the party controlling the privilege;
- c. Identifying information concerning the Requester of an Advisory Opinion from the Ethics Panel;
- d. All information regarding a complaint filed with the Ethics Panel, unless otherwise authorized for release by the Board of Education.

7. *Designated Second Home* –

- a. If an individual owns one second home, the individual's second home; or
- b. If an individual owns multiple homes, any home the individual identifies to the Commission as the individual's designated second home.

8. *Doing Business with* –

- a. Having or negotiating a contract that involves the commitment, either in one or a combination of transactions equalling \$1,000.00 or more in school system funds;
- b. Being subject to the authority of the school system; or
- c. Being registered as a lobbyist under this policy.

9. *Employee* – Any person working for TCPS or the Board of Education for wages on a full or part-time, permanent, or temporary basis, who is, or will be, issued an Internal Revenue Service (IRS) W2 statement or earnings form for income tax purposes at the end of the year.

10. *Ethics* – The rules and standards of conduct.

11. *Ethics Panel* – the Board of Education of Talbot County Ethics Panel

12. *Financial Interest* –

- a. Ownership of any interest as the result of which the owner has received within the past three years or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or
- b. Ownership of securities of any kind representing or convertible into ownership, of more than three percent of a business entity by an official or the spouse of an official.

13. *Fraud and Abuse* – Obtaining property owned by or under control of the Board by means of false pretenses or representation including, but not limited to bribery, kickbacks, illegal acts, forgery, theft, or embezzlement.
14. *Gift* – the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. A “gift” does not include contributions regulated under the Elections Law Article of the Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.
15. *Home Address* – means the address of an individual’s:
 - a. Principal home; and
 - b. Designated second home, if any.
16. *Immediate Family* – a spouse, parent/guardian, and/or immediate children.
17. *Interest* – A legal or equitable economic interest whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly, or indirectly. For purposes of the Financial Disclosure section of this policy and the associated regulation, “Interest” includes any interest held at any time during the reporting period. Interest does not include:
 - a. An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
 - b. An interest in a time or demand deposit in a financial institution;
 - c. An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 - d. A common trust fund or a trust which forms part of the pension or profit-sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
 - e. A college savings plan under the Internal Revenue Code; or
 - f. A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded 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.

18. *Lobbying* –

- a. Communicating in the presence of an official with the intent to influence any official action of that individual, and where \$100 or more is spent during a calendar year for food, entertainment, other gifts, or a series of gifts with the intent to influence; or
- b. Engaging in activities having the express purpose of soliciting others to communicate with an official with the intent to influence that individual.

19. *Lobbyist* – A person required to register and report expenses relating to lobbying under the policy and associated regulation.

20. *Member of the Board* - A member of the Board of Education of Talbot County.

21. *Official* – A member of the Board of Education of Talbot County, an employee of the Board of Education of Talbot County, and all employees of TCPS, including the Superintendent.

22. *Person* – An individual or business entity.

23. *Personal Benefit* – Anything that promotes or enhances the well-being of an individual and/or their immediate family or that accrues to the personal advantage of said individual and/or their immediate family.

24. *Principal Home* – The sole residential property that an individual occupies as their primary residence, whether owned or rented by the individual.

25. *Qualified Relative* – A spouse, parent, child, and/or sibling.

26. *Quasi-governmental Entity* – An entity that is created by State statute, that performs a public function and is supported in whole or in part by the State, but is managed privately.

27. *School System* – The educational system under the authority of the Board of Education of Talbot County.

28. *Second Home* – A residential property that:

- a. An individual occupies for some portion of the filing year; and
- b. Is not a rental property or time share.

29. *Superintendent* – The person within TCPS designated as the Superintendent as per Par.1-101(e) of the Education Article of the Annotated Code of Maryland.

30. *Tutoring* – Private instruction or services for a student provided by an employee for compensation.

II. Ethics Panel

- A.** The Talbot County Public School System Ethics Panel consists of three members who are recommended by the Superintendent and appointed by the President and members of the Board of Education. The panel serves in an advisory capacity to the Board of Education.
- B.** The Ethics Panel shall:
 - 1. Devise, receive, and maintain all forms required by this chapter;
 - 2. Provide advisory opinions to persons subject to this chapter regarding the applicability of these provisions to them;
 - 3. Process and make determinations regarding complaints alleging violations of this chapter;
 - 4. Refer findings regarding complaints and other enforcement matters to the Board of Education for action; and
 - 5. Conduct an information program regarding the purposes and application of this chapter.

III. Conflicts of Interest

- A.** This section applies to TCPS employees and officials in addition to members of the Board of Education, members of the Ethics Panel, the Superintendent, Assistant Superintendents, Chief Financial Officer, Directors, Supervisors, Curriculum Specialists, Managers, Accountants, Principals, Associate Principals, Assistant Principals, and the Executive Assistant to the Superintendent.
- B.** In this section, “qualified relative” means a spouse, parent, child, or sibling.
- C.** Participation:
 - 1. Except as permitted by Board of Education regulation or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:
 - a.** Any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest; or
 - b.** Any matter in which any of the following is a party:

party for compensation in the matter.

D. Employment and financial interests.

1. Except as permitted by regulation of the Board of Education when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official may not:

a. Be employed by or have a financial interest in an entity that is:

i. Subject to the authority of the school system or Board of Education; or

ii. Negotiating or has entered a contract with the school system or Board of Education; or

b. Hold any other employment relationship that would impair the impartiality or independence of judgement of the official.

2. This prohibition does not apply to:

a. An official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or appearance of a conflict of interest as permitted in accordance with regulations adopted by the Board of Education; or

b. Subject to other provisions of regulation and law, a member of the Board of Education in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment:

i. [For an APPOINTED Board] Was publicly disclosed to the appointing authority and the Panel at the time of appointment; or

ii. [For an ELECTED Board] Was disclosed on the Financial Disclosure Statement filed with the certificate of candidacy to be a candidate to be a member of the Board.

E. Post employment – A former official may not assist or represent any party other than the Board of Education or school system for compensation in a case, contract, or other specific matter involving the Board of Education or the school system if that matter is one in which the former official significantly anticipated as an official.

F. Contingent compensation – Except in a judicial or quasi-judicial proceeding, an official may not assist or represent a party for contingent compensation in any matter before or involving the Board of Education or the school system.

G. Prestige of office:

1. An official may not intentionally use the prestige of office or public position:
 - a. For the private gain of that official or the private gain of another; or
 - b. To influence, except as part of the official duties of the individual or as a usual and customary constituent service by a member of the Board without additional compensation, the award of a state or local contract to a specific person.
2. An official may not directly or indirectly initiate solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
3. This subsection does not prohibit the performance of usual and customary constituent services by a member of the Board of Education without additional compensation.
4. An official, other than a member of the Board, may not use public resources or the title of the official to solicit contribution as the term is defined in the Election Law Article.
 - a. A member of the Board may not use public resources to solicit a contribution, as defined in the Election Law Article.

H. Gifts

1. An official may not solicit any gift.
2. An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.
3. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know, or an individual who:
 - a. Is doing business with or seeking to do business with the school system or Board unit with which the official is affiliated;
 - b. Is subject to the authority of the school system or Board of Education;
 - c. Is a regulated lobbyist with respect to matters within the jurisdiction of the official
 - d. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public, generally by the performance or nonperformance of the school system duties of the official; or
 - e. Is an association or an entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

4. This paragraph does not apply to a gift:
 - a. That would tend to impair the impartiality and independence of judgement of the official receiving the gift;
 - b. That is of significant value thereby giving the appearance of impairing the impartiality and independent judgement of the official; or
 - c. That is of significant value that the recipient official believes, or has reason to believe, is designed to impair their impartiality and independent judgement.

5. Notwithstanding paragraph (3) of this subsection, an official may accept:
 - a. Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - b. Ceremonial gifts or awards that have insignificant monetary value;
 - c. Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
 - d. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official at a meeting which is given in return for the participation of the official in a panel or speaking engagement at a meeting;
 - e. Gifts of tickets or free admission extended to members of the Board of Education to attend a charitable, cultural, or political event, if the purpose of the gift or admission is a courtesy or a ceremony extended to the Board of Education;
 - f. A specific gift or class of gifts which the Ethics Panel exempts from the operation of this subsection upon a finding in writing that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system or the Board of Education and that the gift is purely personal and private in nature;
 - g. Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or
 - h. An honorarium for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the school system or Board position of the official.

6. Disclosure of confidential information: Other than in the discharge of official duties, an official or former official may not disclose or use confidential information that the

official acquired by reason of the individual's official position that is not available to the public for the economic benefit of the individual or the economic benefit of another person.

- a. An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

IV. Financial Disclosure – Members of the Board of Education and candidates to be members of the Board of Education

A. This section applies to all members of the Board of Education and candidates to be members of the Board of Education.

B. Except as provided in section IV, subsection (D), a member of the Board or candidate to be a member of the Board shall file the financial statement required under this subsection:

1. On a form provided by the Ethics Panel;
2. Under oath or affirmation; and
3. With the Panel or the office designated by the Panel

C. Deadlines for filing statements

1. An incumbent official shall file a financial disclosure statement annually, no later than April 30th of each year for the preceding calendar year.
2. An official who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
3. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.
 - a. The statements shall cover:
 - i. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
 - ii. The portion of the current calendar year during which the individual held the office

D. Candidates to be members of the Board of Education

1. Except for an official who has filed a Financial Disclosure Statement under another provision of this section for the reporting period, a candidate to be a member of the Board of Education shall file a Financial Disclosure Statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
2. A candidate to be a member of the Board of Education shall file a statement required under this section:
 - a. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - b. In the year of the election, on or before (whichever is earlier), April 30 or the last day for the withdrawal of candidacy; and
 - c. In all other years for which a statement is required, on or before April 30.
3. A candidate to be a member of the Board of Education:
 - a. May file the statement required under §6(d)(2)(i) of this chapter with the Board of Election Supervisors, with a certificate of candidacy or with the Ethics Panel, prior to filing the certificate of candidacy; and
 - b. Shall file the statement required under §6(d)(2)(i) and (iii) of this chapter with the Ethics Panel or the office designated by the Panel.
4. If a statement required to be filed by a candidate is overdue and is not filed within eight (8) days after a written notice of the failure to file is provided by the Board of Election Supervisors, the candidate is deemed to have withdrawn their candidacy.
5. The Board of Election Supervisors may not accept any certificate of candidacy unless a statement required under this section has been filed in the proper form.
6. Within 30 days of receipt of a statement required under this section, the Board of Election Supervisors shall forward the statement to the Ethics Panel, or the office designated by the Panel.

E. Public Record

1. The Ethics Panel or office designated by the Panel shall maintain all Financial Disclosure Statements filed, as designated under this section.
2. The Ethics Panel or office designated by the Panel or Board shall make Financial

Disclosure Statements available during normal office hours, for examination and copying by the public, subject to reasonable fees and administrative procedures as established by the Panel or the Board.

- 3.** If an individual examines or copies a Financial Disclosure Statement, the Ethics Panel or the office designated by the Panel shall record:
 - a.** The name and home address of the individual reviewing or copying the statement; and
 - b.** The name of the person whose Financial Disclosure Statement was examined or copied.
 - 4.** Upon request of the individual whose Financial Disclosure Statement was examined or copied, the Ethics Panel or the office designated by the Panel shall provide the individual with a copy of the name and home address of the person who reviewed the individual's Financial Disclosure Statement.
 - 5.** For statements filed after January 1, 2019, the Ethics Panel or the office designated by the Panel may not provide public access to an individual's home address or an address that the individual has designated as their home address.
 - 6.** The Board or office designated by the Board shall not provide public access to information related to consideration received from:
 - a.** The University of Maryland Medical System;
 - b.** A governmental entity of the State or a local government in the State; or
 - c.** A quasi-governmental entity of the State or local government in the State.
- F.** Retention requirements: The Ethics Panel or the office designated by the Panel shall retain Financial Disclosure Statements for four years from the date of receipt.
- G.** An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.
- H.** Contents of statement
- 1.** Interests in real property
 - a.** A statement filed under this section shall include a schedule of all interests in real property wherever located.
 - b.** For each interest in real property, the schedule shall include:

- i.** The nature of the property and the location by street address, mailing address, or legal description of the property;
- ii.** The nature and extent of the interest held including any conditions and encumbrances on the interest;
- iii.** The date when, the manner in which, and the identity of the person from whom the interest was acquired;
- iv.** The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
- v.** If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
- vi.** The identity of any other person with an interest in the property.

2. Interests in corporation and partnerships

- a.** A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation regardless of whether the corporation or partnership does business with the school system or Board of Education.
- b.** For each interest reported under this paragraph, the schedule shall include:
 - i.** The name and address of the principal office of the corporation partnership, limited liability partnership, or limited liability corporation;
 - ii.** The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - iii.** Any interest transferred in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and if known, the identity of the person to whom the interest was transferred; and
 - iv.** With respect to any interest acquired during the reporting period:

exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

4. Gifts

- a.** A statement filed under this section shall include a schedule of each gift in excess of \$20.00 in value or a series of gifts totaling \$100, or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board of Education, or from an association or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
- b.** For each gift reported, the schedule shall include:
 - i.** A description of the nature and value of the gift; and
 - ii.** The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

5. Employment with, or interests in, entities doing business with the school system or the Board of Education

- a.** A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual, held at any time during the reporting period, with entities doing business with the school system or Board of Education.
- b.** For each person reported under this paragraph, the schedule shall include:
 - i.** The name and address of the principal office of the business entity;
 - ii.** The title and nature of the office directorship, or salaried employment held and the date it commenced; and
 - iii.** The name of each school system or Board unit with which the entity is involved.

6. Indebtedness to entities doing business with or regulated by the individual's school system unit or department.

- a.** A statement filed under this section shall include a schedule of all liabilities excluding retail credit accounts, to persons doing business with or regulated by the individual's school system unit or department owed at any time during the reporting period:

- a.** An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland for any financial or contractual relationship with:
 - i.** The University of Maryland Medical System;
 - ii.** A governmental entity of the State or a local government within the State; or,
 - iii.** A quasi-governmental entity of the State or local government within the State.
- b.** For each financial or contractual relationship reported, the schedule shall include;
 - i.** A description of the relationship;
 - ii.** The subject matter of the relationship; and
 - iii.** The consideration.

10. A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

- a.** For the purpose of §4(g)(1), (2), and (3) of this chapter, the following interests are considered to be in the interests of the individual making the statement:
 - i.** An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 - ii.** An interest held, at any time during the applicable period, by:
 - a.** A business entity in which the individual held a 10% or greater interest;
 - b.** A business entity described in item (a) of this subsection in which the business entity held a 25% or greater interest;
 - c.** Business entity described in item (b) of this subsection in which the business held a 50% or greater interest; and
 - d.** A business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.

relationship with:

- a. The University of Maryland Medical System;
 - b. A governmental entity of the State or a local government in the State; or
 - c. A quasi-governmental entity of the State or local government in the State.
2. For each financial or contractual relationship reported, the schedule shall include:
 - a. A description of the relationship;
 - b. The subject matter of the relationship; and
 - c. The consideration.

G. The Ethics Panel or office designated by the Panel shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §4(e) and (f) of this chapter.

VI. Lobbying

- A.** A person shall file a lobbying registration statement with the Ethics Panel or the office designated by the Panel if the person:
 1. Personally appears before any school official or employee with the intent to influence that person in the performance of their official duties; and
 2. In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$250.00 on food, entertainment, or other gifts for officials and employees of the Board of Education or school system.
- B.** A person shall file a registration statement required under this section on or before January 15 (whichever is later), of the calendar year or within five days after first performing an act that requires registration in the calendar year.
- C. Registration Statement**
 1. The registration statement shall identify:
 - a. The registrant;
 - b. Any other person on whose behalf the registrant acts; and
 - c. The subject matter on which the registrant proposes to make appearances, as

specified in subsection (a) of this section.

2. The registration statement shall cover a defined registration period not to exceed one calendar year.
- D.** Within 30 days after the end of a calendar year during which a person was registered under this section, the person shall file a report with the Ethics Panel or the office designated by the Panel to disclose:
1. The value, date, and nature of any food, entertainment, or other gift, provided to a school official or employee; and
 2. If a gift or series of gifts to a single office or employee exceeds \$250.00 in value, the identity of the official or employee.
- E.** The Ethics Panel or office designated by the Panel shall maintain the registration and reports filed under this section as public records available for inspection and copying.

VII. Exemptions and modifications

The Ethics Panel and/or the Board of Education, as appropriate, may grant exemptions and modifications to the provisions of items 3 and/or 5 of this chapter, to employees and appointed officials who are not members of the Board of Education, when the Panel or Board of Education determines that application of those provisions are not required to preserve the purposes of this chapter and would:

- a. Constitute an unreasonable invasion of privacy; and
- b. Could significantly reduce the availability of qualified persons for public service.

VIII. Sanctions

- A.** An official who violates this chapter is subject to discipline, personnel action, or removal from office as provided by law, and consistent with the procedures set forth by the Board of Education.
- B.** A person who violates this chapter is subject to the provisions or sanctions as provided by the Education Article of the Annotated Code of Maryland and the policies and procedures of the Board of Education.
- C.** A finding of a violation of this chapter by the Board is public information.

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