

## **WHAT KINDS OF ACTIVITIES ARE CONFLICTS OF INTEREST UNDER STATE AND LOCAL LAW?**

The ethics laws contain the following prohibitions. See Md. Code Ann., General Provisions §§5-501 through 5-508 and Chapter 12 of the Code of University Park.

1. An employee or official may not participate in a matter in which he or she has an interest. This prohibition also applies where an official's or employee's relatives (spouse, children, brother, sister or parents), or certain entities has/have an interest. Non-participation includes any discussion, advising, or deciding of the matter and requires disclosure of the conflict.
2. An official or employee may not participate in a matter when one of the parties is a business entity in which he or she has an employment, contractual or creditor relationship. This prohibition also applies when certain relatives (spouse, children, brother, sister or parents) have such a relationship. Non-participation includes any discussion, advising or deciding of the matter and requires disclosure of the conflict.
3. An official or employee may not participate in a matter in which he or she is negotiating employment with a party to the matter. This prohibition also applies where certain relatives are negotiating employment with a party to the matter.
4. In most instances an official or employee may not have a financial interest in, or be employed by an entity subject to, the authority of the official or employee, or of the Town.
5. In most instances an official or employee may not have a financial interest in or be employed by an entity having or seeking a contract with the Town.
6. An official or employee may not hold any employment relationship that would impair his or her impartiality or independence of judgment.
7. An official or employee may not intentionally use the prestige of his or her office for personal gain or that of another. This prohibition means an official or employee may not use any influence he/she may have to obtain a special benefit for himself/herself or another or use the Town's resources for personal benefit or to benefit another.
8. An official or employee whose duties include matters substantially relating to the subject matter of any contract with the Town may not become, while he or she is an official or employee of the Town, an employee of the party contracting with the Town.
9. An official or employee may not assist or represent a party for contingent compensation in any matter involving Town other than in a judicial or quasi-judicial proceeding.

10. A former official or employee may not assist or represent anyone other than the Town for compensation in a case, contract or other specific matter involving the Town, if that matter is one in which he or she significantly participated as an official or employee.

11. An official or employee may not solicit any gift for him or herself or for others. Subject to certain exceptions, an official or employee may not knowingly accept any gift directly or indirectly from any person whom the official or employee knows or has reason to know:

- is doing or seeking to do business of any kind with the Town;
- is engaged in activities that are regulated or controlled by the Town;
- has financial interests that may be substantially affected in a specific way by the official or employee; or
- is a lobbyist with respect to the matters within the employee's or official's functional jurisdiction.

{There are limited exceptions for certain nominal gifts addressed in the Town's Ethics ordinance at Chapter 12 §104(H)(4)&(5)}

12. An official or employee may not disclose or use for personal economic benefit, or that of another, confidential information acquired by reason of his or her public position.

13. If an employee or official assists in developing specifications for a procurement, the official or employee may not be involved with the bidder, and even if the official or employee has left Town service, his or her new employer may not bid on the procurement.

14. An official or employee subject to the ethics laws may not be a lobbyist.