

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS

Board of Education

Upper Marlboro, Maryland

0107  
Policy No.

BOARD OF EDUCATION POLICY

BASIC COMMITMENTS

Ethics Regulations

A. Statement of Purpose

1. The Board of Education of Prince George's County, 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 will be maintained.
2. It is evident that this confidence and trust is eroded when the conduct of public business is subject to improper influence and even the appearance of improper influence.
3. For the purpose of guarding against improper influence, the Board of Education of Prince George's County adopts these Ethics Regulations to require Board Members, candidates to be Members of the Board of Education, school officials and employees to disclose their financial affairs and to set minimum standards for their conduct of school system business.
4. It is the intention of the Board that this Policy be liberally construed to accomplish this purpose.

B. Applicability

This Policy applies to Members of the Board of Education, candidates to be Members of the Board of Education, school officials and employees of the Prince George's County school system.

C. Definitions

The following terms have the meanings indicated:

1. "Board" or "Board of Education" means the Board of Education of Prince George's County.
2. "Business entity" means a corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit. "Business entity" does not include a governmental entity.
3. "Compensation" means 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 service 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.

4. "Doing business with" means:
  - a. Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$100.00 or more of school system funds; or
  - b. Being subject to the authority of the school system; or
  - c. Being registered as a lobbyist under this Policy.
  
5. "Employee" means an employee of the Board or the school system and includes the Superintendent.
  
6. "Financial interest" means:
  - a. Ownership of any interest as the result of which the owner has received within the past 3 years or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or
  - b. Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3% of a business entity by an official or the spouse of an official.
  
7. "Gift" means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include political campaign contributions regulated under the Elections Article, 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.
  
8. "Immediate family" means a spouse and dependent children.
  
9. "Interest" means:
  - a. 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.
  - b. "Interest" includes any interest held at any time during the reporting period.
  - c. "Interest" does not include:
    - (i) An interest held in the capacity of a personal agent, custodian, fiduciary, or personal representative or trustee, unless the holder has an equitable interest in the subject matter;
    - (ii) An interest in a time or demand deposit in a financial institution;
    - (iii) 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;
    - (iv) A common trust fund or a trust which forms part of a 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; or
    - (v) A college saving plan under the Internal Revenue Code.
  
10. "Lobbying" means:
  - a. Communicating in the presence of an official with the intent to influence any official action of that official; and
  - b. Spending over \$25.00 for food, entertainment or other gifts during the calendar year in connection with the communication or intent to influence; or
  - c. Engaging in activities having the express purpose of soliciting others to communicate with an official with the intent to influence that official; and
  - d. Spending over \$25.00 in connection with the activities or intent to influence.

11. "Lobbyist" means a person required to register and report expenses related to lobbying under this Policy.
12. "Member of the Board" means a member of the Board of Education of Prince George's County.
13. "Official" includes a Member of the Board, an employee of the Board or the Prince George's County School System (PGCPS), and the Superintendent.
14. "Panel" means the Prince George's County School System Ethics Panel established under this Policy.
15. "Person" includes an individual or business entity.
16. "Qualified relative" means a spouse, parent, child or sibling.
17. "School system" means the educational system, PGCPS, under the authority of the Board of Education of Prince George's County.

D. Administration - Ethics Panel

1. There is a Prince George's County School System Ethics Panel that consists of five (5) members appointed by the Chairman of the Board of Education with the concurrence of the other Members of the Board.
  - a. The following individuals may not serve on the Panel:
    - (i) Current employee of the Board or PGCPS;
    - (ii) Elected officials;
    - (iii) Candidate for elective office; or
    - (iv) If currently doing business with the Board/PGCPS.
  - b. All individuals recommended for membership on the Panel are subject to fingerprinting and a criminal background check before final approval for membership on the Panel.
  - c. The Board shall provide the Panel members with training regarding its duties and responsibilities.
2. The Panel is the advisory body responsible for interpreting this Policy and advising persons subject to this Policy regarding its application.
3. The Panel members shall serve a three (3) year term.
4. A Panel member may serve until a successor is appointed and qualifies.
5. The Panel shall elect a chairman from among its members. The term of the chairman is one year. The chairman may be reelected.
6. The General Counsel for PGCPS shall assist the Panel in carrying out its duties. If a conflict of interest under this Policy or another conflict prevents the General Counsel from assisting the Panel in a specific matter, the Panel shall request the Board appoint other counsel to assist the Panel in the matter.

## Authority, Duties and Responsibilities of Ethics Panel

1. Any official, employee or other person subject to this chapter may request an advisory opinion from the Panel concerning the application of this Policy.
  - a. The Panel shall respond promptly to a request for an advisory opinion and shall provide interpretations of this Policy within 60 days of the request based on the facts provided or reasonably available to the Panel.
  - b. In accordance with applicable State laws regarding public records, the Panel shall publish or otherwise make available to the public copies of the advisory opinions with the identities of the subjects deleted.
2. Any person may file a complaint with the Panel alleging a violation of any of the provisions of this Policy.
  - a. A complaint shall be in writing and under oath.
  - b. The Panel may refer a complaint to the Board's Internal Audit Office, if appropriate, for investigation and review.
  - c. If the Panel determines that there are insufficient facts upon which to base a determination of a violation, the Panel shall recommend to the Board that the complaint be dismissed.
  - d. If there is a reasonable basis for believing that a violation has occurred, the subject of the complaint, (the "Respondent"), shall be given an opportunity for a hearing conducted by the Panel. The Chairman of the Panel shall arrange for a hearing to be held not less than 10 days or more than 30 days after the Panel determines that a hearing is necessary.
3. The Respondent may propose a settlement or cure to the Panel before a hearing.
  - a. If the Panel determines that the proposed settlement or cure is consistent with the purposes of this Policy, the Panel shall recommend that the Board accept the proposed settlement or cure;
  - b. If the Board concurs with the recommendation of the Panel, the Board shall accept the proposed settlement or cure.
4. The Panel's findings of a violation resulting from the hearing shall include findings of fact and conclusions of law.
5. The Panel shall report its findings and recommendations for action to the Board. If the Board concurs with the findings of a violation and recommendations of the Panel, the Board may take enforcement action as provided in this Policy.
6. The Board may dismiss a complaint:
  - a. On the recommendation of the Panel; or
  - b. If the Board disagrees with a finding of a violation by the Panel.
7. The Panel shall conduct an information program regarding the purposes and application of this Policy.

## Confidentiality and Records

1. The Panel, assisted by the General Counsel, shall be the custodian of all forms submitted by any person under this Policy.
2. After a complaint is filed and until a final determination by the Board, all actions regarding a complaint are confidential.
3. Concurrence by the Board with a finding of a violation by the Panel is public information.

## E. Conflicts of Interest

### 1. Participation

a. Except as permitted by Board Policies 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:

(i) Any matter in which, to the knowledge of the official, the official or qualified relative of the official has an interest;

(ii) Any matter in which any of the following is a party:

(A) A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know;

(B) A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;

(C) A business entity with which the official or, to the knowledge of the official, a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;

(D) A business entity that is a party to an existing contract with the school official or which, to the knowledge of the official, a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or Board duties of the official;

(E) An entity, doing business with the Board or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or

(F) A business entity that:

(1) The official knows is a creditor or obligee of the official or a qualified relative of the official with respect to a thing of economic value; and

(2) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or qualified relative of the official.

b. An official who is disqualified from participating under paragraph a. of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

- (i) The disqualification leaves a body with less than a quorum capable of acting;
- (ii) The disqualified official is required by law to act; or
- (iii) The disqualified official is the only person authorized to act.

## 2. Employment and Financial Interests

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

- (i) Be employed by or have a financial interest in an entity that is:
  - (A) Subject to the authority of the school system or Board of Education; or
  - (B) Negotiating or has entered a contract with the school system or Board of Education; or
- (ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official.

b. This prohibition does not apply to:

- (i) An official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted in accordance with the Policies adopted by the Board; or
- (ii) Subject to other provisions of regulation and law, a Member of the Board in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a Member of the Board.

## 3. Post-employment

A former official may not assist or represent any other party other than the Board 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 participated in as an official.

## 4. 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 or the school system.

## 5. Prestige of Office

a. An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.

b. This does not prohibit the performance of usual and customary constituent services by a Member of the Board without additional compensation.

6. Gifts

a. An official may not solicit any gift.

b. An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.

c. An official may not knowingly accept a gift, directly or indirectly, from a person the official knows or has reason to know:

(i) Is doing business with or seeking to do business with the school system or Board with which the official is affiliated;

(ii) Is subject to the authority of the school system or the Board;

(iii) Is a regulated lobbyist with respect to matter within the jurisdiction of the official;  
or

(iv) 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.

d. This section does not apply to a gift:

(i) That would tend to impair the impartiality and independence of judgment of the official receiving the gift;

(ii) Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or

(iii) Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.

e. Notwithstanding paragraph (c.) of this subsection, an official may accept:

(i) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(ii) Ceremonial gifts or awards that have insignificant monetary value;

(iii) Unsolicited gifts of nominal value that do not exceed \$20 in costs or trivial items of informational value;

(iv) 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 the meeting;

(v) Gifts of tickets or free admission extended to the Members of the Board to attend a charitable, cultural, or political event, if the purpose of the gift or admission is a courtesy or ceremony extended to the Board;

(vi) A specific gift or class of gifts which the 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 Board and that the gift is purely personal and private in nature;

(vii) Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or

(viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related in any way to the school system or Board position of the official.

#### 7. Disclosure of Confidential Information

Other than in the discharge of his or her official duties, an official may not disclose or use confidential information that the official acquired by reason of the official's public position and that is not available to the public for the economic benefit of the official or the economic benefit of another person.

#### 8. Procurement

a. An individual or person that employs an individual who assists the school system or the Board in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement, may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

b. The Panel may establish exemptions from the requirements of this subsection for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.

#### F. Financial Disclosure – Members of the Board and Candidates to be Members of the Board

1. This section applies to all Members of the Board and candidates to be Members of the Board.

2. Except as provided in subsection (4) below, a Member of the Board or candidate to be a Member of the Board shall file the financial disclosure statement required by law:

- a. On a form provided by the Panel;
- b. Under oath or affirmation; and
- c. With the Panel or the office designated by the Panel.

3. Deadlines for filing statements:

a. An incumbent official shall file a financial disclosure statement annually no later than April 30th of each year for the preceding calendar year.

b. An official who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who had not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

c. An individual who, other than by reasons of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover 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 the portion of the current calendar year during which the individual held the office.

4. Candidates to be Members of the Board:

a. Except 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 shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of election.

b. A candidate to be a Member of the Board shall file a statement required under this section:

(i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

(ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; or

(iii) In all other years for which a statement is required, on or before April 30.

c. A candidate to be a Member of the Board may file the required statement with the Board of Election Supervisors with the certificate of candidacy or with the Panel prior to filing the certificate of candidacy.

d. If a candidate fails to file a statement required by this section after written notice is provided by the Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

e. The Board of Election Supervisors may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.

f. Within 30 days of the receipt of a statement required under this section, the Board of Election Supervisors shall forward the statement to the Panel, or the office designated by the Panel.

5. Public Record:

a. The Panel or office designated by the Panel shall maintain all financial disclosure statements filed under this section.

b. The 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 established by the Board.

c. If an individual examines or copies a financial disclosure statement, the Panel or the office designated by the Panel shall record:

(i) The name and home address of the individual reviewing or copying the statement;

(ii) The name of the person whose financial disclosure statement was examined or copied.

d. Upon request by the individual whose financial disclosure statement was examined or copied, the 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.

e. The Panel or the office designated by the Panel shall retain financial disclosure statements for four (4) years from the date of receipt.

6. Contents of Statement:

a. Interests in real property where ever located, including the nature of the property: location by street address, mailing address, or legal description of the property; nature and extent of the interest held, including any conditions and encumbrances on the interest; the date when, the matter in which and the identity of the person from whom the interest was acquired; 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; 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 from whom the interest was transferred; and, the identity of any other person with an interest in the property.

b. Interest in a business entity regardless of whether the business entity does business with the school system or Board: the name and address of the principal office of the business entity; the nature and amount of the interest held, including any conditions and encumbrances on the interest; with respect to any interest transferred, in whole or in part, at any time during the reporting period, description of the interest transferred, the nature and amount of consideration receive for the interest and, if known, the identity of the person from whom the interest was transferred; and with respect to any interest acquired during the reporting period, the date when, the manner in which, and the identity of the person from whom the interest was acquired; and, the nature and the 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.

(i) An individual may satisfy the requirement to report the amount of interest held by reporting an equity interest in a business entity, the number of shares held and, unless the business entity's stock is publicly traded, the percentage of equity interest held; or

(ii) For an equity interest in a partnership, the percentage of equity interest held.

c. Interests in business entities doing business with the school system or the Board: name and address of the principal office of the business entity; nature and amount of interest held including any conditions and encumbrances on the interest; with respect to any interest transferred, in whole or in part, at any time during the reporting period, description of the interest transferred, the nature and amount of consideration receive for the interest and, if known, the identity of the person from whom the interest was transferred; and with respect to any interest acquired during the reporting period, the date when, the manner in which, and the identity of the person from whom the interest was acquired; and, the nature and the 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.

d. Gifts

A statement filed under this subsection shall include a schedule of each gift in excess of \$20 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. For each gift reported, the schedule shall include a description of the nature and value of the gift and the identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

e. Employment with or interests in entities doing business with the school system or Board

A statement filed under this subsection shall include a schedule of all offices and directorships with or without a salary, 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. For each position reported, the schedule shall include the name and address of the principal office of the business entity; the title and nature of the office directorship, or salaried employment held and the date it commenced; and, the name of each school system or Board with which the entity is involved.

f. Indebtedness to entities doing business with the school system or Board

A statement filed under this subsection shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the school system or Board owed at any time during the reporting period by the individual; or by a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability. For each liability reported, the schedule shall include the identity of the person to whom the liability was owed and the date the liability was incurred; the amount of the liability owed as of the end of the reporting period; the terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and, the security given, if any for the liability.

g. Employment with the school system or Board

A statement filed under this subsection shall include a schedule of the immediate family members of the individual employed by the school system or Board in any capacity at any time during the reporting period.

h. Sources of earned income

A statement filed under this subsection shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income at any time during the reporting period. A minor child's employment or business ownership need not be disclosed if the school system or Board does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

i. Additional interests or information

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

7. The following interests are considered to be the interests of the individual making the statement:
  - a. 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.
  - b. An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.
  - c. An interest held by a trust or an estate which, at any time during the reporting period:
    - (i) The individual held a reversionary interest or was a beneficiary; or
    - (ii) If a revocable trust, the individual was a settler.
8. The Panel shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
9. The Board, upon recommendation from the Panel, may take appropriate enforcement action to ensure compliance with this section.

G. Financial disclosure – Employees and appointed officials

1. This section applies to the Chief Executive Officer and positions included in the Executive Cabinet.
2. The Chief Executive Officer and employees included in the Executive Cabinet shall file the financial disclosure statement required by law:
  - a. On a form provided by the Panel;
  - b. Under oath or affirmation; and,
  - c. With the Panel or the office designated by the Panel.
3. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is under the authority of the Board or the school system, including the name of the donor of the gift and the approximate retail value at the time of receipt.
4. An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
5. The 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 this Policy.

#### H. Lobbying

1. A person shall file a lobbying registration statement with the Panel or office designated by the Panel if the person:
  - a. Personally appears before any school official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
  - b. In connection with the intent to influence expends or reasonably expects to expend in a given calendar year in excess of \$25 on food, entertainment or other gifts for officials and employees of the Board or school system.
2. A person shall file a registration statement required under this section on or before the latter of January 15 of the calendar year or within five days after first performing an act that requires registration in the calendar year.
3. The registration statement shall identify the registrant; any other person on whose behalf the registrant acts; and the subject matter on which the registrant proposes to make appearance specified in subsection 1 of this section.
4. 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 panel or office designated by the Panel disclosing the value, date, and nature of any food, entertainment or other gift provided to a school official or employee; and if a gift or series of gifts to a single official or employee exceeds \$100 in value, the identity of the official or employee.
5. The Panel or office designated by the Panel shall maintain the registrations and reports filed under this section as public records available for public inspection and copying.

#### I. Exemptions and Modifications

The Board, as appropriate, may grant exemptions and modifications to Sections E. and G. of this Policy to employees and the Superintendent when the Panel or the Board determines that application of those provisions is not required to preserve the purposes of this Policy and would constitute an unreasonable invasion of privacy; and significantly reduce the availability of qualified persons for public service.

#### J. Sanctions

An official who violates this Policy is subject to sanctions, discipline, personnel action, or removal from office, as provided by law and consistent with procedures established in State law and/or Board policy.

AUTHORITY: Maryland Public Ethics Law

Md. Code Annotated, General Provisions Article, Title 5

COMAR 19A.05.01 - 03

REPLACES:

Policy 0107 – Ethics

Policy 0107.1 – Ethics – Definitions

Policy 0108 – Ethics Panel

Policy 0109 – Conflicts of Interest

Policy 0111 – Board Financial Disclosures

Policy 0112 – Lobbying Disclosure

Policy Adopted

1/5/12

Policy Amended

3/21/17