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**HARFORD COUNTY ETHICS BOARD
PROCEDURE FOR COMPLAINTS AND ADVISORY OPINIONS**

I. Background

Pursuant to Section 23-3 B(2) and (3) of the Harford County Code, as amended, the Harford County Ethics Board hereby adopts the following procedures for processing and issuing decisions regarding advisory opinions and complaints.

II. Definitions

Official- means the County Executive, the members of the County Council, the director, officer or coordinator of each County department and agency, and each member appointed to a County board or commission.

III. Requests for Advisory Opinions

- A. All requests for advisory opinions shall be made in writing and shall be signed by the official or employee making the request.
- B. The request shall contain the name of the official or employee making the request, a mailing address, and a statement of the facts and circumstances giving rise to the request.
- C. A request for an advisory opinion may be submitted in a sealed envelope via hand delivery or by first class mail to the Harford County Ethics Board, c/o Harford County Department of Law, 220 South Main Street, Bel Air, Maryland 21014. Alternatively, the request may be emailed to the County Attorney.
- D. After an advisory opinion is requested, all actions regarding the request shall be treated confidentially until the Board issues a final opinion.
- E. The legal advisor to the Board will circulate each request to the members of the Board via email or regular first class mail. Upon receipt of notice that a request has been received, each

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Board member will promptly notify the legal advisor as to whether the request should be discussed at a Board meeting, via email or through a telephone conference call.

- F. When the Board receives a request from an official or employee on the application of the Ethics Code to the official or employee, it shall issue a preliminary response within 15 calendar days and a final opinion within 30 calendar days.
- G. If the Board fails to issue a final opinion within the 30 calendar days, the County Attorney shall issue an opinion within 15 calendar days of the date on which the Board's opinion was due.
- H. Each Advisory Opinion shall be in writing. The Advisory Opinion will be drafted by the legal advisor to the Board. The legal advisor to the Board shall circulate the draft Advisory Opinion. The Chair shall obtain approval of the opinion from a majority of participating Board members.
- I. All Advisory Opinions shall be written, to the extent possible, so as to prevent disclosure of the identity of the subject of the opinion.
- J. A copy of the opinion shall be sent via U.S. first class mail or e-mailed to the person making the request. After being released to the requestor, the Advisory Opinion shall be available to the public.
- K. Meetings to discuss the application of the Ethics Code to requests for Advisory Opinions shall be considered as administrative function meetings under the State Open Meetings Act and, as such, need not be open to the public. (Open Meetings Compliance Board Opinion 93-4)

IV. Complaints

A. Requirements

1. A complaint may be filed by any person, including a Board member, and shall be under oath.
2. Complaints must be written and signed by the complainant.
3. Complaints must contain the name of the complainant, a mailing address, and a statement of the facts and circumstances giving rise to the complaint.
4. The complaint must allege a violation of the Ethics Code on the part of an individual to whom the Ethics Code applies.
5. A complaint must be filed within 3 years after the date of the alleged violation.

B. Notice to the subject of the complaint

1. Upon receipt of a complaint or the initiation of a complaint by a Board member, the Board will notify the subject of the complaint that a complaint has been made and will provide that person with a copy of the complaint.

C. Confidentiality

1. After a complaint is filed, all actions regarding the complaint shall be treated confidentially until the Board issues a final decision. The proceedings, meetings, and activities of the Board and staff in connection with the complaint shall be conducted in a confidential manner. The Board and its staff should not disclose any information relating to the complaint, including the identity of the subject of the complaint or the person making the complaint.
2. The complaint remains confidential until the Board finds that the Ethics Code has been violated.
3. If the Board finds that there has been no violation of the Ethics Code, it will issue a written decision. The name of the individual who was the subject of the complaint will remain confidential and the person's name will not be included in the decision.

D. Procedures

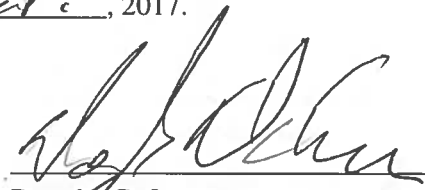
1. Upon receipt of a complaint alleging a violation of the Ethics Code, the Board shall determine through an investigation whether there is a reasonable basis to believe a violation has occurred. The investigation shall be conducted in accordance with the rules and regulations for investigations as adopted by the Board and ratified by the County Council (Resolution 001-17).
 - a. If the Board determines that there is no reasonable basis for the complaint, the Board shall dismiss the matter summarily and shall issue a written decision. The Board shall send the decision to the complainant and the subject of the complaint.
 - b. If the Board determines that a reasonable basis exists for the complaint, the Board shall conduct a hearing and comply with the rules and regulations for hearings as adopted by the Board and ratified by the County Council (Resolution 001-17).
2. Decisions on complaints should be issued within 60 days of the hearing of the complaint.

3. The Board will decide all matters by majority vote of the members participating in the matter.

E. Decisions

1. Each Board decision shall be in writing, include findings of fact and conclusions of law with respect to each alleged violation, and shall include a written statement by the Department of Law that the Board has complied with the Ethics Code and the Board's rules of procedure in reaching its opinion.
2. If the Board finds that the person who is the subject of the complaint has violated the Ethics Code, that finding is public information.
3. If, after appropriate investigation or hearing, the Board finds that a violation has occurred, the Board shall notify the County Attorney of the violation. The County Attorney shall proceed with civil enforcement of the Ethics Code or, if the violation involves criminal sanctions, the County attorney shall send the matter to the State's Attorney for Harford County.
4. If the Board finds that the person who is the subject of the complaint has violated the Ethics Code, it may take such enforcement action as allowed in the Code. The enforcement options available to the Ethics Board are found in Section 23-9 of the Ethics Code.
5. A written decision of the Board shall be signed by the Chair or other Board member designated by the Chair.

Adopted this 19 day of August, 2017.



Douglas DeLeaver
Chair