

HOWARD COUNTY ETHICS COMMISSION
3450 Court House Drive
Ellicott City, Maryland 21043
410-313-3084

FINANCIAL DISCLOSURE STATEMENT INSTRUCTIONS (FORM #2)
(For Board and Commission Members)

(Pursuant to the Howard County Public Ethics Law, Howard County Code, Section 22.200 *et seq.*, which can be found at www.municode.com under Howard County Maryland or on the County website at www.howardcountymd.gov under Board and Commissions/Ethics Commission.)

A MESSAGE TO THOSE WHO ARE REQUIRED TO FILE DISCLOSURE STATEMENTS

Please read the instructions carefully and be sure to provide all information requested for each interest you disclose on your statement. Some schedules on the statement may require knowledge regarding whether an entity does business with the County. You may access that list through the documentation link or obtain a copy from the Ethics Commission.

If you have a question about filing or need other assistance in completing the form, contact Kristen Perry, Executive Secretary, Howard County Ethics Commission, 410-313-3084 or ethicscommission@howardcountymd.gov. Alternate formats will be provided upon request for persons with disabilities.

Financial disclosure statements are public records that may be examined or copied by the public.

GENERAL INSTRUCTIONS

A. Persons Required to File Form #2: Public Ethics Law §§ 22.206(a) & (c):

All persons appointed to a Howard County Board and Commission as set forth in 22.206(c) are required to file Form #2.

B. When to File – Public Ethics Law §§ 22.206(f):

On or before April 30th each year for the preceding calendar year.

C. What period of time is covered?

Regular annual reports or reports by new Board and Commission members will cover from January

1st through the last day of the preceding calendar year. Termination reports will cover from the first day of the current calendar year until your last day on the Board or Commission. If you served on a Board or Commission anytime during the calendar year, you are required to file a statement applicable through your termination date.

D. Where to File and Where to Get Forms:

The electronic form is accessed through a hyperlink, which will be sent via electronic mail to all Board and Commission members required to file a financial disclosure. If you would like to keep a paper copy of your completed financial disclosure, you will have the option to print a copy at the end of the electronic session. If, due to extenuating circumstances, you must file a paper form, you should return the completed forms to the Howard County Ethics Commission, c/o the Howard County Office of Law at the address above.

E. Glossary of Terms – Public Ethics Law § 22.202

(a) (1) *Business entity* means a corporation, general or limited partnership, limited liability company, limited liability partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.

(2) Business entity does not include a governmental entity.

(b) *Commission* means the Howard County Ethics Commission established under [section 22.203](#) of this subtitle.

(c) (1) *Compensation* means any money or thing of value, regardless of form, received or to be received by any individual covered by this subtitle from an employer for service rendered.

(2) For the purposes of [section 22.207](#) of this subtitle, 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.

(d) *County* means Howard County.

(e) *Doing business with* means:

(1) Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$5,000.00 or more of County controlled funds; or

(2) Being regulated by or otherwise subject to the authority of the County; or

(3) Being registered as a lobbyist under [section 22.207](#) of this subtitle.

(f) (1) *Elected official* means any individual who holds an elective office of the County.

(2) *Elected official* does not include the sheriff, state's attorney, register of wills, the clerk of the court, or a member of the Maryland General Assembly.

(g) (1) *Employee* means an individual who is employed by the County or the Howard County Library.

(2) *Employee* does not include an elected local official.

(3) *Employee* does not include an employee of:

(i) The offices of the sheriff, state's attorney, register of wills, or the clerk of the court

(ii) The County health department; or

(iii) The County department of social services.

(h) *Financial interest* means:

(1) 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 \$1,000.00 per year; or

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity by a County official or employee, or the spouse of an official or employee.

(i) (1) *Gift* means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.

(2) *Gift* does not include a political campaign contribution regulated under the Elections 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.

(j) *Immediate family* means a spouse and dependent children.

(k) (1) *Interest* means 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.

(2) For purposes of [section 22.204](#) of this subtitle, "interest" includes any interest held at any time during the reporting period.

(3) *Interest* does not include:

(i) An interest held in the capacity of a personal agent, custodian, fiduciary, or personal representative, 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 savings plan under the Internal Revenue Code; or

(vi) A mutual fund that is publicly traded on a national scale unless the mutual fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by your Board or Commission.

(l) *Lobbyist* means a person required to register and report expenses related to lobbying under [section 22.207](#) of this subtitle.

(m) *Lobbying* means:

(1) Communicating in the presence of a County official or employee with the intent to influence any official action of that official or employee; or

(2) Engaging in activities with the express purpose of soliciting others to communicate with a County official or employee with the intent to influence that official or employee.

(n) *Official* means an elected official, an employee of the County, or a person appointed to or employed by the County or any County agency, board, commission, or similar entity:

(1) Whether or not paid in whole or in part with County funds; and

(2) Whether or not compensated.

(o) *Person* includes an individual or business entity.

(p) *Qualified relative* means a spouse, parent, child, brother or sister.

FORM INSTRUCTIONS

NOTE: PURSUANT TO 22.206(J): MEMBERS OF BOARDS AND COMMISSIONS SHALL DISCLOSE ONLY THOSE INTERESTS, GIFTS, COMPENSATED POSITIONS, AND LIABILITIES THAT MAY CREATE A CONFLICT BETWEEN THE MEMBER'S PERSONAL INTERESTS AND THE MEMBER'S OFFICIAL DUTIES AS A BOARD OR COMMISSION MEMBER.

SCHEDULE A. Real Property 22.206(j)(1)

Report real property interests held during the reporting period either by the filer or a partnership in which the filer has an interest, if the interest in the real property meets any one of the following criteria: a) it is subject to a lease or other contract with your board or commission; b) it is the subject of a lease or other contract with an entity if the entity has a contract with the board or commission, or is regulated or licensed by it; c) if a co-owner has a contract with your board or commission, or is regulated or licensed by it; d) if it was negotiated for sale or lease or was sold or leased to your board or commission during the reporting period; e) if it was held during the reporting period, and you plan to offer it for lease or sale to your board or commission during the current calendar year; f) if you purchased from or sold to a person having a contract with your board or commission, or who is regulated or licensed by it; g) if it is regulated by your board or commission. You must disclose property you own whether or not you have constructed improvements on it. Schedule A deals with real property interests only; do not report here your interests in business entities. If real property is held by a corporate or non-partnership entity attributable to you or is held by a partnership, list the real property on this Schedule, and report your interest in the entity on Schedule B, C, or H (whichever is appropriate).

SCHEDULE B. Interests in Corporations/Partnerships 22.206(j)(2)

Report interests in corporations you held during the reporting period, if the interest meets any one of the following **criteria**: a) interests of greater than 1 percent in entities regulated or licensed by your board or commission; b) interests of greater than 1 percent in entities negotiating a contract or having a contract with your board or commission that involves doing business with the County in the amount of \$5,000 or more annually; c) interests of greater than 1 percent in entities that do business with your board or commission; d) interests of 20 percent or greater in entities in which an interest is also owned by a person regulated by, contracting with (in an amount of \$5,000 or more annually), licensed by, or lobbying before your board or commission; or e) interests of 20 percent or greater in entities that own a direct financial interest in another entity regulated by, contracting with (in an amount of \$5,000 or more annually), licensed by, or lobbying before your board or commission.

You do **NOT** need to disclose:

- a bank account or certificate of deposit (CD);
- a money market fund if the fund has assets of at least \$10,000,000 (which virtually all money funds do);
- an insurance policy or annuity contract;
- a Plan such as a 403(b), 401(a), 401(k) and 457 deferred compensation plans (*e.g.*

Nationwide Retirement Plans) offered through your employer;

- a common trust fund or trust that forms part of a pension or a profit-sharing plan that has more than 25 participants and which is determined by the IRS to be a qualified trust or college savings plan under the IRS Code. This would include the Maryland College Savings Plans, such as 529 Investment accounts;
- A mutual fund that is publicly traded on a national scale unless the mutual fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by your Board or Commission.

SCHEDULE C. Interests in Non-Corporate Business Entities 22.206(j)(3)

Report interests in non-corporate business entities (including limited liability partnerships (LLPs)) you held during the reporting period if the interest meets any one of the following criteria: a) interests of greater than 1 percent in entities regulated or licensed by your board or commission; b) interests of greater than 1 percent in entities negotiating a contract or having a contract with your board or commission that involves doing business with the County in the amount of \$5,000 or more annually; c) interests of greater than 1 percent in entities that do business with your board or commission; d) interests of 20 percent or greater in entities in which an interest is also owned by a person regulated by, contracting with (in an amount of \$5,000 or more annually), licensed by, or lobbying before your board or commission; or e) interests of 20 percent or greater in entities that own a direct financial interest in another entity regulated by, contracting with (in an amount of \$5,000 or more annually), licensed by, or lobbying before your board or commission.

SCHEDULE D. Gifts 22.206(j)(4)

Report each gift received by you or by any other person at your direction in excess of \$20 in value, or a series of gifts from any one person totaling \$100 or more, from or on behalf of, directly or indirectly, any person who does business with or is regulated by your board or commission, or is registered or required to register before your board or commission under the lobbying provisions. The following gifts need not be reported:

1. Gifts received from your spouse, children, and parents.
2. Political campaign contributions that are regulated in accordance with the election laws.

SCHEDULE E. Offices, Directorships, Salaried Employment, and Similar Interests 22.206(j)(5)

Report all offices, directorships, and salaried employment you, your spouse, or dependent children held at any time during the reporting period with any business entity doing business with your board or commission. Also list on this Schedule any other similar interest (such as being a partner) not otherwise disclosed that you, your spouse, or dependent child held at any time during the reporting period with an entity that does business with your board or commission.

Report offices, appointments, and employment, etc. you held in corporate or non-corporate entities, including partnerships. For example, you must report the presidency of a corporation or a joint venture or employment as an engineer in a consulting firm that is a partnership.

SCHEDULE F. Debts 22.206(j)(6)

Report all debts you owed during the reporting period to any financial entity doing business with your board or commission. **Exclude retail credit accounts** (which includes store and bank charge accounts. For example, you do not need to list Department Store credit cards, or credit cards issued by Banks). You must, however, include installment loans, mortgages, car loans, or other time-fixed liabilities owed to a financial entity doing business with your board or commission.

SCHEDULE G. Family Members Employed by Board or Commission 22.206(j)(7)

List in Schedule G all members of your immediate family (spouse and dependent children) who were employed by your board or commission in any capacity at any time during the reporting period. Include the name of the person, their relationship to you, and a description of the person's position.

SCHEDULE H. Sources of Earned Income/Employment and Business Interest 22.206(j)(8)

List the name and address of: 1) places of employment your spouse or dependent child held; 2) business entities wholly owned by you, your spouse, or dependent child, and from which income was earned during the reporting period and 3) business entities partially owned by you, your spouse or dependent child that did business with your board or commission. **You must report employment whether or not the entity did business with your board or commission.** A variety of activities are reportable in this Schedule, including, for example, employment with a corporation, individual consulting activities, private practices, and business activities involving income-producing real property (such as ownership and management of rental apartment units). Provide the name and address of the entity, whether the interest is employment or ownership, and whether you, your spouse or dependent child held it.

SCHEDULE I. Other

You may use this Schedule for any interest or transaction you have not been required to disclose on Schedule A through H but wish to disclose. This schedule may be used to further explain any prior entry.

Unknown Information

Section 22.206(m) requires you to disclose interests and information "if known" for the calendar year for which the required statement is to be filed. If you claim not to know information requested on the form, write "unknown" in response to that question on the statement and provide a written statement of the efforts made to obtain the information. Unknown is different than "Not Applicable." If a section is not applicable, write "N/A."

Signature and Certification

Section 22.206(e) provides that an electronic filer's submission of the electronic disclosure form is made expressly under the penalties for perjury.