

Introduced – December 10, 2025
Public Hearing – January 14, 2026
Adopted – January 14, 2026
Enacted – February 4, 2026

ORDINANCE NO. 572

AN ORDINANCE OF THE TOWN OF ST. MICHAELS TO REPEAL AND REENACT CHAPTER 22 OF THE ST. MICHAELS TOWN CODE TO PROVIDE ETHICS PROVISIONS APPLICABLE TO THE LOCAL ELECTED OFFICIALS, EMPLOYEES, AND APPOINTEES TO THE BOARDS AND COMMISSIONS OF THE TOWN OF ST. MICHAELS

WHEREAS, pursuant to Md. Code Ann. Local Government Article § 5-202, the Commissioners of St. Michaels have the authority to adopt ordinances to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, the Town of St. Michaels is exempt from the requirement of having a local ethics law subject to the requirements of Subtitle 8 of the Public Ethics Law and COMAR 19A.04; and

WHEREAS, despite the Town's exemption, in 1982 by Ordinance 133, the Commissioners of St. Michaels adopted Chapter 22 of the St. Michaels Town Code titled, Ethics, Code of; and

WHEREAS, since the adoption of the Ethics Code, the Town of St. Michaels Ethics Commission has been subjected to litigation, including *In the Matter of St. Michaels Action Committee, LLC*, case no. C20-CV-19-000086, whereby the Court raised concern over the language contained within the Town's existing Ethics Code; and

WHEREAS, as a result of this, and updates to Subtitle 8 of the Public Ethics Law, the Ethics Commission recommended repealing and replacing Chapter 22 of the Town Code as provided herein; and

WHEREAS, the Commissioners of St. Michaels believe it is desirable and in the best interest of the Town to adopt the Ethics Code as recommended by the Town Ethics Commission to ensure that all elected and appointed officials, and town employees, serve the public interest and exhibit the highest degree of ethical behavior, and that complainants have a full and fair opportunity to raise their complaints and due process.

SECTION 1. NOW THEREFORE BE IT ORDAINED AND ENACTED that Chapter 22, "Ethics, Code of" of the Code of St. Michaels, be and hereby is repealed and replaced as follows:

CHAPTER 22 -- ETHICS PROVISIONS

§22-1. Title.

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This chapter 22 shall be known and may be cited as the Town of St. Michaels “Public Ethics Ordinance.”

§22-2. Applicability.

The provisions of this chapter apply to all Town of St. Michaels elected officials, employees, appointees to Town of St. Michaels boards and commissions, and lobbyists required to register with the Town.

§22-3. Definitions.

In this chapter, the following terms have the meanings indicated.

- (a) “Appointee” means any individual who has been appointed to serve on a Town board or commission designated in this chapter or Chapter 98 of the Code of St. Michaels.
- (b) “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.
- (c) “Commission” means the Town of St. Michaels Ethics Commission established under §4 of this chapter.
- (d) “Commissioners of St. Michaels” means the five elected officials in which all legislative powers of the Town are vested.
- (e) “Compensation.”
 - (1) Compensation means any money or thing of value, regardless of form, received or to be received by an individual covered by this chapter from an employer for services rendered.
 - (2) For purposes of §8 of this chapter, 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.
- (f) “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 or more of Town controlled funds;
 - (2) Being regulated by or otherwise subject to the authority of the Town; or

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- (3) Being registered as a lobbyist under §8 of this chapter.

- (g) “Elected official” means any individual who holds an elective office of the Town.

- (h) “Employee” means an individual who is employed by the Town. Employee does not include an elected official.

- (i) “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 \$5,000 per year; or

 - (2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than ten percent (10%) of a business entity by an official or that individual’s spouse.

- (j) “Gift.”
 - (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 contribution as defined in Election Laws Article, Annotated Code of Maryland.

- (k) “Home address” means the address of an individual’s principal home.

- (l) “Immediate family” means a spouse and dependent children.

- (m) “Interest.”
 - (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 §6 of this chapter, “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, personal representative, unless the holder has an equitable interest in the subject matter;

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- (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 twenty-five participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
 - (v) a college savings plan under the Internal Revenue Code; or
 - (vi) 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.
- (n) "Lobbyist" means a person required to register and report expenses related to lobbying under §8 of this chapter.
- (o) "Lobbying" means:
- (1) Communicating in the presence of an official with the intent to influence any official action of that official; or
 - (2) Engaging in activities with the express purpose of soliciting others to communicate with an official with the intent to influence that official.
- (p) "Official" means an elected official, an employee of the Town, or a person appointed to or employed by the Town or any Town agency, board, commission, or similar entity:
- (1) Whether or not paid in whole or in part with Town funds; and
 - (2) Whether or not compensated.
- (q) "Person" includes an individual or business entity.
- (r) "Principal home" means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

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- (s) “Town” means the Town of St. Michaels, Maryland.
- (t) “Town attorney” means the attorney by the Town to represents the Town’s interests.
- (u) “Qualified relative” means a spouse, parent, child, or sibling.

§22-4. Ethics Commission.

There is a Town Ethics Commission that consists of three members appointed by the Commissioners of St. Michaels.

- (a) The Commission shall:
 - (1) Devise, receive, and maintain all forms required by this chapter;
 - (2) Develop procedures and policies to make determinations regarding advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;
 - (3) Develop procedures and policies for the processing of complaints and make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; and
 - (4) Post this Public Ethics Ordinance on the Town public website.
- (b) Town attorney. The Town attorney shall be selected by the Commissioners of St. Michaels.
 - (1) The Town attorney shall advise the Commission in carrying out its duties.
 - (2) If a conflict of interest under §5 of this chapter or other conflict prohibits the Town attorney from assisting the Commission in a matter, the Town shall provide sufficient funds for the Commission to hire independent counsel for the duration of the conflict.
- (c) The Commission is the advisory body responsible for interpreting this chapter and advising persons subject to this chapter regarding its application.
 - (1) Any person subject to this chapter may make a request for an advisory opinion from the Commission concerning the application of this chapter.
 - (2) The Commission shall respond promptly to a request for an advisory opinion and shall provide interpretations of this chapter based on the facts provided or reasonably available to the Commission within 60 days.

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- (3) The Commission may adopt additional policies and procedures related to the advisory opinion request process.

- (d) The Commission may adopt additional policies and procedures related to complaints, complaint hearings, the use of independent investigators and staff, the use of witness and document subpoenas, and cure and settlement agreements. For the avoidance of doubt, the Commission (and not the Town Attorney or any investigator) will be solely responsible for determining the existence, or not, of a violation of this chapter.

- (e) The Commission may grant exemptions to or modifications of the conflicts of interest and personal disclosure provisions of this chapter to Officials when the Commission finds that the exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:
 - (1) Constitute an unreasonable invasion of privacy; and

 - (2) Significantly reduce the availability of qualified persons for public service.

- (f) The Commission may:
 - (1) Assess a late fee of \$5 per day up to a maximum of \$500 for failure timely to file a personal disclosure statement required by this chapter.
 - (2) Assess a late fee of \$10 per day up to a maximum of \$1,000 for failure timely to file a lobbyist registration or lobbyist report required by this chapter.

- (g) The Commission or an office designated by the Commission shall retain as a public record all forms submitted by any person under this chapter for at least four years after receipt by the Commission.

- (h) The Commission shall determine if changes to this chapter are required and shall forward any recommended changes and amendments to the Commissioners of St. Michaels for enactment.

- (i) The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this chapter.

- (j) Commission members shall serve staggered three year terms, so that only one term expires in any single calendar year. The Commission shall annually elect a Chairman from its membership.

§22-5. Conflicts of Interest.

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(a) Participation prohibitions. Except as permitted by Commission regulation or opinion, an official may not participate in:

- (1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which, to the knowledge of the official, the official or a qualified relative has an interest.
- (2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
 - (i) A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know;
 - (ii) A business entity in which the official, or a qualified relative, is an officer, director, trustee, partner, or employee;
 - (iii) A business entity with which the official, or to the knowledge of the official, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;
 - (iv) A business entity that is a party to an existing contract with the official, or to the knowledge of the official, a qualified relative if the contract reasonably could be expected to result in a conflict between the private interests of the official and the official duties of the official;
 - (v) An entity, doing business with the Town, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may reasonably be expected to know of both direct financial interests;
 - (vi) A business entity that the official knows is a creditor of the official or a qualified relative and is in a position directly and substantially to affect the interest of the official or qualified relative.

(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:

- (1) The disqualification leaves a body with less than a quorum capable of acting;
- (2) The disqualified official is required by law to act; or

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- (3) The disqualified official is the only person authorized to act.

- (c) The prohibitions of paragraph (a) of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

- (d) Employment and financial interest restrictions:
 - (1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of a conflict, an Official may not:
 - (i) Be employed by or have a financial interest in any entity:
 - (A) Subject to the authority of the official or the Town agency, board, or commission with which the official is affiliated; or
 - (B) That is negotiating or has entered into a contract with the Town agency, board, or commission with which the official is affiliated.
 - (ii) Hold any other employment relationship that would impair the impartiality or independent judgment of the official.
 - (2) The prohibitions of paragraph (1)(i) of this subsection do not apply to:
 - (i) Subject to other provisions of law, a member of a Town agency, board, or commission in regard to a financial interest or employment held at the time of the appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission prior to appointment.
 - (ii) 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, as permitted and in accordance with regulations adopted by the Commission; or
 - (iii) employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict or the financial interest is disclosed.

- (e) Post-employment limitations and restrictions.
 - (1) For a period of one calendar year following cessation of employment with the Town, a former official may not assist or represent any party other than the Town for compensation in a case, contract, or other specific matter involving the Town if that matter is one in which

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the former official significantly participated as an official. The former official must disclose their past employment by the Town, and the subject matter of their involvement, prior to their assistance or representation of any party.

- (2) A former elected official may not assist or represent another party for compensation in a matter that is the subject of Town legislative action for one calendar year after the elected official leaves office.

(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 Town.

(g) Use of prestige of office.

- (1) An official may not intentionally use the prestige of office or public position:

- (i) For the private gain of that official or the private gain of another; or

- (ii) To influence, except as part of the official duties of the official or as the usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.

- (2) An official may not directly or indirectly initiate a 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 an elected official without additional compensation.

- (4) An employee or Appointee, but not an elected official, may not use public resources or the title of the official to solicit a contribution as that term is defined in the Election Law Article, Annotated Code of Maryland.

- (5) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article, Annotated Code of Maryland.

(h) Solicitation and acceptance of gifts.

- (1) An official may not solicit any gift.

- (2) An official may not directly or indirectly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

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- (3) An official may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has reason to know:
- (i) Is doing business with or seeking to do business with the Town agency, board, or commission with which the official is affiliated;
 - (ii) 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 official duties of the official;
 - (iii) Is engaged in an activity regulated or controlled by the official's governmental unit;
 - (iv) Is a lobbyist with respect to matters within the jurisdiction of the official; or
 - (v) Is an association, or an entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
- (4) Notwithstanding paragraph (3) of this subsection, an official may accept the following:
- (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 cost 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 an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - (vi) A specific gift or class of gifts that the Commission 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 Town and that the gift is purely personal and private in nature;

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

(viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related to the official's official position.

(5) Paragraph 4 of this subsection does not apply to any gift:

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

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

(iii) Of significant value that the recipient official believes or has reason to believe is designed to impair impartiality and independence of judgment 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 or former official acquired by reason of the individual's public position or former public position and that is not available to the public, for the economic benefit of the official, former official, or that of any other person.

(7) An official may not retaliate against an individual for reporting or participating in an investigation of a potential violation of this chapter.

§22-6. Personal disclosure -- Elected officials and candidates to be elected officials.

(a) This section applies to elected officials and candidates to be elected officials.

(b) Except as provided in subsection (d) of this section, an elected official or candidate to be an elected official shall file the personal disclosure statement required under this section:

(i) On a form provided by the Commission;

(ii) Under oath or affirmation; and

(iii) With the Commission.

(c) Deadline for filing statements.

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(i) An incumbent elected official shall file the personal disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(ii) An individual who is appointed to fill a vacancy in an office for which a personal disclosure statement is required and who has not already filed a personal disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

(iii) 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 of leaving office. The personal disclosure 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 year during which the individual held office.

(d) Candidates to be elected officials.

(1) Except for an official who has filed a personal disclosure statement under another provision of this section for the reporting period, a candidate to be an elected official shall file a personal disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of election.

(2) A candidate to be an elected official 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; and

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

(e) A candidate to be an elected official:

(1) May file the statement required under subsection (d)(2)(i) of this section with the Town Clerk with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and

(2) Shall file the statements required under subsection (d)(2)(ii and iii) of this section with the Commission.

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(f) If a statement required to be filed by a candidate is overdue and not filed within 8 days after written notice of the failure to file is provided by the Town, the candidate is deemed to have withdrawn the candidacy.

(g) The Town Clerk may not accept any certificate of candidacy unless a statement has been filed in proper form.

(h) Within 30 days of receipt of a statement required under this section, the Town Clerk shall forward the statement to the Commission or the office designated by the Commission.

(i) Public record.

(1) The Commission or office designated by the Commission shall maintain all personal disclosure statements filed under this section.

(2) Personal disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.

(3) If an individual examines or copies a personal disclosure statement, the Commission or an office designated by the Commission shall record:

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

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

(4) Upon request by the official whose personal disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's personal disclosure statement.

(5) The Commission or the office designated by the Commission may not provide public access to the home address listed on a personal disclosure statement.

(j) Retention requirements. The Commission or an office designated by the Commission shall retain personal disclosure statements for four years from the date of receipt.

(k) 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 or doing business as.

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(l) Contents of the personal disclosure statement.

(1) A statement filed under this section shall include a schedule of all interests in real property located within the Town. For each interest in real property, the schedule shall include the nature of the property and the location by street address, mailing address, or legal description of the property.

(2) A statement filed under this section shall include a schedule of all interests in business entities that do business with the Town. For each interest in a business entity, the schedule shall include the name and address of the principal office of the business entity;

(3) 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 business entities that do business with the Town. For each position 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 address.

(4) A statement filed under this section shall include a schedule of the immediate family members of the individual who are employed by the Town in any capacity at any time during the reporting period.

(5) Gifts.

(i) A statement filed under this section 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 Town, or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

(ii) 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.

(6) 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.

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(7) The Commission shall review the personal disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omission or deficiencies. The Commission may take appropriate enforcement action to ensure compliance with this section.

§22-7. Personal disclosure -- Employees and appointees

(a) Town employees and appointees listed in paragraph (b) shall file the statement required by §6 of this chapter as stipulated in the Employee Manual.

(b) Employees and appointees required to file:

- (1) The Town Administrator;
- (2) Appointees to the Town Planning Commission; and
- (3) Appointees to the Town Board of Zoning Appeals.

(c) The Commission or office designated by the Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §6 of this chapter.

§22-8. Lobbying.

(a) Except as provided in subsections (b) and (c) of this section, a person or entity who engages in lobbying as defined in §3 of this chapter shall file a lobbying registration with the Commission if the person or entity, during the calendar year:

- (1) Any person who personally appears before any Town Official with the intent to influence that person in performance of the official duties of the official and in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of \$500 on food, entertainment, or other gifts for such officials shall file a registration statement with the Commission not later than January 15 of the calendar year or within five days after making these appearances.
- (2) The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts, and the subject matter on which the registrant proposes to make these appearances.
- (3) Registrants under this Section shall file a report within 30 Days after the end of any calendar year during which they were registered, disclosing the value, date and nature of

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any food, entertainment or other gift provided to a Town official. When a gift or series of gifts to a single official exceeds \$50 in value the official shall also be identified.

(b) The following activities are exempt from regulation under this section:

- (1) Professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending Town actions when these services do not otherwise constitute lobbying activities;
- (2) Appearances before the Town upon its specific invitation or request if the person or entity engages in no further or other activities in connection with the passage or defeat of Town legislative or agency executive actions; or
- (3) Appearances before the Town by a person representing the person's personal interests rather than on behalf of a client.

(c) The Commission or office designated by the Commission shall maintain all registration statements and reports filed under this section as public records available for public inspection and copying as provided in §6 of this chapter for four years after receipt by the Commission.

(d) The Commission may take appropriate enforcement action to ensure compliance with this section.

§22-9. Complaints and Enforcement.

(a) Complaints:

(1) Except as provided below, the Commission shall hear and decide all complaints filed regarding alleged violations of this chapter by any person.

(2) Any person may file a complaint with the Commission alleging a violation of any of the provisions of this chapter. As well, the Commission on its own motion may issue a complaint to the respondent (i.e., the person who is the subject matter of the complaint).

(3) A complaint shall be in writing and shall be signed and made under oath and reviewed by the Commission in closed session.

(4) The Commission shall promptly transmit a copy of the complaint to the respondent.

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(5) The Commission may refer a complaint to the Town Attorney, or other appropriate person, for investigation and review.

(6) The Commission shall dismiss the complaint in a signed order if:

(a) the respondent, within 15 days after receiving the notice, takes any action that may be available to cure each alleged violation; and

(b) the Commission finds that dismissal is not contrary to the purposes of the Ethics Code.

If the complaint is dismissed under this subsection, the Commission promptly shall send a copy of the order to the complainant and the respondent.

(7) If the Commission determines that the evidence submitted by the Town Attorney or other appropriate person designated by the Commission does not merit further proceedings, the Commission shall:

(a) dismiss the complaint in a signed order; and

(b) promptly send a copy of the order to the complainant and the respondent.

(8) If a complaint is not dismissed under subsection (6) or (7) of this section the Commission shall proceed to a hearing on the complaint.

(9) At the hearing, the Town Attorney or other appropriate person designated by the Commission:

(a) shall present to the Commission all available evidence relating to each alleged violation of this Code; and

(b) may recommend to the Commission for its decision any disposition of the complaint that appears appropriate.

The complainant and respondent may be represented by counsel.

(10) Disposition.

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(a) After the Commission considers all of the evidence presented at the hearing, the Commission shall make findings of fact and issue its conclusions regarding the alleged violation of the chapter.

(b) If the Commission determines that the respondent has not violated this chapter, the Commission shall:

(i) dismiss the complaint in a signed order; and

(ii) promptly send a copy of the order to the complainant and the respondent.

(11) Upon a finding of a violation, the Commission may take any enforcement action provided for in this chapter.

(12) (a) If the complainant or respondent is aggrieved by the final order of the Commission, such party may seek relief in a court of appropriate jurisdiction.

(b) The Commission may seek judicial enforcement and other relief as appropriate.

(13) Complaint Confidentiality.

(a) Notwithstanding any other law, and except as provided in subsections (b) and (c) of this section, after a complaint is filed:

(i) the proceedings, meetings, and activities of the Commission relating to the complaint are confidential; and

(ii) information relating to the complaint, including the identity of the complainant and respondent, may not be disclosed by the Commission, Town employees, the complainant, or the respondent.

(b) Except as provided in subsection (c) of this section, the confidentiality provisions in subsection (a) of this section apply unless:

(i) the matter is referred for prosecution; or

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(ii) the Commission finds a violation of this chapter.

(c) The Commission may release any information if the respondent agrees in writing to the release. On request of the respondent, the Ethics Commission shall disclose the identity of the complainant to the respondent.

(b) Enforcement:

(1) Upon a finding of a violation of any provision of this chapter, the Commission may:

- (a) Issue an order of compliance directing the respondent to cease and desist from the violation;
- (b) Issue a reprimand; or
- (c) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if the discipline is authorized by law.

(2) If the Commission finds that a respondent has violated §8 of this chapter, the Commission may:

- (a) Impose a fine not to exceed \$5,000 for each violation; and
- (b) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated §8 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

(3) Court Action.

- (a) Upon request of the Commission, the Town attorney, or attorney representing the Commission, may file a petition for injunctive or other relief in the Circuit Court of Talbot County, or in any other court having proper venue for the purposes of requiring compliance with the provisions of this chapter.
- (b) The court may:
 - (i) issue an order to cease and desist from the violation;

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(ii) Except as provided in subparagraph (iv) of this paragraph, void an official action taken by an official with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(iii) impose a fine of up to \$5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.

(iv) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidence of public obligations.

(4) In addition to any other enforcement provisions in this chapter, a person who the Commission or the court finds has violated this chapter:

(a) Is subject to termination or other disciplinary action by the appropriate authority; and

(b) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

(5) Records retention.

(a) A person who is subject to the provisions of this chapter shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to complete and substantiate a report, statement, or record required under this chapter for three years from the date of filing the report, statement, or record.

(b) These papers and documents shall be available for inspection upon request by the Commission or the Commissioners of St. Michaels after reasonable notice.

§22-10. Severability.

If any section, sentence, clause, or phrase of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, the ruling shall not affect the validity of the remaining portions of this chapter.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction,

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such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days after adoption, having been introduced on the 10th day of December, 2025, and passed by a majority vote of the Commissioners of St. Michaels following a public hearing of the Commissioners of St. Michaels on the 14th day of January, 2026, which latter date shall be at least six and no more than 70 days after the date of its introduction.

Hudson	<u>Yay</u>
Whittington	<u>Yay</u>
Mercier	<u>Yay</u>
Wojciechowski	<u>Yay</u>
Roiter	<u>Absent</u>

ATTEST:


Donald J. Richardson, Town Administrator

THE COMMISSIONERS OF ST. MICHAELS


Jay Hudson, President

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the 15th day of January, 2026 at 8:30 a.m. to the 4th day of February, 2026, at 4:30 p.m., on the bulletin board at the St. Michaels Town Office, and that a summary of the above Ordinance, the date of its passage, its effective date, and a statement that the entire text of the Ordinance will appear on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: February 5th, 2026


Kristen Payne, Town Clerk