



CAROLINE COUNTY ETHICS COMMISSION

Robert L. Willey, Chair

Betty Ballas, Vice Chair

Wayne Cole, Commissioner

H. Francis A. Callahan, Jr., Commissioner

Berl Lovelace, Commissioner

RECORDS ACCESS POLICY

Adopted/Effective: June 25, 2015

I. General Provisions

- A. All policies adopted related to access to the records of the Ethics Commission (the “Commission”) shall be governed by State law and the Chapter 33 of the Code of Public Local Laws of Caroline County, Maryland (the “Code”).
- B. As permitted by §33-3D(1) of the Code, the Commission has designated the County Attorney to maintain files and records on behalf of the County and Commission.
- C. Where appropriate and possible, all records listed in this policy that are maintained in hard copy by the County Attorney shall also be maintained in the County’s electronic filing system.
- D. All records of the Commission shall be retained in accordance with the County’s Document Retention Policy, unless otherwise required by applicable law. A copy of the County’s Document Retention Policy is kept by the County Attorney and available for review upon request.
- E. Ethics documents available online can be found in the Document Center of the County’s website and will be linked directly from the Ethics Commission section of the website. If the requester does not have access to the internet or prefers to view the records in person, they may make arrangements to do so with the County Attorney in accordance with this policy.
- F. Under State and local law, certain records which are collected for enforcement and advice interpretation purposes may be confidential and not subject to disclosure. Unless and until there is a finding of violation in an enforcement matter, and except for limited statutorily defined disclosure of a complainant, enforcement records of the Commission may not be disclosed and Commission regulations prohibit staff from confirming or denying the existence of any matter. The same is true of advisory opinion records, except that formal issued advisory opinions are open for public inspection with identifying information deleted to the extent feasible. Access to records by the subject is permitted as provided in the Public Information Act.

II. Open Session Agendas & Minutes

- A. Agendas and minutes of open meetings of the Commission are public documents and shall be kept in a hard file maintained by the County Attorney. These public documents shall be available for inspection immediately upon request.
- B. Agendas and minutes of open meetings shall be made available on the Ethics Commission section of the County website to the extent practicable.

III. Closed Session Minutes

- A. Closed Session minutes of the Commission shall be kept in a hard file maintained by the County Attorney and are not available for inspection.
- B. In the event that Closed Session minutes are determined to be subject to disclosure, they shall be made available under the same terms as Open Session minutes.

IV. Disclosure Statements

- A. Disclosure statements required by Article IV of the Code shall be kept in a hard file maintained by the County Attorney.
- B. In accordance with §33-16 of the Code:
 - 1. A person requesting to examine or copy a disclosure statement shall file a written request including the person's name, address, and the name of the Public Official whose disclosure statement the requester wishes to examine.
 - 2. The individual shall conduct the examination or copying at the County Attorney's office during reasonable office hours.
 - 3. Requests filed pursuant to this section shall be disclosable under state law governing public inspection and disclosure of documents. Such requests shall be kept in a hard file maintained by the County Attorney.
 - 4. Except as may be required by state law, the home address of a nonelected Public Official shall not be disclosed.
- C. Copies of Disclosure Statements will be provided in hard or electronic copy where permitted upon request. Copying charges may be levied for hard copies in accordance with the County's policy.

V. Lobbying Records

A. Lobbying Registration Forms

1. In accordance with §33-17D of the Code, the County Attorney shall maintain a file with all current Lobbying Registration Forms, which shall be available for inspection immediately upon request.
2. A copy of a Lobbying Registration Form may be provided in hard or electronic copy upon request. Copying charges may be levied for hard copies in accordance with the County's policy.
3. Lobbying Registration Forms shall be made available on the Ethics Commission section of the County website.

B. Annual Reports

1. Annual Reports filed by Lobbyists in accordance with §33-21 of the Code shall be maintained in a hard file by the County Attorney.
2. A copy of an Annual Report may be provided in hard or electronic copy upon request. Copying charges may be levied for hard copies in accordance with the County's policy.
3. Annual Reports shall be made available on the Ethics Commission section of the County website.

C. Other Reports

1. Any other report required by Lobbyists in accordance with §33-24 of the Code shall be maintained in a hard file by the County Attorney.
2. A copy of such reports may be provided in hard or electronic copy upon request. Copying charges may be levied for hard copies in accordance with the County's policy.
3. Such reports shall be made available on the Ethics Commission section of the County website as determined by the Commission.

VI. Advisory Opinions

- A. In accordance with §33-29G of the Code, the Commission shall, to the fullest extent possible, protect the identity of the person that is the subject of the Advisory Opinion prior to its release to the public.

- B. The County Attorney shall maintain a file with all formal Advisory Opinions of the Commission, which shall be available for inspection immediately upon request during reasonable office hours.
- C. A copy of a formal Advisory Opinion will be provided in hard or electronic copy upon request. Copying charges may be levied for hard copies in accordance with the County's policy.
- D. Formal Advisory Opinions shall be made available on the Ethics Commission section of the County website.
- E. The Commission shall, at its discretion, disseminate, or direct its staff to disseminate, formal Advisory Opinions directly to Public Officials over whom the Commission has jurisdiction if the Commission believes the distribution would be beneficial in guiding the conduct of the Public Officials in compliance with the Code.

VII. Complaints

- A. Records related to complaints are confidential and not subject to disclosure or inspection, subject to the following exceptions as stated in §33-39H(3) of the Code:
 - 1. If the matter is referred for prosecution
 - 2. If the Commission determines that a violation has occurred; or
 - 3. If the person that is the subject of the complaint agrees to such disclosure.
- B. In the case of such exceptions, records related to complaints that may be disclosed shall be made available under the same terms as Advisory Opinions.