



**WASHINGTON SUBURBAN TRANSIT COMMISSION  
ETHICS POLICY  
EFFECTIVE AS OF: APRIL 29, 2024**

**Overview**

This Ethics Policy governs the conduct of the Commissioners and professional staff of the Washington Suburban Transit Commission ("Commission"). This Policy is submitted annually alongside the required Commissioner ethics filing.

This Policy is designed to be consistent with the conflict of interest, financial disclosure, and lobbying requirements for Bicounty Commissions under the Public Ethics Law. See Sections 5-823, 5-829, and 5-830 of the General Provisions Article, Title 5.

**Definitions**

"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.

"Commission" means the Commissioners and professional staff at the Washington Suburban Transit Commission ("WSTC").

"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.

"District" means the Washington Suburban Transit District, as defined in Chapter 870, Acts of 1965.

"Financial interest" means:

- (1) 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
- (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 Commission official or employee, or the spouse of an official or employee.

"Gift" means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include a contribution as defined in Election Law Article, Annotated Code of Maryland.

"Qualifying relative" means a spouse, parent, child, brother, or sister.

"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.

"Interest" includes any interest held at any time during the reporting period.

"Interest" does not include:

- (1) An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
- (2) An interest in a time or demand deposit in a financial institution;
- (3) 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;
- (4) 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;
- (5) A college savings plan under the Internal Revenue Code; or
- (6) 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.

### **Training**

A Commission employee shall complete the training course provided by the Ethics Commission on the requirements of the Maryland Public Ethics Law within 6 months of filling a vacancy.

While training is not required for Commissioners, a training may be made available to Commissioners on a regular basis.

The training requirement does not apply to a Commission employee who has completed a training course provided by the Ethics Commission while service in another public official position or as employee of the State of Maryland.

### **Annual Certification**

The Commission will provide an annual certification to the Maryland State Ethics Commission to confirm that the commission is in compliance with State Ethics Law requirements related to conflict of interest, financial disclosure, and lobbying. The Commission generates annual lobbying and conflict of interests reports that are posted on the Commission website.

### **Conflict of Interest**

The Commission's Conflict of Interest policy is governed by both Subtitle 5, Title 5 of the General Provisions Article and the Commission enabling statute.

### Requirements under Commission Statute

1. No Commissioner, nor any other officer, employee, agent or consultant, shall have any interest in any person or company engaged in the business of providing public surface transportation in the Washington Suburban Transit District (encompassing Montgomery and Prince George's Counties in Maryland) or within the metropolitan area in which the District is located, or in the manufacture or sale of surface passenger transportation equipment or facilities.
2. No Commissioner, nor any agent, officer, employee, or consultant thereof, shall contract with the District or be interested in, either directly or indirectly, any contract with the District or in the sale of any property, either real or personal, to the District.
3. Any violation of this provision shall be a misdemeanor and punished as provided by law.
4. All Commissioners are public officials as defined under the Maryland Public Ethics Law and are

subject to the restrictions and requirements set forth in Title 15 of the State Government Article of the Annotated Code of Maryland, as amended and supplemented.

1. [Requirements under Maryland Ethics Law](#). Except as otherwise provided in subsection (4) of this section, a Commissioner or Commission employee may not participate in a matter if:
  - a. The Commissioner or Commission employee or a qualifying relative of the Commissioner or Commission employee has an interest in the matter and the Commissioner or Commission employee knows of the interest; or
  - b. Any of the following is a party to the matter:
    - i. A business entity in which the Commissioner or Commission employee has direct financial interest of which the Commissioner or Commission employee reasonably may be expected to know.
    - ii. A business entity, including a limited liability company or a limited liability partnership, of which the Commissioner or Commission employee or a qualifying relative of the Commissioner or Commission employee is an officer, a director, a trustee, a partner, or an Commissioner or Commission employee:
    - iii. A business entity with the Commissioner or Commission employee or a qualifying relative of the Commissioner or Commission employee is negotiating employment, or has arranged prospective employment:
    - iv. If the contract reasonably could be expected to result in a conflict between a private interest and the official Commission duties of the Commissioner or Commission employee, a business entity that is a party to a contract with the Commissioner or Commission employee or a qualifying relative of the Commissioner or Commission employee.
    - v. A business entity, either engaged in a transaction with the Commission or subject to regulation by the Commission, in which a direct financial interest is owned by another business entity if Commissioner or Commission employee:
      1. Has a direct financial interest in the other business entity; and
      2. Reasonably may be expected to know of both financial interests; or
    - vi. A business entity that:
      1. The Commissioner or Commission employee knows is a creditor or an obligee of the Commissioner or Commission employee, or of a qualifying relative of the Commissioner or Commission employee, with respect to a thing of economic value; and
      2. As a creditor or an obligee, is in a position to affect directly and substantially the interest of the Commissioner or Commission employee qualifying relative of the Commissioner or Commission employee.
2. A former regulated lobbyist who is or becomes a Commissioner or employee of the Commission may not participate in a case, contract, or other specific matter one (1) calendar year after the termination of their registration as a regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.
3. This section does not prohibit participation by a Commissioner or Commission employee that is limited to the exercise of an administrative duty that does not affect the decision or disposition

of the Commission with respect to the matter.

4. A Commissioner or Commission employee who otherwise would be disqualified from participation under subsection (1) of this section shall disclose the nature and circumstances of the conflict, and may participate or act, if:
  - a. The disqualified Commissioner or Commission employee is required by law to act; or
  - b. The disqualified Commissioner or Commission employee is the only individual authorized to act.
  
5. A Commissioner or Commission employee may not:
  - a. Be employed by or have a financial interest in:
    - i. An entity subject to the authority of the Commission; or
    - ii. An entity that is negotiating or has entered a contract with the Commission or an entity that is a subcontractor on a contract with the Commission; or
  - b. Hold any other employment relationship that would impair the impartiality and independent judgement of the Commissioner or Commission employee.
  - c. Be employed by an entity that is a party to a contract that binds or purports to bind the Commission if:
    - i. The duties of the Commissioner or Commission employee include matters substantially relating to or affecting the subject matter of the contract; and
    - ii. The contract binds or purports to bind the Commission to pay more than \$1,000.
  
6. A former Commissioner or Commission employee may not assist or represent any party other than the Commission for compensation in a case, contract, or other specific matter involving the Commission if that matter is one in which the Commissioner or Commission employee significantly participated as an official or Commissioner or Commission employee.
  
7. A Commissioner or Commission employee may not:
  - a. Solicit any gift, nor directly solicit or facilitate the solicitation of a gift on behalf of another person, from an individual regulated lobbyist as described in § 5-702(a)(1) of this General Provisions Article of the Annotated Code of Maryland.
  - b. Knowingly accept a gift, directly or indirectly, from an entity that the Commissioner or Commission employee knows or has reason to know:
    - i. Does, or seeks to do, any business of any kind, regardless of amount, with the Commission;
    - ii. Engages in an activity that is regulated or controlled by the Commission;
    - iii. Has a financial interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or non-performance of the Commissioner or Commission employee's official duties;
    - iv. Is a regulated lobbyist with respect to matters within the jurisdiction of the Commissioner or Commission employee; or
    - v. Is an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.
  - c. Exceptions: Notwithstanding paragraph b. of this section, a Commissioner or Commission employee may accept the following gifts unless the gift would impair the impartiality and independent judgement of the Commissioner or Commission employee:
    - i. Gifts of trivial value of under \$20;
    - ii. Ceremonial gifts or awards;
    - iii. Trivial gifts of informational value;

- iv. Meals and beverages in the presence of the donor;
  - v. Reasonable expenses for food, travel, and lodging given in return for the Commissioner or Commission employee's participation in a panel or speaking at a meeting; or
  - vi. Gifts that the Commission has made an exception for.
- 8. A Commissioner or Commission employee may not intentionally use the prestige of the position:
  - a. For the Commissioner or Commission employee's private gain or that of another; or
  - b. To influence, except as part of the official duties of the Commissioner or Commission employee or as a usual and customer constituent service without additional compensation, the award of a State or local contract to a specific person.
  - c. A Commissioner or Commission employee may not directly or indirectly initiate a solicitation for a person to retain the compensated services of particular regulated lobbyist or lobbying firm.
- 9. The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a) of this section.
- 10. A Commissioner or Commission employee may not use public resources or their title to solicit a political contribution that is regulated in accordance with the Election Law Article.
- 11. Except in the discharge of an official duty, a Commissioner or Commission employee or a former Commissioner or Commission employee does not disclose or use confidential information, acquired by reason of the individual's position or former position and not available to the public;
  - a. For personal economic benefit; or
  - b. For the economic benefit of another
- 12. A Commissioner or Commission employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the provisions;
- 13. A Commissioner or Commission employee may not intentionally use the prestige of the position;
  - a. For the Commissioner or Commission employee's private gain or that of another; or
  - b. To influence, except as part of the official duties of the Commissioner or Commission employee or as a usual and customer constituent service without additional compensation, the award of a State or local contract to a specific person.
  - c. An Commissioner or Commission employee may not directly or indirectly initiate a solicitation for a person to retain the compensated services of particular regulated lobbyist or lobbying firm.
- 14. The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a) of this section.
- 15. A Commissioner or Commission employee may not use public resources or their title to solicit a political contribution that is regulated in accordance with the Election Law Article.
- 16. Except in the discharge of an official duty, a Commissioner or Commission employee or a former Commissioner or Commission employee does not disclose or use confidential information, acquired by reason of the individual's position or former position and not available to the public;
  - a. For personal economic benefit; or
  - b. For the economic benefit of another

17. A Commissioner or Commission employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the provisions;

### **Conflict of Interest Reports**

The Commission shall prepare an annual report by April 30<sup>th</sup> on its conflict of interest issues and regulations during the previous calendar year, publish this report on its website, and submit the report to the governing body of both Montgomery and Prince George's Counties.

### **Financial Disclosure**

1. Each Commissioner shall file the financial disclosure statement required by § 5–601(a) of the General Provisions Article title, except that:
  - a. References to “business with the State” are deemed to refer to “business with the State, the Commission, Montgomery County, or Prince George’s County”; and
  - b. References to “employed by the State” are deemed to refer to “employed by the State, the Commission, Montgomery County, or Prince George’s County”.
2. Except as otherwise provided in this section, the statement shall be filed as required in § 5–602 of this title.
  - a. Each Commissioner shall file a financial disclosure statement electronically with the Ethics Commission.
  - b. Except as provided in paragraph (c) of this subsection, each Commissioner shall also print a paper copy of the electronically filed financial disclosure statement and submit it to the chief administrative officer of the county from which the commissioner is appointed.
  - c. In Montgomery County, each Commissioner shall also:
    - i. Print a paper copy of the electronically filed financial disclosure statement and submit it to the County Council; or
    - ii. Electronically submit a copy of the financial disclosure to the County Council.
3. -An applicant for appointment to the Washington Suburban Transit Commission shall submit the statement required by this section to the chief administrative officer at least 10 days before the appointment becomes effective.
  - a. The statement shall cover the 12–month period ending not more than 60 days before the day the statement is filed.
4. The Washington Area Transit Director of the Maryland Department of Transportation shall retain financial disclosure statements of Commissioners and applicants received under Section 5-826 of the General Provisions Article.
  - a. The Director shall make the statements available to the public for examination and copying during normal office hours.
  - b. The Director may charge a reasonable fee and adopt reasonable administrative procedures for the examination and copying of a statement.
  - c. The Director shall require that any person examining or copying a statement shall record:
    - i. The person’s name and home address
    - ii. The name of the individual whose statement was examined or copied.
  - d. The Director shall make the statements available for the public for examination and copying.
    - i. For statements filed after January 19, 2019, the Washington Area Transit Director of the Maryland Department of Transportation may not provide public access to an individual’s home address that the individual has designated as the

individual's home address, nor any other personal information such as telephone numbers and email addresses protected under law.

### **Suspension of Compensation.**

If a mandatory injunction is issued against a Commissioner under Subtitle 9 of the General Ethics Law title, Commission shall suspend payment of any salary or other compensation to the Commissioner until the Commissioner complies fully with the injunction.

### **Lobbying**

1. In this instance, lobbying shall be defined as communicating with an official or Commissioner or Commission employee of the Executive Branch or Legislative Branch of the State of Maryland, in the presence of the official or Commissioner or Commission employee;
  - a. In exchange for compensation outside of their standard salary and benefits as provide by the Washington Suburban Transit Commission; and
  - b. For the purpose of:
    - i. Influencing any legislative action or any executive action relating to the development or adoption of regulations or the development or issuance of an executive order.
    - ii. Influencing executive action on a procurement contract; or
    - iii. Influencing executive action to secure from the State a business grant or loan for a third-party business entity which is not the Commission.
2. Commissioner employees of the Commission shall not:
  - a. Engage in the act of lobbying on issues related to their responsibilities on behalf of the Commission.
  - b. Spend \$2,000 or more, including expenditures for salaries, contractual Commissioner or Commission employees, postage, telecommunications services, electronic services, advertising, printing, and delivery services, for the express purpose of soliciting others to communicate with an official to influence legislative action or executive action; or
  - c. Spend \$2,500 or more to provide compensation to one or more entities required to register as lobbyists per the Maryland State Ethics Commission.
3. This does not apply to employees and commissioners who are performing an official act in the course of their duties, that is not on behalf of any of another person or business.
4. If a regulated lobbyist registered with the Ethics Commission accepts a position of employment with the Washington Suburban Transit Commission, the lobbyist shall immediately terminate their registration prior to the effective start date of the employment.

### **Lobbying Reports**

1. Following the 2020 Regular Session of the Maryland General Assembly, House Bill 370 was enacted on May 8, 2020 as Chapter 185 - Bicounty Commissions – Annual Reports – Conflicts of Interest and Lobbying - PG/MC 102–20 (hereafter Chapter 185, or Ch. 185) under Article II, § 17(c) of the Maryland Constitution. Chapter 185 requires each Maryland bicounty Commission to produce an annual report on lobbying before the bicounty commission and regulation of that lobbying during the previous calendar year, submit the report to the governing body of each county in which the bicounty commission operates, and publish the report on the bicounty Commission's website.

2. The Commissioners and the Commission shall provide information responsive to this requirement by April 30<sup>th</sup> annually.
3. The Commission staff shall publish the report on the Commission's website by April 30<sup>th</sup> annually.

**Enforcement**

The Washington Suburban Transit Commission may enforce this policy consistent with the provisions of the Public Ethics Law.