

2. REASONABLY MAY BE EXPECTED TO KNOW OF BOTH FINANCIAL INTERESTS; OR

(VI) A BUSINESS ENTITY THAT:

1. THE OFFICIAL OR EMPLOYEE KNOWS IS A CREDITOR OR OBLIGEE OF THE OFFICIAL OR EMPLOYEE, OR OF A QUALIFYING RELATIVE OF THE OFFICIAL OR EMPLOYEE, WITH RESPECT TO A THING OF ECONOMIC VALUE; AND

2. AS A CREDITOR OR OBLIGEE, IS IN A POSITION TO AFFECT DIRECTLY AND SUBSTANTIALLY THE INTEREST OF THE OFFICIAL, EMPLOYEE, OR QUALIFYING RELATIVE.

(B) EXCEPTIONS.

(1) THE PROHIBITIONS OF SUBSECTION (A) OF THIS SECTION DO NOT APPLY IF PARTICIPATION IS ALLOWED:

(I) AS TO OFFICIALS AND EMPLOYEES SUBJECT TO THE AUTHORITY OF THE ETHICS COMMISSION, BY REGULATION OF THE ETHICS COMMISSION;

(II) BY THE OPINION OF AN ADVISORY BODY; OR

(III) BY ANOTHER PROVISION OF THIS SUBTITLE.

(2) THIS SECTION DOES NOT PROHIBIT PARTICIPATION BY AN OFFICIAL OR EMPLOYEE THAT IS LIMITED TO THE EXERCISE OF AN ADMINISTRATIVE OR MINISTERIAL DUTY THAT DOES NOT AFFECT THE DISPOSITION OR DECISION WITH RESPECT TO THE MATTER INVOLVED.

(C) PARTICIPATION NOTWITHSTANDING CONFLICT.

AN OFFICIAL OR EMPLOYEE WHO OTHERWISE WOULD BE DISQUALIFIED FROM PARTICIPATION UNDER SUBSECTION (A) OF THIS SECTION SHALL DISCLOSE THE NATURE AND CIRCUMSTANCES OF THE CONFLICT, AND MAY PARTICIPATE OR ACT, IF:

(1) THE DISQUALIFICATION WOULD LEAVE A BODY WITH LESS THAN A QUORUM CAPABLE OF ACTING;

(2) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS REQUIRED BY LAW TO ACT; OR

(3) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS THE ONLY INDIVIDUAL AUTHORIZED TO ACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 40A, § 3-101(a) and (b).

In subsection (a)(2)(v) of this section, the word "business" has been added before "entity" as being implicit in former Art. 40A, § 3-101(a)(5).