

# Atlantic States Marine Fisheries Commission

*Vision: Sustainably Managing Atlantic Coastal Fisheries*



## *Policy on Commissioner Financial Disclosure and Conflict of Interest*

Approved by the Commission

August 6, 2014

## **Introduction**

The Atlantic States Marine Fisheries Commission is comprised of three Commissioners from each of the 15 Atlantic coastal states. As an Interstate Compact of the 15 Atlantic coastal states, the Commission affords great deference to its member states in selecting Commissioners to represent them. The diverse personal, educational, financial, and professional backgrounds of Commissioners are one of the Commission's greatest assets. However, this diversity means that some Commissioners will have personal financial interests in the outcomes of management decisions at times. The Commission's Policy on Financial Disclosure and Conflict of Interest was implemented to ensure transparency, accountability, and integrity in the Commission's decision-making process.

## **Commissioner Code of Conduct**

Page 7, Section 1, Paragraph (B) of the Commission's Rule and Regulations provides:

*Code of Conduct. Commissioners appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Commissioner shall engage in criminal or disgraceful conduct prejudicial to the Commission, any other Commissioner or any other state. No Commissioner shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of official duties. The Executive Committee shall have the sole authority to consider allegations of breaches of this code, including appeals from Commissioners alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Commissioner's home state.*

## **Policy on Financial Disclosure**

The Policy on Financial Disclosure and Conflict of Interest requires financial disclosure and notification of the state appointing authority when a Legislative Commissioner or Governor Appointee is appointed to the Commission as well as when a Legislative Commissioner or Governor Appointee appoints a proxy. This policy applies only to Legislative Commissioners and Governors' Appointees and their proxies since Administrative Commissioners, by virtue of their standing as state officials, are required by their state to fully disclose their financial and any other conflicts of interests.

## **Financial Disclosure**

1. All Legislative Commissioners and Governors' Appointees are required to complete a Commission Financial Disclosure and Conflict of Interest Form (Disclosure Form). The form collects basic information on financial interest that may impact the ability of a Legislative Commissioner Governor Appointee to conduct business in a "fair and impartial" manner. The form will not collect specific dollar amounts of investments or holdings, only the broad category of those financial interests.
2. All proxies appointed by a Legislative Commissioner and Governor Appointee are required to complete a Commission Financial Disclosure Form.

3. Completed Commission Financial Disclosure Forms must be submitted to the Executive Director by February 1<sup>st</sup> of each year, regardless of whether there have been any changes in status from the previous year. If a Legislative Commissioner, Governor Appointee, or their proxy is appointed after February 1<sup>st</sup>, a completed Disclosure Form must be submitted prior to participation in a Commission meeting. For the first year of implementation of this Policy, all Legislative Commissioners, Governors' Appointees, and their proxies must complete a disclosure form prior to the 2014 Annual Meeting.
4. Completed Disclosure Forms will be made available to the public through the Commission's website and will be available for public review at Commission meetings.
5. Disclosure Forms must be updated annually by Legislator and Governors' Appointee Commissioners and their proxies. If a Legislator or Governors' Appointee Commissioner or proxy does not have any changes to his/her Disclosure Form, the previous year's form can be resubmitted.

### **Notification of Proxy Appointment**

1. All Legislative Commissioners and Governors' Appointees who appoint a proxy are required to notify their home state's appointing authority when such an appointment occurs. The notification must include a copy of the proxy's Disclosure Form. This will ensure the Commissioner's appointing state is aware that a proxy is representing the state on the Commission. A copy of this notification must be supplied to the Commission's Executive Director.

### **Conflict of Interest Definition**

A conflict of interest exists when a Legislative Commissioner, Governor Appointee, or proxy:

1. Has greater than 10 percent interest in the total harvest of the fishery under consideration or management by the Commission;
2. Has greater than 10 percent interest in the marketing or processing of the total harvest of the fishery under consideration or management by the Commission;
3. Has full or partial ownership of more than 10 percent of the vessels using the same gear type within the fishery under consideration or management by the Commission; or
4. Is an employee or representative of a harvesting entity that harvests greater than 10 percent of total harvest of the fishery under consideration or management by the Commission? This includes, but is not limited to, fishery association employees, lobbyists, and industry representatives.

### **Legislative Commissioner, Governor Appointee, and Proxy Recusal**

1. Prior to the discussion of an issue, the Legislative Commissioner, Governor Appointee, or proxy must announce to the board/section that he/she is recusing himself/herself from participating in the caucus and voting. Once recused, the Legislative Commissioner, Governor Appointee, or proxy will be able to participate in the board/section debate but

will not be able to make or second motions on the issue. Prior to a state delegation caucusing on a vote, a recused Commissioner or proxy should remove themselves from the Board table. This will alleviate the perception that a recused Commissioner or proxy is participating in a caucus.

### **Notification of Home State Appointing Authority**

If any of the following conditions are met, the Commission will notify the appropriate appointing authority in the home state of the Legislative Commissioner or Governor Appointee regarding its concern about the ability of the Commissioner or proxy to perform his/her duties in a fair and impartial manner.

1. The Legislative Commissioner, Governor Appointee, or proxy has a financial conflict of interest as defined in the “Commissioner Recusal” section of this document.
2. The Legislative Commissioner, Governor Appointee, or proxy has been found in violation of criminal or civil state or federal fishery law or regulation.
3. The Executive Committee determines that a Legislative Commissioner, Governor Appointee, or proxy is not performing his/her duties consistent with this policy or other Commission guidance provisions.

### **Concerns over Financial Disclosure and Conflict of Interest**

1. Concerns over conflicts of interest should be brought to the attention of the Chair of the Commission for consideration by the Executive Committee. The Executive Committee will determine if any of the provisions of the Commission’s Policy on Financial Disclosure and Conflict of Interest have been violated and decide the appropriate recourse.