

### Advisory Opinion from June 19, 2013

The Ethics Commission reviewed an advisory opinion request regarding a potential conflict of interest for a County employee to be hired as a contractual employee for a County board that may have some connection to her county department. The Commission reviewed the request at a special meeting on June 19, 2012. The Commission considered the facts that were provided regarding a possible perception of a conflict of interest and took testimony from various individuals.

As way of background, the Kent Narrows Foundation is working with the County on the building of a lighthouse in the Kent Narrows area. KNF is developing the project, with the County Commissioner's support and intends to fund a majority of the project with private and grant funds, instead of county tax dollars. To identify those particular grant funds and prepare the grants, the KNF has identified a person with particular expertise and background for this project. That person is a county employee, working for the Department of Planning and Zoning. KNF is interested in hiring this person, because of her unique expertise, to be a contractual grant writer.

The Commission analyzed a variety of provisions in the County Public Ethics Law, specifically §8-11, 2 (a), 3(a), 4 and 8 for a conflict of interest or the perception of a conflict of interest. The most troublesome would be 8-11 3(a) in that an appearance of a conflict could exist because this project could be subject to the authority of the county department for which the county employee would be a contractual employee. The board determined that stages of this project were subject to the approval of the Department of Planning zoning, but not in any special way. Further, the grant writing and development of funding sources would not be before the Department of P & Z. The Board also was able to verify from the Department chair that a "Chinese wall" could be in place around this county employee in her duties with the Department of P & Z, and that she could be isolated from any further issues with this project that would come before P & Z. The Ethics Commission has precedence in this type of relationship and is comfortable with that representation that the appearance of the conflict can be eliminated by the "Chinese wall." To that end, no violation of the Ethics Law would prevent the county employee from being hired as a contractor to write grants for KNF Lighthouse project.

