



*Queen
Anne's
County*

QUEEN ANNE'S COUNTY ETHICS COMMISSION

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Advisory Opinion of December 15, 2008

The Commission considered the facts that were provided regarding employment with Queen Anne's County and a conflict of interest that the employee may have with secondary employment providing anger management counseling in Kent County. The Commission identified four distinct issues in the request and has addressed each one separately.

1) The Commission determined that there was no conflict of interest, or an appearance of conflict of interest, with using the space provided by Kent County Circuit Court for the services. The Commission recognized that the space is leased by For All Seasons, an organization with which this employee was formerly affiliated – an affiliation that the Ethics Commission previously determined presented a conflict of interest with the County employment position. Inasmuch as the space arrangement is between the Court and For All Seasons, and not the employee personally or in his capacity as a County employee, however, this situation does not present a conflict of interest.

2) The Commission determined that as long as the County employment does not involve programs or services that are in the areas in which he is to provide counseling as his secondary employment, his practice of private professional counseling services would not violate the Conflict of Interest section of the Queen Anne's County Public Ethics Law as a general matter. The Commission cautions, however, that, as we indicated in its prior advisory opinion, he may not, as a County Department Head, use his office or information obtained in his employment for "private personal gain."

3) Consistent with the permissibility generally of providing private counseling services in his personal capacity, the Commission determined that, as a general matter, no conflict of interest is presented by the additional fact that such services are provided on behalf of Kent County.

4) Finally, the Commission noted the indication that the Kent County program may be opened to other regional Family Services Coordinators. In such a circumstance, it is possible that a Queen Anne's County citizen, who might be ordered into such a program by the Queen Anne's County Circuit Court and who met a "needs" test, might have these services paid for by Queen Anne's County public monies. Even so, the Commission determined that no conflict of interest was presented under any of the subsections of Section 8-11.A where these services would be provided under a contractual arrangement between the employee and Kent County and where he neither recruited nor approved inclusion of any particular individual in the counseling program under this arrangement.

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