

Complaint Opinion 13-02

The Ethics Commission received a complaint filed by an individual on August 8, 2013 against a County Commissioner alleging a violation of the County Ethics Law by the County Commissioner's participation in signing a county document related to the Queen's Landing Community Marina. A response to the Complaint by the County Commissioner through his counsel was received by the Ethics Commission prior to the Board meeting of August 26, 2013.

The allegation was that the County Commissioner violated §8-11 A (1) and (2) by signing a "Release of Claims" for a Wetlands Permit to the Board of Public Works because the complainant believed that the County Commissioners actions as a county official was prohibited because he had a "interest" in the matter because his business, a restaurant, is located near the marina. The Ethics Commission dismissed the Complaint as legally insufficient under §8-10 G (4) (a), as no facts were alleged, in the context of the respondent's response, that provided any evidence of an actual "interest" or private gain that was distinct and distinguishable from any other business in the area.

In deciding the Complaint, the Ethics Commission relied on it's prior decisions, most importantly *In the Matter of Barry Waterman*, Queen Anne's County Circuit Court, # 17-C-11-15807 (2011), as well as Complaint No.(s) 10-01, 10-02, and 12-04.

Further, the Ethics Law provides exceptions in §8-11 C (1) in which this County Commissioner had disclosed his financial interest in the restaurant located near the marina on his financial disclosure form prior to running for office, and for all years since his election. While the Ethics Commission did not rely on this exception in dismissing the Complaint, it was considered and was a part of the discussion, and important in noting for future reference.