

Advisory Opinion from January 28, 2013

The Ethics Commission reviewed an advisory Opinion regarding serving as a member on the Planning Commission and matters before the Planning Commission that have been determined to have a direct financial impact on that particular board member as distinguished from the general public. Guidance was requested from the Ethics Commission on when the Board member should recuse himself, based on the prior decisions of the Ethics Commission and the Queen Anne's County Circuit Court.

The Commission considered the facts as were presented in an e-mail of January 10, 2013. Regarding the first issue presented, of no agenda item and no official action before the Planning Commission, the Commission concurred that the circumstances as presented did not require any further action by the board member. Had there been a more serious or lengthy conversation, an ethical violation could have occurred which requires recusal. *See Attached Order(s) in Complaint No. 10-01..*

The second issue as presented was more problematic for a response. As ethical violations are *fact* specific, the Commission cannot provide guidance based on hypotheticals. The Ethics Commission reiterated it's prior position in that any matter before the Planning Commission that affects the Board member financially as distinguished from the general public, the member must recuse himself from any discussion or vote.

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